

Office of Human Resources
Chief Personnel Officer

**SUBJECT: PROPOSED AMENDMENT OF BOARD RULE: FINAL READING 6Gx13- 4D-1.023,
CONFIDENTIAL EXEMPT PERSONNEL CLASSIFICATION AND COMPENSATION
PLAN**

COMMITTEE: LEGISLATIVE RELATIONS, PUBLIC RELATIONS AND PERSONNEL SERVICES

The *Classification and Compensation Plan for Confidential Exempt Personnel*, under the auspice of Ms. Perla Tabares Hantman, Member, The School Board of Miami-Dade County, Florida, has initiated this Board rule change.

The School Board of Miami-Dade County, Florida, announced on May 19, 2004, its intention to amend School Board Rule 6Gx13- 4D-1.023, Confidential Exempt Personnel Classification and Compensation Plan, by amending the document, *Classification and Compensation Plan for Confidential Exempt Personnel*, which is incorporated by reference and part of this rule, at its meeting of July 14, 2004. These amendments are for the purpose of updating outdated sections and language of the document, and to comport with administrative procedures related to the performance appraisal, classification, and compensation system for confidential exempt personnel.

The Notice of Intended Action was published in *The Miami Daily Business Review* on May 24, 2004, and 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 rule proposed for amendment. Changes from the current rule are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

Copies of the document, *Classification and Compensation Plan for Confidential Exempt Personnel*, which is incorporated by reference and is part of this rule, will be forwarded to the School Board members under separate cover and will be available for inspection by the public in the Office of Board Recording Secretary, Room 924, and the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, FL 33132.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, adopt amended School Board Rule 6Gx13- 4D-1.023, Confidential Exempt Personnel Classification and Compensation Plan, and the amended document, *Classification and Compensation Plan for Confidential Exempt Personnel*, which is incorporated by reference and a part of this rule, and authorize the Superintendent to file the rule with The School Board of Miami-Dade County, Florida, to be effective July 14, 2004.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on May 19, 2004, its intention to amend Board Rule 6Gx13- 4D-1.023, Confidential Exempt Personnel Classification and Compensation Plan, and the document, Classification and Compensation Plan for Confidential Exempt Personnel, which is incorporated by reference and is a part of this rule, at its meeting of July 14, 2004.

PURPOSE AND EFFECT: To amend the Board Rule and the document, Classification and Compensation Plan for Confidential Exempt Personnel, to update outdated sections and language of the document, and to comport with administrative procedures related to the performance appraisal, classification, and compensation system for confidential exempt personnel.

SUMMARY: Board Rule 6Gx13- 4D-1.023, Confidential Exempt Personnel Classification and Compensation Plan and the document, Classification and Compensation Plan for Confidential Exempt Personnel, delineate procedures for confidential exempt personnel, including employment policies, guidelines, and provisions for classification, compensation, and performance appraisal for the aforementioned employee group.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 1001.42(5); 1001.43(11); 1001.51(7); 1012.01(6)(7); 1012.22(1)(c)(e)(2); 1012.27 F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF July 14, 2004, 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), F.S., must do so in writing by ?, 2004, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES 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: March 24, 2004

Compensation and Related Benefits**CONFIDENTIAL EXEMPT PERSONNEL CLASSIFICATION AND
COMPENSATION PLAN**

The document, entitled **Classification and Compensation Plan for Confidential Exempt Personnel**, consists of regulations for the administration of the classification, compensation, and performance appraisal systems for confidential exempt personnel.

The Plan document, upon authorization by the School Board, is maintained in the Office of ~~Personnel Management and Services~~ Human Resources, the Office of the Board Recording Secretary to the School Board, and the Citizen Information Center, ~~and the Office of the Clerk of the School Board~~.

The document, **Classification and Compensation Plan for Confidential Exempt Personnel**, is incorporated by reference and is part of this Board Rule.

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)(d); 230.33(7)(b)~~ 1001.42(5); 1001.43(11); 1001.51(7); 1012.01(6)(7); 1012.22(1)(c)(e)(2); 1012.27 F.S.

