

Office of Superintendent of Schools
Board Meeting of July 9, 2003

July 7, 2003

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

**SUBJECT: PROPOSED AMENDMENT OF SCHOOL BOARD RULE: INITIAL
READING 6Gx13- 4A-1.18, ASSIGNMENT -- MEMBERS OF SAME
FAMILY**

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

At the Board Meeting of June 18, 2003, Ms. Perla Tabares Hantman, School Board Member, submitted Board Item D-4 requesting that the Board direct the Superintendent and Board Attorney to initiate rulemaking or amend existing board rules governing the adherence to the Code of Ethics for public officers and employees and the strict avoidance of ethical conflicts of interest. Accordingly, this item is submitted for consideration to amend School Board Rule 6Gx13- 4A-1.18, Assignment – Members of Same Family. The proposed amendments reflect additional requirements in regards to disclosure by supervisors when supervising a relative and disciplinary action for failure to disclose. ADDED

Attached are the Notice of Intended Action, and the proposed amended rule. Changes from the current rule are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

Authorization of the School Board is requested for the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act for the amendment of School Board Rule 6Gx13- 4A-1.18, Assignment – Members of Same Family.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to amend School Board Rule 6Gx13- 4A-1.18, Assignment – Members of Same Family.

MHA:mtp

REVISED
C-21

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on July 9, 2003, its intention to amend Board Rule, 6Gx13- 4A-1.18, Assignment -- Members of Same Family, at its meeting of August 20, 2003.

PURPOSE AND EFFECT: The purpose of the proposed amendments is to provide additional requirements in regards to disclosure by supervisors when supervising a relative and disciplinary action for failure to disclose.

SUMMARY: The proposed amendments establish procedures for any supervisor to disclose to the Superintendent or designee any relative for whom the supervisor is responsible as to employment decisions, payroll authorization, or job performance evaluations. Additionally, it establishes consequences for failure to disclose.

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: 1001.42(22); 1001.43(1) F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF August 20, 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 August 4, 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: Ms. Perla Tabares Hantman
Date: July 7, 2003

REVISOR

Permanent Personnel**ASSIGNMENT--MEMBERS OF SAME FAMILY**

Administrative supervisors who recommend employment, authorize payrolls, and evaluate performance may authorize employment for relatives at the same work locations only upon approval of the Superintendent of Schools or his/her designee. The administrative supervisor of any District entity or office shall disclose to the Superintendent of Schools or his/her designee any relative for whom the supervisor is responsible as to employment decisions, payroll authorization or job performance evaluations. Failure to immediately so advise shall be grounds for disciplinary action, up to and including dismissal.

School Board personnel may not directly or indirectly recommend independent contracts between the School Board and any relative.

Work location is defined to include payroll cost center or any administrative unit under the direct supervision of a permanent employee of the school system.

"Relative" with respect to an administrative supervisor means an individual who is related to the supervisor as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, grandfather, grandmother, grandchild or any person who resides in the same residence as the supervisor.

In the event of substantiated charges of favoritism or disruptive repercussions at a work site, based on family relationship, the appropriate area, bureau or district office will be responsible for effective resolution of the issue.

Specific Authority: ~~230.22(2)~~ 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.

Law Implemented, Interpreted, or Made Specific: ~~230.23(5)(a); 230.33(7)(a)~~
1001.42(22); 1001.43(1) F.S.

History

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

Repromulgated: 12-11-74

Amended: 2-22-84; 7-13-88