

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

**SUBJECT: AUTHORIZATION FOR THE SUPERINTENDENT TO ENTER INTO AN AGREEMENT REGARDING TERMINAL PAY WITH THE CHIEF FINANCIAL OFFICER (TRANSITION)**

Authorization of the Board is requested to enter into a Settlement Agreement with Dr. Richard H. Hinds, former Chief Financial Officer, regarding terminal pay upon the expiration of his current contract. The Board, at its January 17, 2001 meeting, authorized execution of a contract with Dr. Hinds through June 30, 2003 providing certain considerations in exchange for his forfeiting a year of transition leave which was scheduled to commence on July 1, 2002. Among these considerations is a provision for the accrual and payment of both annual and sick leave at rates equal to the actual base salary at the time of termination of employment. The first issue concerns Dr. Hinds' claim to have understood the payment for accrued leave would be based on actual base salary consisting of both the base salary and legislative supplement. The District generally pays accrued leave based on annual salary which includes supplements, however, the contract provides for payment to be based on actual base salary which excludes supplements. The issue of the basis for the payment of accrued leave needs to be resolved.

The other issue involves the payment of accrued annual leave (vacation). Dr. Hinds believes that the contract provides for a second cash-in of annual leave that we believe would be contrary to the Deferred Retirement Option Program (DROP) legislation. The difference between Dr. Hinds' and the District's position relative to these matters has been estimated to represent nearly \$50,000.00.

The Administration and Board Attorney's office have negotiated a proposed settlement of this matter as follows:

- Payment of accrued sick leave, based on Dr. Hinds' annual salary at the time of termination of the agreement, to be paid in accordance with Board policy; and
- Payment of a settlement of all other issues in the amount of \$18,278.01, to be paid within 30 days of approval by the Board.

For reasons contained in a memorandum provided to the Board under separate cover, the Administration and Board Attorney recommend approval of the settlement as being in the best interest of all parties.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, authorize the Superintendent to enter into a Settlement Agreement with Dr. Richard H. Hinds, Chief Financial Officer (transition), based upon the terms outlined above, to be effective as of July 9, 2003.

MHA:mtp