History:**THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA**

New: 12-11-85

Amended: 11-5-86; 12-7-88; 11-15-89; 9-26-90; 8-21-91; 9-8-93



CLASSIFICATION AND COMPENSATION PLAN
FOR
CONFIDENTIAL EXEMPT PERSONNEL
2004

Miami-Dade County Public Schools
giving our children the world

Office of Human Resources

Board Rule 6Gx13- 4D-1.023

Final Reading: July 14, 2004

C-21

School Board of Miami-Dade County, Florida

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Dr. Michael M. Krop, Chair

~~Ms. Janet R. McAliley, Vice Chairperson~~
Dr. Robert B. Ingram, Vice Chair

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Mr. Adam C. Rosen, Student Advisor

} Revised subsequent to Initial
Reading – May 19, 2004

~~Mr. Octavio J. Visiedo~~
Dr. Rudolph F. Crew
Superintendent of Schools

} Revised subsequent to Initial
Reading – May 19, 2004

~~Ms. Angeline S. Wolty~~
~~Deputy Superintendent Chief Personnel Officer~~
~~Office of Personnel Management and Services~~ Human Resources

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CONFIDENTIAL EXEMPT PERSONNEL

I. POLICIES AND GUIDELINES

Confidential exempt employees of the Miami-Dade County Public Schools (M-DCPS) are selected personnel who hold positions classified by the Public Employee Relations Commission as confidential exempt, and who report to managerial personnel who are exempt from the provisions of Chapter 447, Florida Statutes. The listing of confidential exempt positions is included in Appendix A.

The purpose of these guidelines is to set forth terms and working conditions for confidential exempt employees who are not affected by provisions of negotiated labor contracts. These employees are covered under the applicable provisions of the Fair Labor Standards Act (FLSA) and the U.S. Department of Labor's Rules and Regulations.

II. THE COMPENSATION PLAN

The compensation plan for confidential exempt employees of the M-DCPS Miami-Dade County Public Schools is incorporated in Salary Schedule XO which shall be established annually by the School Board. Compensation of confidential exempt employees may progress with employees receiving an annual increment, as authorized by the School Board, until the maximum of that position's salary range has been reached. The effective date for salary schedule implementation shall be established by the School Board.

Employees who at the end of the fiscal year are on the last step of the Confidential Exempt Salary Schedule and who have completed by June 30, ~~1993~~ 2004, 12 years or more of creditable service with the School Board of Miami-Dade County, Florida, shall be eligible to receive an annual longevity stipend to be paid in August. The amount of the longevity stipend shall be authorized annually by the Board. The Superintendent shall recommend, and The School Board shall review and authorize annually the amount of the longevity stipend to be paid.

Confidential exempt employees shall be eligible for all other fringe benefits in accordance with School Board Rules.

A. Rate Determination

1. Hiring Rates

Step one of each pay grade shall be considered the normal hiring rate for the new exempt full-time employee, except those so designated by the ~~Deputy Superintendent~~ Chief Personnel Officer, Office of Personnel Management and Services Human Resources. Under special circumstances and upon written request to the

administrator in charge, the ~~Superintendent~~ Chief Personnel Officer, Office of ~~Personnel Management and Services~~ Human Resources, may authorize a confidential exempt employee to be hired, or rehired, at a salary rate step up to and including the 5th step of the pay grade for the position being filled.

2. Rehires

A former confidential exempt employee will be rehired as follows:

- a. If hired in the same job as that held at time of termination, an exempt employee will be placed in the step of the pay grade for that job corresponding to the rate step placement at the time of termination.
- b. If hired in a different job in the same job family (secretarial, clerical, exempt, regular) as the job held at the time of termination, the employee will have his/her rate determined as follows:
 - 1) Hired in a lower grade: The employee will be placed on a step of the lower grade determined by the years of creditable service; however, such rate of pay will not exceed the rate of pay in the higher grade held at the time of termination.
 - 2) Hired in a higher grade: The employee will be placed on a step of the higher grade equivalent to the rate of pay that would have been received if the employee had not terminated.
- c. An employee hired in a job in a different job family than that of the job held at the time of termination will be hired based on years of creditable service.

B. Hours of Employment

1. Standard Work Week

The standard work weeks have has been established by The School Board of Miami-Dade County, Florida, as follows:

37 ½ hours - commencing immediately after midnight on Thursday and running for seven consecutive days ending on midnight the following Thursday. In offices where it is feasible and advantageous, confidential exempt employees may be authorized by the administrator in charge to work a four-day week (9½ hours

per day for four work days). The adoption of such a schedule for any employee shall not be solely for the purpose of avoiding the payment of overtime. Overtime shall accrue after 37 ½ hours, and only if previously approved by an appropriate supervisor.

2. Lunch and Breaks

All confidential exempt employees shall have a duty-free lunch period of one hour. Two 15-minute breaks per work day are authorized, one in each half of the work day. Confidential exempt employees on a four-day-week schedule shall be entitled to ~~one~~ two 20-minute breaks per working day. The timing of the break shall be mutually agreed upon by the supervisor and the employee.

