

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

**SUBJECT: PROPOSED AMENDMENT OF SCHOOL BOARD RULE: FINAL
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, The School Board of Miami-Dade County, Florida, announced on July 9, 2003 its intention to amend School Board Rule 6Gx13- 4A-1.18, Assignment – Members of Same Family at the meeting of August 20, 2003, to reflect additional requirements in regards to disclosure by supervisors when supervising a relative and disciplinary action for failure to disclose.

The Notice of Intended Action was published in the *Miami Daily Business Review* on July 14, 2003, 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 ~~striking through~~ words to be deleted and underscoring words to be added.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, adopt amended School Board Rule 6Gx13- 4A-1.18, Assignment – Members of Same Family, and authorize the Superintendent to file the rule with The School Board of Miami-Dade County, Florida, to be effective August 20, 2003.

MHA:mtp

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

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