

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 RULES: FINAL READING
6Gx13- 4E-1.01, ABSENCES AND LEAVES
6Gx13- 4E-1.16, TERMINAL PAY - - EXEMPT MANAGERIAL AND
CONFIDENTIAL PERSONNEL
6Gx13- 4E-1.18, HOLIDAY AND ANNUAL (VACATION) LEAVE

The School Board of Miami-Dade County, Florida, announced on October 24, 2001, its intention to amend School Board Rule 6Gx13- 4E-1.01, Absences and Leaves, 6Gx13- 4E-1.16, Terminal Pay - - Exempt Managerial and Confidential Personnel, and 6Gx13- 4E-1.18, Holiday and Annual (Vacation) Leave, at the meeting of December 12, 2001.

The Notices of Intended Action were published in the *Miami Daily Business Review* on October 30, 2001, posted in various places for public information and mailed to various organizations representing persons affected by the amended rules and to individuals requesting notification.

The time to request a hearing or protest the adoption of these rules has elapsed.

In accordance with the provisions of the Administrative Procedure Act, these amended rules are presented to The School Board of Miami-Dade County, Florida, for adoption and authorization to file the rules in the official records of The School Board of Miami-Dade County, Florida.

Attached are the Notices of Intended Action and the amended rules. Changes from the current rules 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 School Board Rules 6Gx13- 4E-1.01, Absences and Leaves, 6Gx13- 4E-1.16, Terminal Pay - - Exempt Managerial and Confidential Personnel, and 6Gx13- 4E-1.18, Holiday and Annual (Vacation) Leave, and authorize the Superintendent to file the rules with The School Board of Miami-Dade County, Florida, to be effective December 12, 2001.

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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-1.01, Absences and Leaves, 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 labor contracts.

SUMMARY: Board Rule 6Gx13- 4E-1.01, Absences and Leaves, delineates policy and procedures to be followed by the Board for sick leave accrual, and the donation and usage of sick leave by family members.

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

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 231.39; 231.40 F.S.

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 November 19, 2001, to the Superintendent of Schools, Room 912, at the same address.

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: October 10, 2001

Absences, Leaves and Vacations**ABSENCES AND LEAVES**

The policies and rules governing absences and leaves of personnel are determined by and patterned after state laws and regulations. Except for sudden illness or emergency situations, any employee who is absent without prior approval shall be deemed to have been willfully absent without leave.

- † A. Each full-time employee (excluding probationary employees) is entitled to accumulate one day of sick leave per month of employment. Such sick leave is to be accrued in the following manner:
1. Four days of sick leave will be provided to each instructional employee as of the first day of employment of each fiscal contract year. Each employee, other than instructional personnel, shall be credited with four days of sick leave at the end of the first month of employment of each contract year. Each such-person employee shall accrue one day of sick leave for each month of employment creditable to the member employee at the end of that month, and which shall not be used prior to the time it is earned and credited to the member employee; provided further that the member employee shall be entitled to earn no more than one day of sick leave times the number of months of employment during the year of employment.
 2. Such sick leave shall be accumulative from year to year and there shall be no limitation on the number of days of sick leave a member of the staff may accrue; and further provided that days transferred from other employers within the Florida Retirement System shall be accrued at the same rate as the days accrued within The School Board of Miami-Dade County.
 3. All unused accumulated sick leave days will be restored to employees previously employed upon returning to employment in the school system.
 4. A district employee may authorize his or her spouse, child, parent, or sibling who is also a district employee to use sick leave that has accrued to the authorizing employee. The recipient may not use the donated sick leave until all of his or her sick leave has been depleted, excluding sick leave from a sick leave pool, if the recipient participates in a sick leave pool. Donated sick leave shall have no terminal value.

¶ B. Sick leave shall be approved in the following categories:

1. Illness and/or death of:

Mother	Husband	Foster Children
Father	Wife	Step-parents
Sister	Child	Step-children
Brother	Foster Parents	Grandchild
Mother-in-law	Son-in-law	Uncle
Father-in-law	Daughter-in-law	Aunt
Brother-in-law	Grandmother	Niece
Sister-in-law	Grandfather	Nephew

2. Illness and/or death of:

Persons who reside in the same residence as the person who is requesting sick leave.

¶ C. A sick employee who has exhausted all sick leave to which he/she is entitled shall be considered automatically on leave without pay (not to exceed 30 consecutive workdays), with the Board's approval, until such employee returns to work. Leave without pay for illness is considered only a protection of one's employment rights.

¶ D. Each employee eligible for sick leave accrual may be granted six days personal leave each school year or fiscal year for personal reasons, unless otherwise provided in the applicable collective bargaining agreement. Such personal leave shall be chargeable only to accrued sick leave and shall be noncumulative.

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

Law Implemented, Interpreted, or Made Specific: 231.39; 231.40 F.S.

History

Repromulgated: 12-11-74

Amended: 8-25-82; 5-13-98

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

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-1.16, Terminal Pay--Exempt Managerial and Confidential Personnel, 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 labor contracts.

