

Office of Superintendent of Schools
Board Meeting of May 14, 2003

May 13, 2003

Financial Affairs
George M. Burgess, Chief Financial Officer

**SUBJECT: PROPOSED AMENDMENT OF SCHOOL BOARD RULE: INITIAL
READING 6Gx13- 4D-1.022, MANUAL OF PROCEDURES FOR
MANAGERIAL EXEMPT PERSONNEL**

COMMITTEE: BUSINESS AND FINANCIAL SERVICES

At the Board meeting of January 15, 2003, the Board authorized the issuance of Request For Proposal (RFP)# 082-CC10, 401(a)/403(b) Terminal Leave Retirement Plan Administrator (TLRP), and established the Superintendent's Ad-Hoc Insurance Committee to review received proposals, and recommend a firm for Board approval, pursuant to School Board Rule 6Gx13- 3F-1.022, Professional Service Contracts for Insurance or Risk Management Programs - Policy.

Agenda Item Revised G-35, Board Meeting of May 14, 2003, requests authorization to award RFP# 082-CC10, and adopt a resolution to establish the Miami-Dade County School Board 401(a)/403(b) Terminal Leave Retirement Plan (TLRP), in the form of the Bencor National Government Employees Retirement Plan, Bencor National Special Pay Plans For Terminal Leave Retirement Leave Retirement Plan, Sponsored by Bencor, Inc., and AIG/VALIC, effective May 15, 2003, for Managerial Exempt Personnel and Confidential Exempt Personnel. As a result of this recommended action, it is necessary to amend this Board Rule to reflect the existence of the program for Managerial Exempt Personnel in the document, Manual of Procedures For Managerial Exempt Personnel, which is incorporated by reference and a part of this rule.

This item is submitted for consideration by the School Board to amend the subject rule in order to reflect the new Section G-10, Terminal Pay, to the Manual of Procedures for Managerial Exempt Personnel, which is incorporated by reference and is a part of this rule.

Attached are the Notice of Intended Action, the proposed amended rule, and Section G-10, Terminal Pay, of the document, Manual of Procedures for Managerial Exempt Personnel. Changes from the current rule are indicated by underscoring words to be added, and ~~striking through~~ words to be deleted.

**REPLACEMENT
C-32**

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on May 14, 2003, its intention to amend Board Rule 6Gx13- 4D-1.022, Manual of Procedures For Managerial Exempt Personnel, and the document, Manual of Procedures for Managerial Exempt Personnel, which is incorporated by reference and a part of this rule, at its meeting of June 18, 2003.

PURPOSE AND EFFECT: The purpose of the proposed amendment is to reflect the Board's establishment of the Miami-Dade County School Board 401(a)/403(b) Terminal Leave Retirement Plan (TLRP), incorporating new language by amending Section G-10, Terminal Pay, of the document, Manual of Procedures for Managerial Exempt Personnel, which is incorporated by reference and a part of this rule.

SUMMARY: The proposed amendment provides for the establishment of the Miami-Dade County School Board 401(a)/403(b) Terminal Leave Retirement Plan (TLRP) for employees covered by Board Rule 6Gx13- 4D-1.022, Manual of Procedures for Managerial Exempt Personnel, and the document, Manual of Procedures for Managerial Exempt Personnel, which is incorporated by reference and a part of this rule.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING AUTHORITY IS AUTHORIZED: 1001.41(1)(2); 1001.42(22); 1001.43(10), F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 1012.22(1)(c)(4); 1012.61(2)(a)(4); 1012.65, F.S.; 6A-4.0083; 6A-4.0084 FAC; Section 401(a) Internal Revenue Code

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF June 18, 2003, 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), Florida Statutes, must do so in writing by June 10, 2003, 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: Mr. Scott B. Clark
Supervisor: Mr. George M. Burgess
Date: May 13, 2003

Compensation and Related Benefits**MANUAL OF PROCEDURES FOR MANAGERIAL EXEMPT PERSONNEL****I. Statement of Policy-Relations with Professional Associations of School District Administrators**

Administrators employed by the District and designated as managerial exempt have joined together in professional associations to further both the interests of public education and of the administrators themselves. Such associations can contribute to the orderly and proper operation of the District by presenting the concerns of the District's administrators to the Superintendent and to the School Board. Concerns of administrators which pertain to wages, benefits, and other terms and conditions of employment can most efficiently be presented to and considered by the Superintendent working with a single professional association. While individual administrators will always be free to present their personal views to the Superintendent and/or the Board, it has been determined that, as a matter of policy, the common concerns of managerial exempt administrators on matters pertaining to wages, benefits and other terms and conditions of employment should be presented to the Board through the Superintendent working with a single professional association.

