

Office of Superintendent of Schools  
Board Meeting of December 12, 2001

November 28, 2001

Personnel Management and Services  
Nelson E. Diaz, Deputy Superintendent

**SUBJECT: PROPOSED AMENDMENT OF BOARD RULE: FINAL READING 6Gx13-  
4E-1.11, MILITARY LEAVE**

The School Board of Miami-Dade County, Florida, announced on October 24, 2001, its intention to amend School Board Rule 6Gx13- 4E-1.11, Military Leave, at the meeting of December 12, 2001.

Pursuant to Board direction at the October 24, 2001 School Board meeting, staff presented an action item to the School Board addressing employees' compensation while on military leave at the November 14, 2001 School Board meeting. At the November 14, 2001 Board Meeting, the School Board authorized the Superintendent to amend the aforementioned Board rule to reflect the added language to provide supplemental compensation to an employee's military pay for full-time Miami-Dade County Public Schools employees called to active military service after September 11, 2001, which is being submitted to the Board for consideration for Final Reading.

The Notice of Intended was published in the *Miami Daily Business Review* on October 30, 2001, and re-advertised on November 16, 2001, posted in various places for public information and mailed to various organizations representing persons affected by the amended rule and to individuals requesting notification.

The time to request a hearing or protest the adoption of this rule has elapsed.

In accordance with the provisions of the Administrative Procedures Act, this amended rule is presented to The School Board of Miami-Dade County, Florida, for adoption and authorization to file the rule in the official records of The School Board of Miami-Dade County, Florida.

Attached are the Notice of Intended Action, and the amended rule. Changes from the current rule are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, adopt amended Board Rule 6Gx13- 4E-1.11, Military Leave, and authorize the Superintendent to file the rule with The School Board of Miami-Dade County, Florida, to be effective December 12, 2001.

**B-21**

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on October 24, 2001, its intention to amend Board Rule 6Gx13- 4E-1.11, Military Leave, at its meeting of December 12, 2001.

PURPOSE AND EFFECT: To revise the Board Rule to comport with Florida Statute and current Board practice, and to reflect the military pay supplement as provided in Section 115.14, Florida Statute.

Revised Pursuant to Board Direction on 11/14/01

SUMMARY: Board Rule 6Gx13- 4E-1.11, Military Leave, delineates policy and procedures to be followed by the Board for the administration of military leave for employees who are members of the Florida National Guard and are ordered to active state duty by the Governor.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 230.22(2); 230.23(22) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 115.01; 115.07; 115.09; 115.14; 231.39; 250.48 F.S.; 6A-1.083 FAC

Revised Pursuant to Board Direction on 11/14/01

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF December 12, 2001, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N. E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing, or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by December 7, 2001, to the Superintendent of Schools, Room 912, at the same address.

Revised Pursuant to Board Direction on 11/14/01

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this section will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

A COPY OF THE PROPOSED AMENDED RULE is available for inspection and copying at cost by the public in the Citizen Information Center, Room 158, 1450 N. E. Second Avenue, Miami, Florida 33132.

Originator: Ms. Gwendolyn Jennings Kidney  
Supervisor: Mr. Nelson E. Diaz  
Date: November 15, 2001

Revised Pursuant to Board Direction on 11/14/01

Absences, Leaves and Vacations**MILITARY LEAVE**

- † A. All regular full-time employees of the Board who are members of the reserve in the United States Armed Services or members of the National Guard of the United States shall receive remuneration up to a maximum of 17 days of absence from their regular work (contractual period) during any calendar year, if they are ordered by the Armed Services or National Guard to report for temporary active duty provided that:

Full-time regular employees should plan to render their temporary military service during the time school is not in session. If this is impossible, requests for leaves for temporary military service with military orders must be submitted to Personnel Management and Services at least four weeks prior to the beginning of the leave.

- ‡ B. A full-time regular employee of The School Board of Miami-Dade County, Florida may be granted a military leave of absence without pay provided that:

1. The employee is inducted into the Armed Services via Selective Service Act;
2. The employee enlists in the Armed Services;
3. The employee is recalled to active service from a reserve status.

- ‡‡ C. The conditions and benefits of a military leave of absence for a full-time regular employee are as follows:

The employee is to be considered as being in continuous employment of the Board during this period of service and shall receive all benefits of employment, upon return, that would normally accrue if the employee had been actually filling his/her position, except that time in military service does not count for credit toward professional services contract eligibility.

- ‡‡‡ D. The employee is to return to the employ of the Board within six months after receiving the final discharge.

- ‡‡‡‡ E. **Compensation:** Any regular full-time employee of the Board who enters the Armed Services at any time is to receive full pay for the first month 30 days of military service; except that no compensation is to be paid to such a person for any time for which he/she would not normally be drawing pay during the first month of such military service. This is not to be confused with temporary military leave which grants up to 17 days compensation

under certain conditions.

The compensation described in the foregoing paragraph is to be paid only when the individual submits to the Superintendent of Schools or designee an affidavit proving that he/she has been in the Armed Services at least one month.

F. An employee who is a member of the Florida National Guard, and is ordered to active state duty as a result of a state of emergency being declared by the Governor, is entitled to a leave of absence without loss of pay, not to exceed 30 days at any one time.

G. Any employee involuntarily called to active duty following the terrorist acts on September 11, 2001, shall be entitled to a military pay supplement as provided in Section 115.14, Florida Statutes. The first 30 calendar days of military service by full-time employees are compensable at full pay in accordance with Section E of this rule, upon verification that the employee has completed 30 days of service. Subsequent to the first 30 days of service, the Board will 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. The military pay supplement will be available through September 10, 2002.

Revised Pursuant to Board Direction on 11/14/01

Specific Authority: 230.22(2); 230.23(22) F.S.

Law Implemented, Interpreted, or Made Specific: 115.01; 115.07; 115.09; 115.14; 231.39; 250.48 F.S.; 6A-1.083 FAC

Revised Pursuant to Board Direction on 11/14/01

History

Repromulgated: 12-11-74

Amended: 5-13-98

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA