

Office of Superintendent of Schools
Board Meeting of March 13, 2002

March 11, 2002

Office of School Board Attorney
Johnny Brown, Board Attorney

**SUBJECT: APPROVAL OF SETTLEMENT AGREEMENT
THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA v.
DONNA L. REFUSE - DOAH CASE NO. 01-3868**

At its regularly scheduled meeting of September 12, 2001, the School Board took action to dismiss Donna L. Refuse from her position as school bus aide due to her violation of rules regarding immorality, misconduct in office and School Board rules 6Gx13-3E1.10- Transportation-Specific Procedures; 6Gx13-4-1.06- Tobacco-Free Workplace; 6Gx13-4-1.09- Employee-Student Relationships; and 6Gx13-4A-1.21- Responsibilities and Duties. The employee timely requested a hearing on the matter.

The parties have reached a settlement agreement pending School Board approval. The terms of the settlement agreement, forwarded under separate cover, include the following:

- 1) The employee will be reinstated to employment with the School Board and her employment record will reflect a disciplinary suspension without pay for the period commencing September 12, 2001, and ending on the date the employee resumes employment;
- 2) The employee will waive any and all claims to any monetary compensation by the Board, including back pay, costs, or attorney's fees;
- 3) The employee will, as a pre-condition to her re-employment, submit herself for clearance through the Office of Professional Standards by meeting all of the qualifications for the position of bus aide, including, but not limited to, physical examination, drug testing, fingerprinting, and a criminal history background check; and
- 4) The employee will comply with all rules, regulations, provisions and policies of the School Board and the AFSCME Labor Contract - this includes School Board rules 6Gx13-3E1.10- Transportation-Specific Procedures; 6Gx13-4-1.06- Tobacco-Free Workplace; 6Gx13-4-1.09- Employee-Student Relationships; and 6Gx13-4A-1.21- Responsibilities and Duties; and the employee agrees that failure to comply with any of the provisions of the agreement during the two years following her reinstatement, shall be automatic grounds for termination of employment, and such termination shall be without recourse.

This office recommends that the settlement agreement be accepted in its entirety. Administration concurs with this recommendation. Acceptance and approval of the settlement agreement will obviate the need for further litigation by the School Board.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, approve the settlement agreement between The School Board of Miami-Dade County, Florida and Donna L. Refuse to resolve in its entirety the case of The School Board of Miami-Dade County, Florida v. Donna L . Refuse, DOAH Case No. 01-3868.

REPLACEMENT

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