Therefore, providing that a professional association can show that it represents a majority of the managerial exempt employees, the Superintendent shall recognize that association to represent all managerial exempt employees on common issues regarding wages, benefits, and other terms and conditions of employment. The Superintendent shall designate and inform the Board of the appropriate association to meet and confer with the Superintendent pursuant to this rule.

II. Manual of Procedures for Managerial Exempt Personnel (MEP)

The wages, benefits, and terms and conditions of employment of the District's managerial exempt employees shall be delineated in the Manual of Procedures for Managerial Exempt Personnel (MEP), which shall be incorporated into and be a part of this Board rule. Except when required by state or federal law, regulations, or when recommended by the Superintendent, the MEP will be amended annually, as necessary, subsequent to the completion of the "meet and confer" process.

The MEP will include, but not be limited to the following topics:

- A. Wages
- B. Classification of managerial exempt positions

- C. Compensatory benefits, e.g., health and life insurance, retirement, holidays, vacation, sick leave, disability leave, supplemental worker's compensation payments, tax-deferred annuity or salary deferral programs, and cafeteria plans
- D. Working conditions, e.g., travel reimbursement, continuing education, professional development, personal liability protection, leave policies (professional, military, personal leave of absence and parental), employee assistance programs
- E. Evaluation procedures
- F. Job assignment procedures
- G. Statement of human rights
- H. Investigation procedures
- I. Reappointment procedures
- J. Reduction in force/surplus/reorganization procedures
- K. Impartial District administrative review and hearing procedure for appeals of disciplinary actions
- L. Impartial District administrative review for resolution of non-disciplinary disputes, e.g., disputes over whether salary schedule, benefits or other working conditions are granted in accordance with the MEP or whether procedures in the MEP were followed.

Note: In the dispute resolution procedures set forth above in K and L, the association shall be permitted to represent and assist its members. All managerial exempt employees shall be permitted to utilize these procedures to resolve their disputes without the assistance or representation of the association; however, no precedent shall be established nor implied in any dispute resolution formulated without the participation of the association.

III. Amendment of the MEP

- A. The Superintendent shall prepare proposed amendments and forward such to the association.
- B. The association shall notify the Superintendent in writing whether it concurs with the amendments as proposed or wishes to meet and confer with the Superintendent concerning proposals or to offer additional proposals.

- C. Should the association indicate its desire to meet and confer, the Superintendent or his designee(s) shall meet and confer with the association on a regular basis in an attempt to agree upon the proposed amendments to be presented to the Board; however, nothing herein shall preclude the Superintendent from recommending such amendments to the Board in the event an agreement is not reached on such amendments.
- D. When the association and the Superintendent agree upon the proposed amendments to the MEP, it shall be presented to the Board by the Superintendent. The association shall, prior to consideration by the Board, transmit to the Board the association's support of the proposed MEP.

IV. Association Rights

The following rights shall be provided to the association:

- A. Payroll deductions
- B. Inclusion in E-Mail subject to applicable laws and regulations
- C. Access to school facilities for the association's staff and officers to meet with managerial exempt employees at reasonable times which will not interfere with the employee's assigned duties, after giving notice to the supervising administrator at each facility
- D. Regularly scheduled meetings with the Superintendent, except when extenuating circumstances prevent such scheduled meetings from occurring
- E. Incorporation of this rule and the MEP into the contracts between managerial exempt personnel and the School Board as follows:

School Board Rule number 6Gx13- 4D-1.022 entitled "MANUAL OF PROCEDURES FOR MANAGERIAL EXEMPT PERSONNEL (MEP)" is hereby incorporated into this Contract and hereby made a part thereof, binding on both parties. This Contract is subject to the amendments to said rule.