3. Shift Differential

Employees assigned to rotating shifts may receive additional compensation if approved by the Superintendent. The rate of compensation shall be one salary step for the second shift and two steps for the third shift. Payment will be made only for the period of time the employee is assigned to the second or third shift.

4. Compensation Increases

If unusual circumstances exist which justify compensation increases not otherwise provided for in this section, the Superintendent of Schools may authorize a special compensation increase for any confidential exempt employee at any time. The School Board shall be notified of such action by the Superintendent.

4.5. Additional Part-time Employment

Employees who desire to work part-time in any other position with the ~~Miami-Dade County Public Schools~~ M-DCPS during hours outside the regular hours of their primary employment may do so. Payment for the primary and any such additional part-time employment will be computed in compliance with the Fair Labor Standards Act.

5.6. Overtime Provisions

The use of compensatory time as payment for overtime work shall be acceptable upon mutual agreement by management and the affected employee.

The School Board will comply with prevailing federal minimum

wage standards, in accordance with the requirements of the Fair Labor Standards Act and the U.S. Department of Labor's Rules, Regulations, and Interpretive Bulletins regarding the Act.

67. Fair Labor Standards Act (FLSA)

a. Coverage

The provisions of the Fair Labor Standards Act (FLSA) cover the confidential exempt employees. ~~The FLSA exempts from its minimum wage, overtime, and compensatory time requirements executive, administrative, and professional employees.~~

b. Overtime Compensation

Overtime pay/or compensatory time must be granted to all covered eligible employees who work over ~~forty (40)~~ 37.5 hours per week in one or more positions, at one or more work locations. Specific provisions for the FLSA amendments of 1985, including M-DCPS administrative guidelines for implementation, are as follows:

- 1) Overtime compensation shall be paid to non-instructional personnel who work with prior approval more than ~~40~~ 37.5 hours a week in:
 - (a) A full-time position;
 - (b) a full-time position plus a part-time position;
 - (c) or a combination of two or more part-time positions.
- 2) A full-time employee performing an additional part-time job must be paid an overtime rate ("V" pay code) for the additional job based on the weighted average of the full and part-time hourly rate as calculated by ~~the Division of Wage and Salary~~ Compensation Administration.
- 3) A part-time employee performing an additional part-time job who works in excess of ~~40~~ 37.5 hours per week shall be paid an overtime rate based upon the weighted average of the hourly rates as calculated by ~~the Division of Wage and Salary~~ Compensation Administration.

- 4) A full-time employee who also works part-time in a different job is excluded from the overtime provisions of the FLSA, only if the part-time work is only on an occasional or sporadic basis, and the work is done at the option of the employee.

6.8. Compensatory Time Off

The use of compensatory time as payment for overtime work shall be acceptable upon mutual agreement by management and the affected employee.

- 1)a. ~~Compensatory time is authorized only for eligible non-instructional employees and is accrued at a rate of one-and-one-half hours of compensatory time for each hour worked.~~
- 2)b. The maximum number of hours of compensatory time which an eligible M-DCPS employee may accrue is 30 hours (i.e., 20 hours of employment at time-and-one half) at any given time.
- 3)c. Upon termination for any reason, upon assignment to a different M-DCPS position, or upon assignment to a position exempt from FLSA coverage, an eligible employee shall be paid for authorized, accrued, compensatory time, based upon his/her rate of pay in the previous position. Such payments shall be charged to discretionary (02) budget accounts.
- 4)d. Accrued compensatory time shall not be carried over into the next fiscal year. Payment for such authorized, accrued compensatory time will be made in the last pay period of the fiscal year. Such payments shall be charged to discretionary accounts.

7.9. Emergency Rate

Confidential exempt personnel shall be compensated at two times their regular hourly rate of pay for hours worked during emergency periods when schools have been closed.

6.10. Paid Legal Holiday Rate

Confidential exempt employees shall be compensated at two times their regular hourly rate of pay for hours worked on a paid legal holiday. When, for those employees on a four-day work week, a holiday falls on a day which is not part of the employee's regular

four-day work week, the holiday (equivalent to one full day of the four day schedule) shall be observed on the preceding work day, except for holidays falling on Sunday, which will be observed on the work day following the holiday, or any other day within the pay period, subject to supervisor approval.