SUMMARY: Board Rule 6Gx13- 4E-1.16, Terminal Pay--Exempt Managerial and Confidential Personnel, delineates policy and procedures to be followed by the Board for the administration of terminal pay to managerial exempt personnel for accumulated sick leave.

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

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 231.40(3)(a) F.S.

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 November 19, 2001, to the Superintendent of Schools, Room 912, at the same address.

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Originator: Ms. Gwendolyn Jennings Kidney
Supervisor: Mr. Nelson E. Diaz
Date: October 10, 2001

Absences, Leaves and Vacations**TERMINAL PAY--EXEMPT MANAGERIAL AND CONFIDENTIAL PERSONNEL**

To encourage and reward personnel who exercise particular care in the maintenance of their personal health and job attendance, the Board will provide terminal pay to exempt managerial and confidential personnel at resignation, normal retirement, or to their beneficiaries if services are terminated by death. Any person not in service at the time of retirement shall not receive these benefits. Terminal pay shall not exceed an amount determined as follows:

1. During the first three years of service the daily rate of pay multiplied by 35 percent times the number of days of accumulated sick leave;
2. During the next three years of service the daily rate of pay multiplied by 40 percent times the number of days of accumulated sick leave;
3. During the next three years of service the daily rate of pay multiplied by 45 percent times the number of days of accumulated sick leave;
4. During the next three years of service the daily rate of pay multiplied by 50 percent times the number of days of accumulated sick leave;
5. During and after the 13th year of service and until when first eligible for normal retirement, the daily rate of pay multiplied by 100% times the number of days of accumulated sick leave. Thereafter, the daily rate will remain frozen at the rate when first eligible for normal retirement. In no case, however, shall an employee whose daily rate has been frozen pursuant to this provision receive less than the amount determined in #4 above.

For managerial exempt employees initially hired, or rehired after a break in service, on or after July 1, 1995, terminal pay shall not exceed the daily rate of pay multiplied by 25 percent times the number of days of accumulated one-fourth of all unused sick leave accumulated on or after July 1, 2001, up to a maximum payment of 60 days (requiring an accrued balance of at least 240 days). Any sick leave accumulated during a prior period of employment, before to July 1, 1995 2001, will be paid in accordance with numbers 1 through 5 above. If a managerial exempt employee has an accumulated sick leave balance of 60 days or more prior to July 1, 2001, sick leave earned after that date may not be accumulated for terminal pay purposes until the accumulated leave

balance for leave earned before July 1, 2001 is less than 60 days.

Provisions for terminal pay at resignation apply only to those sick leave days accrued after July 1, 1982.

Payment for the resignation and retirement benefit will be made on or before August 1 of the following fiscal year.

Resignation or retirement as referred to herein shall mean termination of employment by action of the employee; such termination excludes resignation or retirement after a recommendation for dismissal or resignation or retirement after participation in a work stoppage, job action, or strike, in the absence of specific approval by the Board.

The daily rate shall be computed by dividing the number of "working days" that year into the annual salary. "Normal retirement," as referred to herein, shall mean retirement under any retirement system established by the legislature with either full or reduced benefits as provided by law. Years of service shall mean creditable years of service under any retirement system of the State of Florida.

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

Law Implemented, Interpreted, or Made Specific: 231.40(3)~~(a)~~ F.S.

History

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

Repromulgated: 12-11-74

Amended: 10-7-75; 12-12-79; 2-16-83; 5-13-98

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-1.18, Holiday and Annual (Vacation) 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 labor contracts.

SUMMARY: Board Rule 6Gx13- 4E-1.18, Holiday and Annual (Vacation) Leave, delineates policy and procedures to be followed by the Board for the administration of accrued annual (vacation) leave.

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

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 121.021(24); 231.39; 231.434; 231.481; 236.02(3); 683.01 F.S.; 6A-1.082 FAC

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Originator: Ms. Gwendolyn Jennings Kidney
Supervisor: Mr. Nelson E. Diaz
Date: October 10, 2001

Absences, Leaves and Vacations**HOLIDAY AND ANNUAL (VACATION) LEAVE**

Guidelines for the observance of holidays and for the accrual, use, and payment of annual (vacation) leave are established in this Rule for all employees of Miami-Dade County Public Schools.

I. Holiday Leave

A. Legal Holidays

1. The following days normally shall be observed as paid legal holidays by all twelve-month employees of the Miami-Dade County school system:

Independence Day - July 4

Labor Day - First Monday in September

Veterans Day - November 11

Thanksgiving Day - Fourth Thursday in November

Christmas Day - December 25

New Year's Day - January 1

Martin Luther King's Birthday - Third Monday in January

All Presidents' Day - Third Monday in February

Memorial Day - Last Monday in May

The actual designated days may vary from year to year dependent upon Board action which would specify alternate days for the ones listed above. Refer to rules 6Gx13- 6A-1.02 and 6Gx13- 6C-1.02 for Board-approved calendar.