Specific Authority: 1001.41(1)(2); 1001.42(22); 1001.43(10); F.S.
Law Implemented, Interpreted or Made Specific: 1012.22(1)(c)(4); 1012.61(2)(a)(4);
1012.65, F.S.; 6A-4.0083; 6A-4.0084 FAC; Section 401(a) Internal Revenue Code

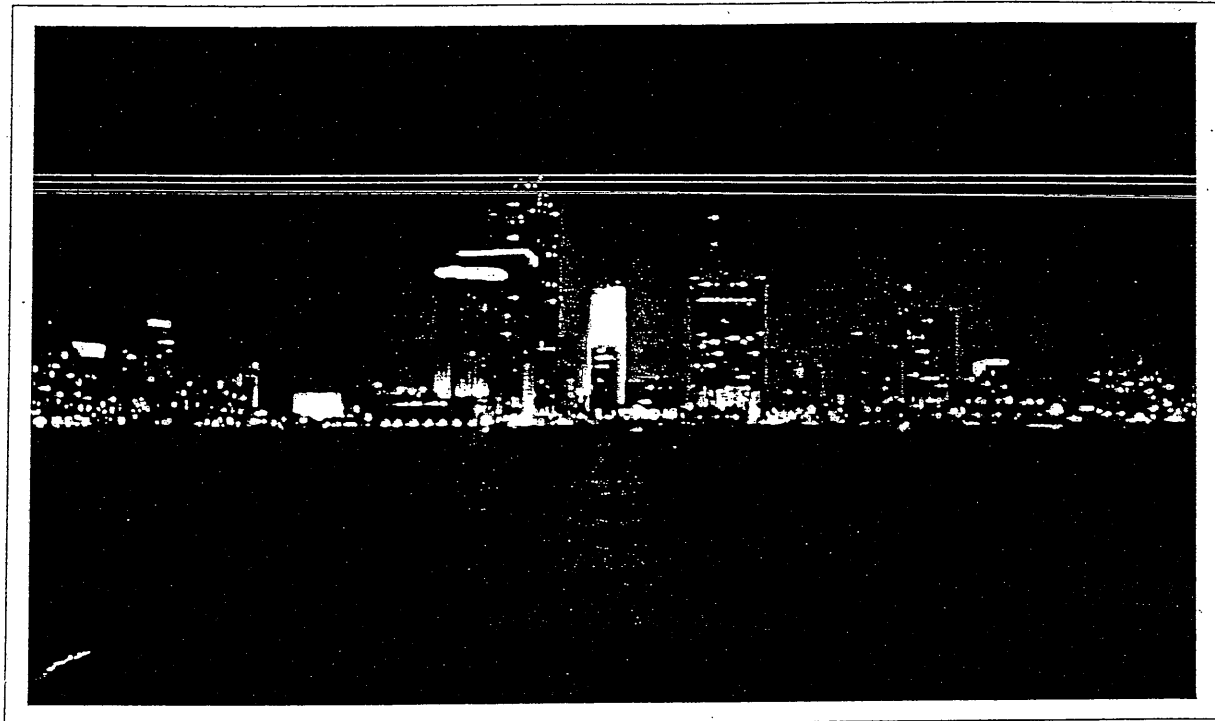
History

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

New: 1-8-86

Amended: 6-25-86; 10-15-86; 12-17-86; 9-30-87; 7-27-88; 10-18-89; 9-26-90; 8-21-91;
6-24-92; 1-20-93; 12-14-94; 10-25-95; 3-5-97; 11-5-97; 6-10-98; 10-21-98; 8-25-99;
3-15-00; 9-13-00; 4-18-01; 1-16-02; 5-14-03

Manual of Procedures for Managerial Exempt Personnel



*Miami-Dade County Public Schools
Office of Human Resources*



Miami-Dade County Public Schools
giving our students the world

*Initial Reading: May 14, 2003
Board Rule 6Gx13- 4D-1.022*

C-32

THE SCHOOL BOARD OF
MIAMI-DADE COUNTY, FLORIDA

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Dr. Robert B. Ingram, Vice Chair
Mr. Agustin J. Barrera
Mr. Frank J. Bolaños
Mr. Frank J. Cobo
Ms. Perla Tabares Hantman
Ms. Betsy H. Kaplan
Dr. Marta Pérez
Dr. Solomon C. Stinson

Ms. Hali Cooperman-Dix, Student Advisor

Mr. Merrett R. Stierheim
Superintendent of Schools

Ms. Marjorie H. Adler
Chief Personnel Officer
Office of Human Resources

INTRODUCTION

The Manual of Procedures for Managerial Exempt Personnel (MEP) addresses all Public Employees Relations Commission (PERC) approved managerial exempt positions. This plan includes employment policies, guidelines, provisions and regulations governing the classification, compensation and performance appraisal system for managerial exempt personnel.

Intrinsic to this plan is the acknowledgement that administrative personnel are the designated leaders of the Miami-Dade County Public Schools (M-DCPS) workforce. As such, it is essential and expected that their efforts will serve to assist all other stakeholders in the School Board's central mission of enhancing the quality of our instructional program by providing the best possible programs and services to our students.