DC. Good Attendance Incentive/Sick Leave Cash-In

1. A confidential exempt employee who does not use more than two sick/personal leave days in an entire fiscal year shall be paid at three times his/her normal rate of pay for the last work day of the fiscal year, not to exceed an amount 16 times the employee's regular hourly rate. ~~The additional two days' pay will be provided in a separate check.~~
2. Confidential exempt personnel may "cash-in" sick leave days accrued each year at 80% of value provided: (a) no more than three sick/personal leave days are used; and (b) the employee has at least 21 accrued sick leave days remaining after cash-in. Confidential exempt employees shall receive payment for cash-in of sick leave days no later than August 31st of the next fiscal year. The cashed-in sick leave days are not counted against the "Good Attendance Incentive."

D. Evaluation Process

Evaluating the work performance of confidential exempt employees provides a mutual benefit for all personnel. The evaluation shall occur at least annually. The administrator will use the Confidential Exempt Personnel Evaluation (Appendix B), a copy of which shall be placed in the personnel files.

In all instances of concern about performance, such employees shall receive a copy of the job description for the position, as well as any other requirements and/or expectations of the supervising administrator for acceptable performance in the position, if not previously provided. The employee shall be advised of the concern, given suggestions for improvement in a timely fashion, and allowed a reasonable amount of time for improvement to occur.

E. Transfer/Promotion/Upgrade

1. Any permanent non-instructional employee must file an application for transfer with the Office of ~~Personnel Management and Services~~ Human Resources before requesting a ~~applying for~~ transfer. Upon completing the form, it must be sent to the Executive Director of Non-Instructional Staffing with a copy to the immediate supervising

administrator. Before being eligible to apply for a transfer or promotion, a confidential exempt employee must have successfully completed a probationary period of 60 work days in the current position.

2. Prior to receiving a promotion, the employee must have satisfactorily met all requirements for the position.
3. A confidential exempt employee who is promoted shall be considered probationary in the new position for the first 60 work days. During that time, the employee is not eligible to apply for transfer/promotion.
4. At the beginning of such probationary period, the promoted employee shall receive a copy of the job description for the position, as well as any other requirements and/or expectations of the supervising administrator for acceptable performance in the position. In all instances of concern about a promoted employee's performance, such employee shall be advised of the concern, given suggestions for improvement in a timely fashion, and allowed a reasonable amount of time for improvement to occur; in no case, however, shall such amount of time extend beyond the end of the probationary period. If a promoted employee's performance is determined by the supervising administrator to be unacceptable during the probationary period, he/she shall, without recourse, be returned to a position substantially equivalent to the one held prior to the promotion, as soon as such a position is available.
5. When an employee is promoted or assigned to a position which is classified in a higher pay grade, the employee shall be moved to the higher pay grade at a the first step which that provides at least a 7.5 % increase for a promotion and at the first step that provides at least a 2% increase for a reclassification. If the salary is equal to or above the maximum of the range for the new position to which assigned, ~~no change in salary shall be considered~~ exceed the maximum of the pay grade.
6. When a confidential exempt employee's immediate supervisor is reclassified or promoted to a higher managerial exempt position, an incumbent secretary who meets all of the requirements for the new pay grade and who continues in that capacity shall also have his/her pay grade and/or salary adjusted accordingly in the same manner unless the Superintendent, due to unusual circumstances, recommends and the School Board approves the non-implementation of this provision.

7. Once an employee who has fulfilled the requirements of the transfer provisions has been hired at another work location, the maximum time the current work location supervisor may retain the employee in the current position is ten working days, unless otherwise authorized in writing by the Deputy Superintendent Chief Personnel Officer, for Personnel Management and Services Office of Human Resources. If the employee is retained for a period longer than ten days, commencing on the eleventh day, the employee shall receive pay based upon the rate for the position to which the employee was promoted or upgraded.

F. Voluntary/Involuntary Reassignment

1. When a lower grade reassignment to a confidential exempt position is at the request of the employee, his/her rate of compensation in the lower pay grade range shall be at a point salary equal to the level of the higher grade salary, provided the maximum is not exceeded.
2. Involuntary reassignments may be authorized by the responsible Assistant, and/or Associate, Chief, Deputy and/or Superintendent or equivalent administrator, under the attendant classification and compensation provisions contained herein. In advance of an involuntary reassignment, the incumbent confidential exempt employee shall be afforded an opportunity for a conference with the responsible administrator for the purpose of making an effort to agree on a "10-day period of adjustment" before consideration is given for replacing the incumbent confidential exempt employee. That conference would address terms, conditions, interests, and qualifications for alternate employment considerations.

