

Office of School Board Attorney  
Johnny Brown, Board Attorney

**SUBJECT: APPROVAL OF SETTLEMENT**  
**THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA v.**  
**ANDREW MCNAMEE - DOAH Case No. 03-3243**

At its regularly scheduled meeting of September 10, 2003, the School Board took action to suspend and initiate dismissal proceedings against Andrew McNamee, a head custodian, for just cause, including, but not limited to, deficient performance of job responsibilities and violation of School Board Rules 6Gx13-4-1.08, *Violence in the Workplace* and 6Gx13-4A-1.21, *Responsibilities and Duties*. The employee timely requested a hearing on the matter.

This case was heard in part on April 28, 2004 and is scheduled to be continued on June 28, 2004. The parties have reached a tentative settlement agreement, subject to School Board approval. The terms of the settlement agreement include the following:

- 1) The employee will be reinstated to the position of Head Custodian as of June 17, 2004; and
- 2) The employee will be suspended without pay from his last day of employment on September 10, 2003, up to the date of his reinstatement.

This office recommends that the settlement agreement be accepted in its entirety. Administration concurs with this recommendation. Acceptance and approval of the settlement agreement will obviate the need for further litigation by the School Board.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, accept and approve the Settlement Agreement between The School Board of Miami-Dade County, Florida and Andrew McNamee to resolve in its entirety DOAH Case No. 03-3243.