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SECTION G
MANAGERIAL EXEMPT PERSONNEL
EMPLOYEE BENEFIT

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G-10 TERMINAL PAY

To encourage and reward managerial exempt personnel who exercise particular care in the maintenance of their personal health and job attendance, the School Board will provide terminal pay at resignation, normal retirement, or to their beneficiaries if services are terminated by death. For managerial exempt employees hired in any full time position before July 1, 1995, whose employment has been continuous, 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 in the rate when first eligible for normal retirement. In nocase, 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, terminal pay shall not exceed one-fourth of all unused sick leave accumulated on or after July 1, 2001, up to a maximum payment of 60 days. Any sick leave accumulated prior to July 1, 2001, will be paid in accordance with numbers one (1) through five (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 September 1 of the following fiscal year. Payment for the retirement benefit will be made according to the provisions of the Miami-Dade County School Board 401(a)/403(b) Terminal Leave Retirement Plan (TLRP).

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 School Board.

G-11 SICK LEAVE BANK

A. Rules and Procedures for the Administrator's Sick Leave Bank

The administrators' association with which the Superintendent has agreed to meet and confer agrees to staff and operate a Sick Leave Bank Committee for the period of time determined by the Superintendent. It shall be the responsibility of this committee to administer the Administrator's Sick Leave Bank rules and procedures stipulated below:

1. Miami-Dade County Public Schools agrees to:
 - a. assist the committee in the operation of the Administrator's Sick Leave Bank by providing, upon request, data from participating employees' sick leave records. These data will be used to plan the initial operation of the Sick Leave Bank and serve as a basis for Sick Leave Bank withdrawals;
 - b. designate an administrator to meet periodically with the Administrator's Sick Leave Bank Committee and to act as liaison with the appropriate M-DCPS office.
2. The Administrator's Sick Leave Bank Committee shall
 - a. maintain adequate records relative to all functions of the Sick Leave Bank;
 - b. meet periodically with a designated administrator of M-DCPS to review Administrator's Sick Leave Bank records; and
 - c. operate the Administrator's Sick Leave Bank in accordance with the rules and procedures contained herein.

M-DCPS shall establish and the Association shall comply with procedures for identifying and recording contributions to the Sick Leave Bank and for complying with any applicable governmental regulation of sick leave or sick leave banks or associated recordkeeping.

The School Board of Miami-Dade County, Florida, adheres to a policy of nondiscrimination in employment and educational programs/activities and programs/activities receiving Federal financial assistance from the Department of Education, and strives affirmatively to provide equal opportunity for all as required by:

Title VI of the Civil Rights Act of 1964 - prohibits discrimination on the basis of race, color, religion, or national origin.

Title VII of the Civil Rights Act of 1964, as amended - prohibits discrimination in employment on the basis of race, color, religion, gender, or national origin.

Title IX of the Education Amendments of 1972 - prohibits discrimination on the basis of gender.

Age Discrimination in Employment Act of 1967 (ADEA), as amended - prohibits discrimination on the basis of age with respect to individuals who are at least 40.

The Equal Pay Act of 1963, as amended - prohibits sex discrimination in payment of wages to women and men performing substantially equal work in the same establishment.

Section 504 of the Rehabilitation Act of 1973 - prohibits discrimination against the disabled.

Americans with Disabilities Act of 1990 (ADA) - prohibits discrimination against individuals with disabilities in employment, public service, public accommodations and telecommunications.

The Family and Medical Leave Act of 1993 (FMLA) - requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons.

The Pregnancy Discrimination Act of 1978 - prohibits discrimination in employment on the basis of pregnancy, childbirth, or related medical conditions.

Florida Educational Equity Act (FEEA) - prohibits discrimination on the basis of race, gender, national origin, marital status, or handicap against a student or employee.

Florida Civil Rights Act of 1992 - secures for all individuals within the state freedom from discrimination because of race, color, religion, sex, national origin, age, handicap, or marital status.

School Board Rules 6Gx13- 4A-1.01, 6Gx13- 4A-1.32, and 6Gx13- 5D-1.10 - prohibit harassment and/or discrimination against a student or employee on the basis of gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, pregnancy, or disability.

Veterans are provided re-employment rights in accordance with P.L. 93-508 (Federal Law) and Section 295.07 (Florida Statutes), which stipulate categorical preferences for employment.

Revised 5/9/03