G. Compensation Upon Downward Adjustment

An employee may have his/her position adjusted downward with or without a reduction in pay, subject to the following provisions:

1. Upon demotion for unsatisfactory performance, an employee's salary shall receive the salary of be reduced to the same step in the lower position pay grade.
2. When a position is reclassified to a lower pay grade or when the minimum or maximum rates for a class are decreased, the pay of an employee may remain unchanged for a period not to exceed one year from the effective date of the downward adjustment or reclassification. After one year the employee will return to Step 1 or to the step that reflects the years of creditable service, if it does not mean an increase in pay.

3. When a shortage of funds or reorganization results in a position being reclassified to a lower pay grade, the employee shall have his/her rate of compensation in the lower pay grade range set at a point equal to the level of the higher grade salary. If the employee's current salary is above the maximum of the new pay grade, he/she shall be frozen at his/her salary level until such time as the salary schedule provides for growth.

H. Layoff/Recall

1. Unless otherwise authorized by the Superintendent of Schools or designee, layoffs in a work location shall be determined by total seniority in the system. Under the seniority determination, when employees of the same pay grade at the same work location have the same total system seniority, layoff will be in reverse order of seniority at the work location.
2. Confidential exempt secretarial personnel shall, in the event of layoff, be placed in the ~~United Office Personnel of Dade/United Teachers of Dade (UOPD/UTD)~~ recall pool equivalent closest to the grade of the exempt position from which they were laid off. The provisions of the recall pool, as written in the M-DCPS-UOPD/UTD contract, shall prevail.
3. Any sick leave forfeited at the time of layoff shall be restored at the time of rehire.
4. Personnel who have been laid off shall be eligible to apply for advertised positions that would result in a promotion. Employees in the recall pool shall be given the same consideration for promotion as all other qualified applicants, but shall not be given preference for promotion solely because of recall pool status.

~~I. Personal Property Loss Fund~~

- ~~1. The School Board of Dade County, Florida agrees to establish and maintain a Personal Property Loss Fund of \$3,000 for confidential exempt employees. Guidelines for utilization of the fund shall be developed and administered by the Accounts Payable Department and shall be in compliance with necessary Board rules governing such expenditures of funds. Loss or damage to personal property, exclusive of personal vehicle damage, during the regular working day are to be covered.~~
- ~~2. Maximum reimbursement per claim shall be \$200. Reimbursement will not be provided for any loss already covered by a claimant's personal insurance policy. No reimbursement shall be provided for claims under \$10. Claimants shall be required to produce a sales receipt and the damaged property, if available. When a sales receipt is unavailable, the amount of reimbursement recommended shall be totally at the discretion of the Accounts Payable~~

Department.

3. ~~When multiple items are damaged or stolen in a single incident, only one claim may be submitted for all such items. Coverage shall be limited to losses due to theft or damage which are incurred during the claimant's course of employment. No coverage shall be provided for losses resulting from a claimant's negligence. Theft of money is not covered.~~

III. CLASSIFICATION SYSTEM

A. Classification and Reclassification

The following actions to create a position or effect other classification changes ~~may~~ shall be authorized by the Superintendent of Schools, upon recommendation by the ~~Deputy Superintendent~~ Chief Personnel Officer, for Personnel Management and Services Office of Human Resources.

1. The initial classification of all positions.
2. The reclassification of any positions covered under the confidential exempt groups of employees as specified on the XO salary schedule.

B. Job Description

Job descriptions shall provide a description of the kind of work, the qualification requirements, and the level of responsibility for each position. While the exact duties and responsibilities of the various positions may differ, all positions allocate to a given pay grade shall be sufficiently similar in nature (e.g., tasks to be performed, level of complexity, extent of job responsibilities, and minimum qualification requirements) to warrant similar treatment for personnel purposes.

Each job description shall be composed of ~~ten parts~~ the following:

1. Job Position Title - The official title given to the classification.
2. Job Code - The official number used to identify the position.
3. ~~Grade~~ - ~~The classification level, expressed as pay grade, assigned to the position.~~
3. Occupational Summary - Statements as to the principal elements of the classification in terms of the complexity of work responsibilities, supervision received and exercised, and other basic factors which serve to establish the general nature and level of the classification.