2. Holiday leave and recess periods for ten-month personnel are determined by the calendar adopted annually by the Board. (See Rules 6Gx13- 6A-1.02 and 6Gx13- 6C-1.02.)

B. Board Approved Holidays

In addition to paid legal holidays the following three days have been approved as official paid holidays for twelve-month employees:

Friday following the fourth Thursday in November (Thanksgiving);

Two days in addition to December 25.

In the event December 25 falls on Saturday, the holidays shall be observed on Thursday, Friday, and Monday.

In the event December 25 falls on Sunday or Monday, holidays shall be observed on Monday, Tuesday, and Wednesday.

C. Legal Holiday falling on Saturday or Sunday

When a legal holiday falls on Saturday or Sunday, it shall be observed respectively on the preceding Friday or the following Monday for personnel not regularly scheduled to work on the respective Saturday or Sunday. In the event employees are scheduled to work on such Saturday or Sunday they shall be granted such holidays on the days on which the holiday occurs.

D. Compensatory Day

In the event an employee is required to work on a holiday or the day it is observed, such employee shall be entitled to a compensatory day off, except as specified in labor contracts or in provisions of the Manual of ~~Administrative Personnel~~ Procedures (MAPP) for Managerial Exempt Personnel (MEP).

E. Early Dismissal

The Superintendent of Schools is authorized to dismiss all employees at noon on the last workday preceding a holiday, with the provision that, if the last workday preceding a holiday date is a regularly scheduled school day, the Superintendent of Schools may assign the equivalent amount of time to an alternate date.

F. Eligibility for Pay

1. An employee who is in a pay status for at least one day during the ten working days preceding the holiday or recess, is eligible for holiday or recess pay.
2. An employee who is not returning after the holiday is to be terminated on his/her last workday prior to the holiday and is not eligible for holiday pay.

II. Annual Leave (Vacation Leave) - Twelve-Month Employees

Twelve-month employees shall be allowed to accumulate and carry forward unused annual leave to be added to their next year's annual leave, not to exceed legal limitations and in accordance with this Rule.

- A. Vacation accrual rates and vacation accrual limits are specified in labor contracts for employees represented by exclusive bargaining agents.

B. Accrual - Exempt Managerial and Exempt Confidential Personnel

1. Rates

- a. First three years of employment - 15 days per fiscal year,
- b. Fourth year of employment and thereafter - 24 days per fiscal year.

2. Accrual Limits

Effective July 1, 2001, Employees shall be permitted to accumulate annual leave up to a maximum of ~~62.5 days~~, except that ~~employees initially hired or rehired after a break in service, on or after July 1, 1995, shall be permitted to accumulate annual leave up to a maximum of 60 days.~~

C. Regulations - Accrual

1. A year of creditable service for annual leave purposes is defined as over one-half of the employee's contractual period.
2. A month for annual leave purposes is defined as each two consecutive pay periods beginning with the first pay period of each fiscal year (the pay period which includes the first workday in July).
3. Annual leave is accrued each month (as defined in 2. above) in which the employee is eligible for pay for eleven days or more.
4. Accrual rate changes are effective on July 1, following the fiscal year during which the employee completes three years of creditable service as applicable.
5. An employee shall continue to earn annual leave credit while on a paid leave of absence except in the case of an employee who is granted professional leave with pay or is granted annual leave in conjunction with his/her resignation or termination of employment.

D. Regulation for Use of

1. Annual leave should be used to provide periodic vacation and employees should be permitted the opportunity of taking a minimum of ten consecutive days vacation during a fiscal year provided that number of annual leave credits has been accrued. Annual leave credits may be used for purposes other than vacation when authorized by the responsible supervisor.
2. Responsible supervisors should make every effort to insure that

earned annual leave is used on a current yearly basis in order to provide eligible employees with vacation and proper rest and relaxation.

3. Use of annual leave shall not be authorized prior to the time it is earned and shall be used only with the approval of the responsible supervisor.
4. Annual leave for an employee shall be so scheduled that there will be minimum disruption of the operation of the school system.

E. Regulations Governing Payment of Earned Annual Leave Upon Termination, Retirement or Death

1. Upon termination or retirement, an employee shall be paid for his/her unused annual leave. Such payment shall be made at the rate of pay by which the employee was paid on his/her last workday.
2. In case of the death of an employee, payment of unused annual leave shall be made to the employee's beneficiary, estate, or as provided by law.
3. No special or advance issuance of checks shall be authorized.

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

Law Implemented, Interpreted, or Made Specific: 121.021(24); 231.39; 231.434;
231.481; 236.02(3); 683.01 F.S.;
6A-1.082 FAC

History

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

Repromulgated: 12-11-74

Amended: 10-7-75; 2-1-76; 7-1-76; 1-8-79; 6-20-79; 11-28-79; 2-8-84; 2-20-85; 5-13-98