

November 9, 2001

Nelson E. Diaz, Deputy Superintendent  
Personnel Management and Services

**SUBJECT: REQUEST FOR AUTHORIZATION FOR IMPLEMENTATION OF MILITARY SERVICE COMPENSATION FOR MIAMI-DADE COUNTY PUBLIC SCHOOLS EMPLOYEES CALLED TO ACTIVE MILITARY SERVICE AFTER SEPTEMBER 11, 2001**

In response to the September 11, 2001, terrorist attacks, President Bush has authorized a call-up of 50,000 military reserves. Secretary of Defense Donald Rumsfeld has already activated 35,000 reservists. Governor Bush and his Cabinet have adopted a resolution directing all agencies under their jurisdiction to make military pay supplements to employees who are reservists and are called to active duty. The Governor also has strongly encouraged the counties, municipalities and political subdivisions of the state to likewise implement the provisions of the Reservist Compensation Law (Florida Statute 115.14) for their employees.

At the School Board meeting of October 24, 2001, the School Board asked staff to bring back to the Board meeting of November 14, 2001, an action item to address employees' compensation while on military leave. The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and Florida Laws provide protection and authority to provide benefits to employees on military leave.

The first 30 calendar days of military service by full-time employees are compensable at full pay in accordance with Board Rule 6Gx13-4E1.11, upon verification that the employee has completed 30 days of service. It is recommended that, subsequent to the first 30 days of service, the Board provide military pay supplements to full-time employees who are reservists or members of the National Guard, involuntarily called to active duty after September 11, 2001. This policy will be in effect through September 10, 2002, at which time it will be revisited by the Board.

An employee's military pay supplement shall be the difference between the employee's salary and their military base pay (exclusive of allowances for quarters, rations, variable housing allowances, or other special pay). When an employee's military base pay equals or exceeds the employee's regular rate of pay, no military pay supplement will be awarded.

To ensure the proper amount of military pay supplement to be received, verification of military base pay is required. It is the employee's responsibility, during the first 30 days of military service, to provide a copy of their monthly military Leave and Earnings Statement (LES) to the Department of Retirement/Leave/Unemployment Compensation, indicating current military base pay, and to provide notification of any subsequent change in the employee's military base pay.

Employees on military leave of absence shall receive full retirement credit for the period of such leave upon their return to employment. The Board shall make the appropriate retirement contributions on any salary (full or supplemental salary payments) paid to employees during such period of military leave. When these employees return to employment, the Board shall pay the additional retirement contributions necessary to make up the difference between the contributions paid on the supplemental salary and the contributions that would have been paid on the gross salary at the time military leave was granted.

Employees who are involuntarily called to active duty shall have their health, life and flexible benefits coverage continued by the Board for the period of their approved leave.

RECOMMENDED: That The School Board of Miami-Dade County, Florida:

1. authorize the Superintendent to provide supplemental compensation to an employee's military pay for full-time M-DCPS employees called to active military service after September 11, 2001; and
2. authorize the Superintendent to amend Board Rule 6Gx13-4E-1.11 to reflect this supplemental compensation, and to continue this procedure through September 10, 2002, at which time a recommendation will be brought to the Board for approval for continuance/discontinuance of the procedure.

NED/vh