- ~~4. Department - The specific responsibility center to which the position is assigned.~~
- ~~5. Date - The time when the position was last officially reviewed.~~
- ~~6. Revision Number - Reflects the number of times dates the position has been officially reviewed since initially classified.~~
- 7 ~~4.~~ Function of Job - Example of Duties - Statement of typical tasks and responsibilities which may be required of the position, but are not restrictive as to duties which may be required of a specific position.
- ~~8. Job Tasks - Statements reflecting the principal duties of the classification in terms of the complexity of work responsibilities, supervision received and exercised, and other basic factors which serve to establish the general nature and level of the classification.~~
95. Physical Requirements - Brief description of Statement describing the physical requirements, physical activities and working conditions of the position.
406. Minimum Qualifications - Statements which delineate the attributes required for the position including knowledge, education, experience, skills, special demands, etc. of the type and extent of training and/or experience normally required of applicants for the classification, including academic degree level.

Job descriptions will be prepared, reviewed, and retained by the ~~Division of Wage and Salary Compensation Administration and the Office of Personnel Management and Services~~ Human Resources. There are four job evaluation factors used as the primary criteria for determining the assignment of a position to a pay grade through assignment of a degree and quantification for each factor; a. Knowledge and Skills b. Decisions and Responsibilities c. Working Relationships d. Working Conditions.

The Office of ~~Personnel Management and Services~~ Human Resources shall be responsible for conducting periodic studies (no less than every 3 years) to ensure that the classification system for confidential exempt employees is current and uniform, both internally and externally.

C. Job Reclassification

1. A request for job reclassification may be submitted to the Deputy Superintendent Chief Personnel Officer, for Personnel Management and Services Office of Human Resources, after it has been reviewed by the immediate supervising administrator. A job description and/or any other pertinent information to justify the reclassification shall accompany the request. The processing of such a request shall not be delayed, deferred, or denied. Upon receipt by the Office of Personnel Management and Services Human Resources of the request for reclassification, the Office of Personnel Management and Services Human Resources, normally within 50 working days, unless time is extended by mutual consent, shall render a decision. Compensation for approved reclassifications shall be effective upon approval, but no later than 50 working days from the date the request for reclassification is officially received by the Office of Personnel Management and Services Human Resources. Salary increases upon upward reclassification shall be adjudicated in the same manner as salary increases for promotion at the first step that provides at least a 2% increase in salary.
2. Any action taken by the Division of Wage and Salary Compensation Administration in regard to the classification or reclassification of a position may be appealed to the Deputy Superintendent Chief Personnel Officer, the Office of Personnel Management and Services Human Resources, and then to the Superintendent of Schools, if appropriate.
3. Positions may not be eliminated without approval by the School Board upon recommendation of the Superintendent of Schools.
4. Any confidential exempt employee shall have the right to request a review of salary grade determination for his/her position.
5. Reclassification requests will not be considered in the first half of a budget period (July 1—December 31) and from January 1 through March 31 of each year. Reclassifications denied may not be resubmitted in the same budget period. Where deemed appropriate, the Deputy Superintendent Chief Personnel Officer, Office of Personnel Management and Services Human Resources, is authorized to waive this provision.

D. Pay Grade Adjustment

Compensation Administration, may adjust the pay grade of a job in the employee group to achieve a greater degree of equity in the grade relationship of jobs in the employee unit. In the event the pay grade of a position is so adjusted, the employee's rate of pay shall remain the same.

unless the current rate of pay is less than the minimum of the new grade, in which case, the rate of pay shall be adjusted to the minimum of the new grade.

D.E. Job Vacancies

1. Unless otherwise authorized by the Superintendent of Schools or designee, job vacancies will be advertised in job fliers issued by the Office of ~~Personnel Management and Services~~ Human Resources. Confidential exempt personnel will receive priority consideration for such job vacancies, provided that all established job requirements are satisfactorily met. In the event a work location supervising administrator determines that a vacancy will be filled by a qualified and eligible confidential exempt employee at the work location, the administrator is authorized to waive the requirement for advertising such vacancy.
2. Confidential exempt employees shall be notified of non-selection for a position within 7 seven working days by the selecting administrator.

IV. CAREER LADDER AND PROFESSIONAL GROWTH

A. Career Ladder

1. To encourage confidential exempt personnel to enter the teaching profession, the School Board authorizes confidential exempt employees who become certified to teach and are hired for full-time teaching positions, to be placed on the teachers' salary schedule at the first step which would provide them a salary increase.
2. The School Board recognizes that confidential exempt employees, through their service to the school district, acquire significant and valuable administrative experience and skills. Accordingly, confidential exempt employees who meet minimum qualification requirements shall be given special consideration for advancement to an open entry-level managerial position. Confidential exempt employees ~~who meet the minimum educational requirements~~ shall be allowed to substitute creditable experience in related office employment for required experience in a related field.

