

Office of Superintendent of Schools  
Board Meeting of August 21, 2002

August 9, 2002

Personnel Management and Services  
Magaly C. Abrahante, Chief Personnel Officer

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

**COMMITTEE:    LEGISLATIVE RELATIONS AND POLICY DEVELOPMENT**

The School Board of Miami-Dade County, Florida, announced on July 10, 2002 its intention to amend School Board Rule 6Gx13- 4E-1.11, Military Leave, at the meeting of August 21, 2002.

The Notice of Intended Action was published in the *Miami Daily Business Review* on July 15, 2002, 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 Procedure 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 School 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 August 21, 2002.

MCA/mtp

C-28

## NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on July 10, 2002, its intention to amend School Board Rule 6Gx13- 4E-1.11, Military Leave, at its meeting of August 21, 2002.

**PURPOSE AND EFFECT:** To provide military pay supplements as an ongoing benefit to employees involuntarily called into military service since September 11, 2001.

**SUMMARY:** The rule provides policies and practices for the granting of military leave to School Board employees.

**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 F.S.; 6A-1.083 FAC

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF August 21, 2002, 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 August 5, 2002, 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 action 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. Magaly C. Abrahante  
Supervisor: Mr. Merrett R. Stierheim  
Date: June 26, 2002

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. Any regular full-time employee of the Board who enters the Armed Services at any time is to receive full pay for the first 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~~ 30 days 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 30 days.

- 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.~~

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

History

Repromulgated: 12-11-74

Amended: 5-13-98; 12-12-01

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA