

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

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

**COMMITTEE:        LEGISLATIVE RELATIONS, PUBLIC RELATIONS AND PERSONNEL  
SERVICES**

The School Board of Miami-Dade County, Florida, announced on April 9, 2003, its intention to amend School Board rule 6Gx13- 4D-1.022, Manual of Procedures for Managerial Exempt Personnel, and incorporate the new Section B-8, Performance-based Pay for School Administrators, to the document, Manual of Procedures for Managerial Exempt Personnel, which is incorporated by reference and is a part of this rule, at its meeting of May 14, 2003, which sets forth the criteria for determining outstanding performance for teachers and school administrators, and to budget a reserve to fully fund an additional five percent supplement for school administrators and instructional personnel who demonstrate outstanding performance.

The Notice of Intended Action was published in *The Miami Daily Business Review* on April 14, 2003, and 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 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, the proposed amended rule, and Section B, Compensation System, 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.

**RECOMMENDED:**        That The School Board of Miami-Dade County, Florida, adopt amended School Board Rule 6Gx13- 4D-1.022, Manual of Procedures for Managerial Exempt Personnel, Section B, Compensation System, of the document, Manual of Procedures for Managerial Exempt Personnel, which is incorporated by reference and a part of this Board rule, and authorize the Superintendent to file the rule with The School Board of Miami-Dade County, Florida, to be effective May 14, 2003.

MHA:mtp

## NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on April 9, 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 May 14, 2003.

**PURPOSE AND EFFECT:** The purpose of the proposed amendment is to formalize the performance-based pay implementation plan for school administrators pursuant to requirements in Section 1012.22(1)(c)(4), F.S., incorporating new language by amending Section B, Compensation System, 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 establishes a performance-based pay program that addresses student achievement and learning gains as well as individual administrative performance.

**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), F.S.; 6A-4.0083; 6A-4.0084 FAC

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF May 14, 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 May 5, 2003, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO WISHES 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: Dr. Angela M. Macrina  
Supervisor: Ms. Marjorie H. Adler  
Date: March 19, 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 deferment 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: ~~230.22(2); 230.23(22)~~ 1001.41(1)(2); 1001.42(22); 1001.43(10); F.S.  
Law Implemented, Interpreted or Made Specific: ~~231.02; 231.0861; 231.087(1);~~  
~~231.29; 231.36(1)(b); 231.40(3)(e); 236.0811~~ 1012.22(1)(c)(4) F.S.; 6A-4.0083;  
6A-4.0084 FAC

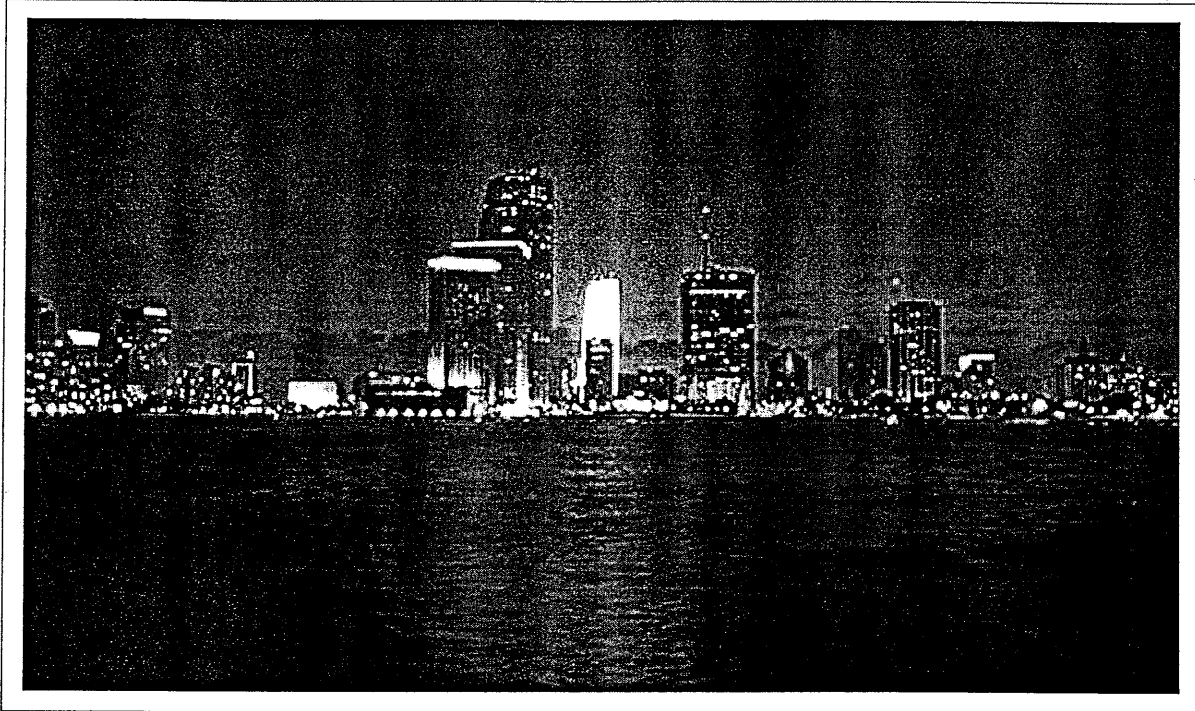
History

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

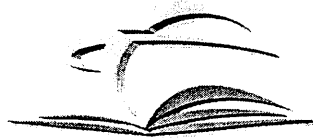
New: 1-8-86

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

# *Manual of Procedures for Managerial Exempt Personnel*



*Miami-Dade County Public Schools  
Personnel Management and Services  
Office of Human Resources*



Miami-Dade County Public Schools  
*giving our students the world*

*January 16, 2002*

*Final Reading: May 14, 2003*

*Board Rule 6Gx13- 4D-1.022*

THE SCHOOL BOARD OF  
MIAMI-DADE COUNTY, FLORIDA

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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 B**  
**COMPENSATION SYSTEM**

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## **SECTION B**

### **COMPENSATION SYSTEM**

#### **B-1 Scope and Purpose**

This section sets forth the rules and regulations for the establishment, maintenance, and administration of the compensation system applicable to managerial exempt positions in Miami-Dade County Public Schools. All compensation changes shall be processed through ~~Wage and Salary Administration~~ Compensation Administration, Personnel Management and Services Office of Human Resources, which shall review each change to determine compliance with the provisions of this section.

#### **B-2 Statement of Policy**

- A. Managerial exempt personnel shall be compensated in accordance with the pay grades to which their positions are assigned as governed by the regulations contained in the Manual of Procedures for Managerial Exempt Personnel (MEP).
- B. The compensation system consists of rules and regulations governing the administration of the compensation system.
- C. The schedule of salary ranges consists of all salary grades.
- D. The salary structure contains ~~49~~ 18 salary grades with a ~~5-14~~ 7-9% difference between grades.
- E. The salary structure provides a link to competitive pay levels for comparable positions in other organizations; it incorporates the adjustments resulting from the annual compensation review.
- F. ~~Personnel Management and Services~~ The Office of Human Resources may:
  - 1. Review competitive compensation levels annually and collect survey data in the spring for planning purposes for the next school year.
  - 2. Make recommendations for changes in the salary structure and for possible changes to pay grade assignment.

#### **B-3 Method of Payment**

Managerial exempt employees shall be paid in accordance with rates computed as follows:

A. 230 Day Employee (12 Month)

1. Daily Rate = Annual salary divided by 260 days (actual work days plus the intervening holidays and yearly earned vacation days).\*
2. Biweekly Rate = Daily Rate x 10 days.
3. Hourly = Daily Rate divided by 8.
4. Actual Daily Rate = Annual salary divided by 230 days.

\*The Salary Schedule reflects an annual 260-day work year with each 12-month employee actually paid for 261 days, pursuant to the annual Board-adopted calendar.

B. 206 Day Employee (10 Month)

1. Daily Rate = Annual salary divided by 222 days (206 actual work days plus intervening holidays and school vacation days).\*
2. Bi-Weekly Rate = Daily Rate x 10 days.
3. Hourly = Daily Rate divided by 8.
4. Actual Daily Rate and Summer School Daily Rate = Annual salary divided by 206.

\*Lapsed time is subject to the annual calendar.

- C. The School Board will provide 10-month employees (Assistant Principals) the option of receiving payment of salary over 10 months or over 12 months. The employee will continue to be paid on the basis selected until he/she elects to change. The election to change salary basis may be made only from July through December of each year.

**B-4 Initial Appointment Compensation**

The rate of compensation upon initial appointment to a managerial position shall be the minimum of the pay grade of the classification involved, unless:

- A. The applicant is deemed to be exceptionally qualified for the position, and/or recruiting efforts have failed to fill a position at the entry level; in this case the Superintendent of Schools may authorize the initial compensation at a higher rate than the minimum for the classification. The Board shall be notified of such action by the Superintendent.

- B. The applicant is a Miami-Dade County Public Schools employee appointed from another non-managerial M-DCPS position; in this case the employee shall be placed in the salary range that provides a 9% increase in salary above the incumbent's current base pay not to exceed Masters pay level.

### **B-5 Compensation Increases**

An employee shall be eligible to receive a compensation advancement only when one of the following conditions exists:

- A. Salary schedules and increments shall be approved annually by The School Board. July 1 shall be considered the anniversary date for all employees covered under this system provided that service was initiated on or before March 31 of that year. If eligible, a salary increment, as defined herein, shall be awarded prior to the compensation increase upon promotion, if recommended by the Superintendent and approved by The School Board.
- B. Employees may be eligible for salary increments, established annually by The School Board, unless evaluated at Below Expectations on Performance Standards, evidenced by their official annual evaluation, pursuant to the performance planning and appraisal system. Furthermore, in addition to being ineligible for a salary increment, employees evaluated at Below Expectations on Performance Standards shall be ineligible to receive any salary increase which is a result of The School Board's authorized improvement to the salary schedule. Salary increments shall be implemented effective upon the conclusion of successfully completed prescriptions.
- C. When The School Board approves the reclassification of a position to a higher pay grade, the incumbent's salary shall be improved 2% on the effective date as recommended by the Superintendent to The School Board, unless the Superintendent, due to unusual circumstances, recommends and The School Board approves non-implementation of this provision.
- D. An employee who is promoted from a position covered under this system shall move to the higher pay grade at a rate which provides a 9% increase provided such increase will not exceed the maximum, unless the Superintendent, due to unusual circumstances, recommends and The School Board approves non-implementation of this provision.
- E. If unusual circumstances exist which justify compensation increases not otherwise provided for in this section, the Superintendent of Schools may authorize a special compensation increase for any managerial exempt employee at any time. The Board shall be notified of such action by the Superintendent.
- F. Employees assigned to rotating shifts may receive salary supplements, if approved by the Superintendent. The amount of the supplement shall be

equivalent to a 4% increment for the second shift and an 8% increment for the third shift at the assigned pay grades.

- G. The Superintendent shall submit to the School Board for the Board's approval, at the beginning of each fiscal year, the list with names and the amount of annual legislative supplements recommended to individual staff members who are required to travel out-of-county regularly and/or on an extended basis for assignments associated with state and federal legislative-related responsibilities. In establishing the amount of each legislative supplement, the Superintendent will include among the factors considered the amount and length of time to be away from Miami-Dade County, the types of expenses to be incurred, and the location(s) where the staff member will be assigned. Such supplements will be established annually for each eligible person on an individual basis by the Superintendent up to a maximum of \$12,000 per individual or up to a maximum of \$15,000 per individual if he/she was on temporary duty in excess of 30 days during the prior fiscal year, and anticipates the same amount of travel during the current year.

#### **B-6 Compensation Upon Downward Adjustment**

An employee may have his/her position adjusted downward with or without a reduction in pay, subject to the following provisions:

- A. Upon demotion for unsatisfactory performance, an employee's salary shall be reduced to the same position-in-range in the lower pay grade. If a managerial exempt employee who has been demoted moves outside the managerial exempt group, the employee's new salary shall be the published rate for the new assignment which is the closest to but less than the current salary. If the current rate is less than the new minimum salary, the employee's rate shall be frozen for one year.
- B. When a position is reclassified to a lower pay grade or when the minimum or maximum rates for a pay grade are decreased, if the employee's salary is below the maximum of the lower pay grade, the salary will remain unchanged. Subsequently, the salary will be increased by the annual increment of the lower pay grade until the employee reaches the maximum. If the employee's salary is above the maximum rate for the lower classification, the salary will be reduced to the maximum of the lower pay grade.
- C. Career redirection is the result of a decision made by an employee to pursue a different career path, e.g., move from a non-school site administrative position to a school site administrative position. Such a decision may be lateral in nature or may be a request for assignment to a lower pay grade. Such a request may result from a career development conference between an employee and supervising administrator, or may be initiated by the employee upon careful consideration of career opportunities. A request for career redirection, whether resulting in a lateral move or a downward adjustment in pay grade, shall be made by the affected employee in writing to

the employee's supervisor for consideration and forwarded to the appropriate office. Final disposition of the request shall rest with the Deputy Superintendent Chief Personnel Officer, Personnel Management and Services Office of Human Resources who shall forward a recommendation for the Superintendent's consideration.

- D. When a reassignment to a lower pay grade is at the request of the employee, the pay shall remain unchanged for the balance of the fiscal year, provided that the resultant rate of compensation does not exceed the maximum for the lower pay grade. If the employee's salary is above the maximum, it shall be reduced to the maximum for the lower pay grade. If the employee's salary is below the maximum for the lower pay grade, the employee will be placed on the salary equal to or less than the current salary. The salary will be increased by the authorized increment of the lower pay grade until the employee reaches the maximum.
- E. When a shortage of funds or reorganization results in a reduction-in-force, a change in staffing patterns, or reclassifications of positions initiated by the Superintendent in the course of reorganization, it shall be accomplished by placing an administrator in a position based upon the procedures specified in B-4011 (A) and (B). If the employee's salary is below the maximum for the lower pay grade, the employee will be placed on the salary schedule at their current salary. If the employee's current salary is above the maximum of the new pay grade, the employee's salary shall be adjusted to the maximum salary at the lower pay grade. Employee's adjudicated pursuant to this procedure (B-6, E.) shall be eligible for subsequent salary enhancements provided such enhancement will not exceed maximum.

### **B-7 Compensation Upon Transfer or Lateral Reassignment**

An employee who is transferred or reassigned to a position at the same pay grade shall not be granted a compensation increase as a result of being transferred.

The expectation shall be communicated that any administrator, particularly administrators in multi-incumbent positions, e.g., school principals, may be laterally transferred at any time to another position and/or another work location, when it is deemed to be in the best interest of the school system.

### **B-8 Performance-based Pay for School Administrators**

Section 1012.22(1)(c)(4), Florida Statutes, requires that each district school board include in its adopted budget a reserve to fully fund an additional five percent supplement for school administrators and instructional personnel who demonstrate outstanding performance. Districts have the full responsibility of designating the criteria for determining outstanding performance for teachers and school administrators. The district's performance-based pay policy must allow school administrators and instructional personnel to earn a five percent supplement in addition to their individual negotiated salary.

In keeping with Section 1012.22(1)(c)(4), Florida Statutes, the implementation plan provides opportunities for school administrators at the school sites that demonstrate the highest student learning gains, using the State formula for determining student learning gains, to earn an additional five percent supplement to their individual negotiated salary.

The M-DCPS Performance-based Pay Implementation Plan addresses performance-based compensation for school administrators by establishing a process intended to identify “outstanding performance” based on student learning gains and individual performance data. The Implementation Plan stipulates that:

- A. Upon calculation of student learning gains data for all M-DCPS’ K-12 school sites for the 2002-2003 school year, and annually thereafter, using the State formula for determining student learning gains, all schools will be ranked in descending order based on the student learning gains data for the 2002-2003 school year, and annually thereafter, within their respective geographic regions (ACCESS Centers I through VI) and school levels (elementary, middle and senior high school). K-8 Centers will be included in the elementary school category for ranking purposes. Senior high schools programs identified as school-wide magnet/advanced studies programs (i.e., Coral Reef Senior High School, Design and Architecture Senior High School, MAST Academy Senior High School, New World School of the Arts, and the School for Advanced Studies) will be ranked in descending order based on the student learning gains data for the 2002-2003 school year and annually thereafter, using the State formula for determining learning gains, within the magnet/advanced studies category.
- B. Student learning gains will be calculated by M-DCPS’ Office of Evaluation and Research Services using the State formula for determining student learning gains. Total student learning gains for each school will be determined by the sum of:
1. The percentage of students making learning gains in Reading as measured by the Florida Comprehensive Assessment Test (FCAT) 2002-2003 Administration scores, and annually thereafter, using the State formula for determining learning gains;
  2. The percentage of students making learning gains in Mathematics as measured by the Florida Comprehensive Assessment Test (FCAT) 2002-2003 Administration scores, and annually thereafter, using the State formula for determining learning gains; and

3. The percentage of the lowest performing twenty-five (25) percent of students at each school demonstrating learning gains in Reading as measured by the Florida Comprehensive Assessment Test (FCAT) 2002-2003 Administration scores, and annually thereafter, using the State formula for determining learning gains.

C. Upon completion of the regional (ACCESS Centers I through VI) and school level (elementary and middle school) rankings, the three (3) highest ranking elementary schools and one (1) highest ranking middle school in each region will be identified by the Office of Evaluation and Research Services based on student learning gains data for the 2002-2003 school year, and annually thereafter, using the State formula for determining student learning gains.

D. The three (3) highest ranking senior high schools district-wide, excluding senior high schools within the magnet category, will be identified by the Office of Evaluation and Research Services based on student learning gains data for the 2002-2003 school year, and annually thereafter, using the State formula for determining student learning gains. The one (1) highest ranking senior high school identified as a school-wide magnet/advanced studies program (i.e., Coral Reef Senior High School, Design and Architecture Senior High School, MAST Academy Senior High School, New World School of the Arts, and the School for Advanced Studies) will be identified by the Office of Evaluation and Research Services based on student learning gains data for the 2002-2003 school year, and annually thereafter, using the State formula for determining student learning gains.

E. In the event that two or more schools are tied for one of the identified highest rankings, ties will be remedied by examining each affected school's performance on the following indicators:

1. The percentage of the lowest twenty-five (25) percent of students at each affected school making learning gains in Reading during the 2002-2003 school year, and annually thereafter, using the State formula for determining student learning gains; and/or

2. The overall total number of points earned by each affected school on the State formula for determining school grades.

Upon determination of these data, the affected schools will be ranked based on the first criterion identified above. If this ranking does not resolve the tie, the second criterion will be applied and affected schools will be ranked accordingly.

F. In order to be eligible for an outstanding performance bonus, a school administrator:

1. Must be a full-time school site administrator at one of the selected schools during the year the learning gains were produced;

2. Must submit a plan with ACCESS Center approval addressing a high priority school-site problem aligned with Performance Appraisal Job Targets, and meet those targets;

3. Must submit a professional growth plan with ACCESS Center approval consistent with the Performance Appraisal Instrument, and achieve such plan; and

4. Must receive a "Commendable" or higher annual evaluation rating for the year during which the learning gains were produced.

### **B-8 9 Compensation for Part-Time/Hourly Employment**

Employees filling a position on a part-time basis shall be compensated at the minimum hourly rate of the pay grade assigned to the position being filled, unless otherwise approved by the ~~Deputy Superintendent~~ Chief Personnel Officer, Personnel Management and Services Office of Human Resources.

### **B- ~~9~~ 10 Effective Date of Salary Changes**

The effective date of all salary changes provided for in this section shall be established by The School Board.

### **B- ~~10~~ 11 Reduction-In-Force Procedures**

In the event that a reduction-in-force, or a change in staffing patterns becomes necessary, the following procedures will be followed to guide the termination and/or reassignment of managerial exempt personnel whose positions are eliminated from the budget or who have been displaced in necessary changes of staffing patterns:

- A. Should The School Board have to choose from among its managerial exempt personnel who are on continuing contract as to which should be retained, the Superintendent shall include among the criteria to be considered: capacity to meet the educational needs of the community, efficiency and educational qualifications. The decision of the board shall not be controlled by any previous contractual relationship and, in the evaluation of these factors, the decision of The School Board shall be final. (~~Florida Statute 231.36 (5)~~) (Section 1012.33(1)(b), Florida Statute.
- B. Should The School Board have to choose from among its managerial exempt personnel who are not on continuing contract as to which shall be retained, the Superintendent shall include among the criteria to be considered in making recommendations to The School Board: capacity to meet the educational needs of the community, efficiency and educational qualifications.



## **B- ~~11~~12 Flexible Work Schedules**

MEP employees whose duties are technically oriented, highly specialized, and do not include direct or indirect supervision of other employees, may be assigned flexible work schedules to support the 24-hour operating schedule; respond to emergency/unforeseen requirements; and to adapt to cyclic workload requirements. Regular work schedules for each employee shall be established, anticipating, to the extent possible, extra and/or other than normal schedule requirements.

A system shall be utilized to keep track of the date that excessive hours are worked, so that the employee's work schedule may be adjusted to balance the excessive hours within the next 20-day period. Adjustments to an employee's schedule will be authorized by the employee's immediate supervisor, and approved by the Department or Section Head. In cases where extenuating circumstances do not allow for the employee's schedule to be adjusted to balance within the 20-work day period, schedule adjustments may be authorized only by the appropriate ~~Deputy Superintendent~~ Executive Staff member.

## **B- ~~12~~ 13 School Board Vehicles**

The Superintendent of Schools is authorized to assign School Board vehicles to selected school system administrators when the Superintendent deems it necessary for the performance of their duties and in the best interest of the school system. The school system will provide maintenance and gasoline for these vehicles.

## **B- ~~13~~ 14 Emergency Closing of Schools**

The emergency closing of school(s) for any cause, such as inclement weather or violent or disruptive activities in which the safety of individuals might be endangered, shall be at the discretion of the Superintendent of Schools, pursuant to School Board Rule 6Gx13-6A-1.05, Emergency Closing of School(s). When an emergency is declared by the Superintendent and managerial exempt employees are generally excused from work because of the emergency, those employees required to work during the emergency will receive two times their regular rate of pay for such work. Final approval for payment must be reviewed and approved by the Superintendent or the appropriate member of the Superintendent's Cabinet Executive Staff.

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The School Board of Miami-Dade County, Florida, adheres to a policy of nondiscrimination in employment and educational programs/activities 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 8/1/01