B. Professional Growth

1. Inservice Seminars

Confidential exempt employees shall be afforded opportunities for involvement in the M-DCPS secretarial/clerical inservice seminars, courses, and/or academic programs, as well as those presented by

educational or professional organizations, which would be beneficial to them in improving their professional skills. Upon proof of completion, credit will be given.

2. ~~The Bureau of Human Resource~~ Training and Development (non-instructional) shall be utilized to provide programs to confidential exempt employees which would benefit their progress within the Miami-Dade County Public Schools system. Confidential exempt employees will be compensated at the same rate ~~that is~~ authorized for office personnel for courses taken through the M-DCPS Inservice Education Program, M-DCPS/PSP (Professional Secretary Program) and employees who take and pass the Certified Professional Secretary Examination.
3. Training and Development will be responsible for scheduling and advertising all courses within the Professional Office Personnel Development Program (POPDP). Additionally, the geographic distribution of all POPDP courses will be coordinated throughout the district to facilitate accessibility to these courses. Courses will be advertised to all work locations on an ongoing basis.
4. POPDP courses satisfactorily completed by part-time employees will not be compensated. However, course credit will be banked until such time as the employee becomes full-time.
5. Professional Secretary Program
 - a. The optional Professional Secretary Program (PSP) will be comprised of designated courses within the POPDP. Upon successful completion of the program, the participants will receive a certificate of completion and will be eligible for the Professional Secretary Supplement.
 - b. There may be collaboration between M-DCPS and other institutions (e.g., colleges, schools, universities) to offer courses for office personnel to satisfy the requirement of the Professional Secretary Program. Any tuition, fees, etc., are the responsibility of the employee/student.
 - c. College courses satisfactorily completed will be individually reviewed and considered in lieu of courses taken in the Professional Secretary Program.

C. Educational Assistance

~~Effective 1990-01, the~~ School Board agrees to provide tuition reimbursement to Confidential Exempt employees for courses completed at local accredited institutions of higher learning under the

following conditions:

1. To be eligible for tuition reimbursement, courses must be part of a formal program leading to a Bachelor's or Master's degree, or must strengthen professional skills and improve effectiveness in performance of the employee's duties.
2. Prior approval by the confidential exempt employee's immediate supervisor or his/her designee is needed. Such approval shall be given when the course work is directly related to the performance of the exempt employee's assigned duties.
3. ~~The total tuition reimbursement program shall not exceed \$10,000 per fiscal year and will be awarded to employees on a first come, first serve basis in the following priority order.~~
 - a. ~~Employees seeking a Bachelor's degree shall be eligible for up to nine undergraduate credits per fiscal year~~
 - b. ~~Employees seeking a Master's degree shall be eligible for up to nine graduate credits per fiscal year.~~
 - c. ~~Employees seeking a Bachelor's degree shall be eligible for up to an additional six undergraduate credits per fiscal year.~~
 - d. ~~Employees seeking a Master's degree shall be eligible for up to an additional six graduate credits per fiscal year.~~

Reimbursement per employee shall not exceed 9 credits per fiscal year at \$130 per semester hour or the equivalent. Reimbursement shall occur no later than October 1 of each year for the previous fiscal year. in a timely fashion upon verification of submitted required documents.

4. ~~To obtain tuition reimbursement, the employee's supervisor shall submit a purchase requisition to the Bureau of Financial Affairs, Accounts Payable, an application to Compensation Administration, with the following attached:~~
 - a. The official transcript (with raised seal) indicating successful completion of the course(s) and the credits earned; and,
 - b. Verification from the college/university of the tuition paid (Form FT1).
5. Requests for tuition reimbursement must be submitted no later than three months after the completion of the term/semester during which the course was completed.

V. ~~COMPLAINTS AND DUE PROCESS~~ EMPLOYEES RIGHTS AND DUE PROCESS

A. Communication/Complaints

- ~~1.~~ It is the intent of this section to assure that complaints are resolved in an expeditious, orderly and equitable manner. The initiation of a complaint by an employee will not be used as a basis for actions that adversely affect the employee's standing with his/her supervisor.
- ~~2.~~1. All administrative heads will make a conscientious effort to fully consider and understand the nature and basis of the an employee complaint and resolve it within 15 working days.
- ~~3.~~2. In case the employee is not satisfied with the disposition of the complaint, the employee may appeal within 10 working days to the next level of supervision. The supervising administrator will render his/her decision within 15 working days.

B. Probationary Employees

Employees who are new to the school district shall be considered probationary for the first 90 working days. During the probationary period, the employee may be terminated without recourse.

