

Office of Superintendent of Schools  
Board Meeting of July 14, 2004

July 2, 2004

Office of School Board Attorney  
Johnny Brown, Board Attorney

**SUBJECT: JOSEPH MELENDEZ, JR. v. THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA - SBC NO. 04-268**

A request for hearing was received in the Office of School Board Clerk on June 25, 2004, on the termination of the employment of the above-referenced employee.

The Office of the School Board Attorney is recommending that the School Board deny the Request for Hearing on the following grounds: (1) the Petitioner does not have a right to a hearing as he was terminated during his probationary period pending fingerprint processing and determination, pursuant to § 1012.32(2)(a), Fla. Stat.; and (2) the Petitioner does not have a right to a hearing as he was terminated within the ninety-seven (97) day initial probationary employment period, whether calculated as work days or calendar days, pursuant to § 1012.33(1)(b), Fla. Stat.

A proposed order has been forwarded under separate cover.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida enter a final order in the case of Joseph Melendez, Jr. v. The School Board of Miami-Dade County, Florida, Case No. SBC 04-268, denying the Request for Hearing filed on behalf of the employee for the reasons set forth in the proposed order.

MPS/pyc

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