~~B. C~~ Due Process

1. Where an administrator has determined that discipline may be appropriate for an employee, the employee shall be notified and may be accompanied at the conference by a fellow employee within the department/office/~~B~~ureau or a member of the Confidential Exempt Steering Committee.
2. At the conclusion of the conference, the administrator will provide the employee with a written summation of the conference, along with the proposed disciplinary action. The employee has the right to respond in writing to the administrator's comments.
3. All confidential exempt employees are subject to annual reappointment/non-reappointment after they successfully complete their probationary period.

VI. EVALUATION PROCESS

~~Assessing the work performance of confidential exempt employees provides a mutual benefit for all personnel. The assessment form (attached as~~

~~Appendix B of the guidelines) is available for use by the supervising administrator upon the request of the confidential exempt employee. As an option to the form, the confidential exempt employee and the administrator may agree on a narrative evaluation.~~

~~The assessment is optional at each work location. When a confidential exempt employee is evaluated, a copy of the evaluation shall be placed in his/her personnel file in the Office of Personnel Management and Services.~~

~~For 1990-91, the proposed assessment form and Evaluation Procedures will be piloted and evaluated for full implementation in the 1991-92 fiscal year.~~

VI. EMPLOYEE BENEFITS

VII A. Employee Assistance Program

The School Board recognizes that a wide range of problems not directly associated with confidential exempt employees job functions can have an effect on his/her job performance and/or attendance.

Assistance will be available to such through the Employee Assistance Program. The Employee Assistance Program is intended to help employees and their families who are suffering from such persistent problems as may tend to jeopardize an employee's health and continued employment. The program goal is to help individuals who develop such problems by providing for consultation, treatment, and rehabilitation to prevent their condition from progressing to a degree which will prevent them from working effectively.

Appropriate measures will be taken to insure the confidentiality of records for any employee admitted to the program, according to established guidelines and federal regulations.

Guidelines for the Employee Assistance Program, by reference, are included in School Board Rule 6Gx13- 4D-1.11.

Employee Rights:

Job security will not be jeopardized by referral to the Employee Assistance Program, whether the referral is considered a voluntary referral in which an employee elects to participate in the program, or a supervisory referral in which a supervisor uses adopted guidelines to refer an employee into the program.

An employee has the right to elect not to participate in the program and may discontinue participation at any time.

VIII. Insurance and Other Benefits

A. ~~Health Insurance (to be revised effective January 1, 1991)~~

- ~~1. Board paid health and life coverages are provided to all eligible employees.~~
- ~~2. Group coverage is provided to employees effective the first day of employment. All employees are automatically enrolled but, to prevent any delay in claims payment, employees must sign the enrollment forms and they must be turned in by the announced deadline date. Employees not turning in enrollment forms by the applicable date will be enrolled in the "automatic option" and will not be able to enroll dependent. Premium for the employee's coverage is paid by the School Board.~~
- ~~3. Effective January 1, 1990, the indemnity insurance plan will change in the following manner:
 - ~~a. The employer agrees to provide the 1989 level of health insurance benefits for full time permanent employees through December 31, 1989.~~
 - ~~b. The Board agrees to pay the full cost for the employee's choice of items 1) 2) and 3) below. The employee will pay the full cost for his/her enrolled dependents(s).~~
 - ~~c. Effective January 1, 1990, all new hires (including rehired employees and employees on pay direct leave benefits) will be permitted to enroll in HMOs only, section 2) and 3) below.~~
 - ~~d. Dependents of active employees, anyone eligible for COBRA benefits, and retirees who reside more than 3 continuous months a year in an authorized health maintenance organization (HMO) service area within the State of Florida, will be eligible to obtain services in such areas where offered by the respective HMOs.~~~~

~~1) METROPOLITAN LIFE~~

~~MANAGED HEALTH PROGRAM~~

~~The program which was formerly the PPO will be renamed the MANAGED HEALTH PROGRAM and will be structured with an "in-network program" and an "out-of-network program."~~

~~The in-network program will require selection and use of a primary care physician (which will include family practitioners, internists, pediatricians and~~

~~obstetricians/gynecologists). Primary care physicians must make all referrals for specialists, hospitalizations and other advanced procedures. Use of specialists will require a \$20. The \$10 co-payment for primary care physicians will remain in place. There will be a flat \$250 per hospital confinement deductible, which will be limited to three deductibles per family per year. There will be a \$50 emergency room co-payment and a \$20 out-patient mental health co-payment. A local prescription drug program will be introduced which will allow for prescriptions to be obtained at specified local pharmacies with a \$5 co-payment for generic drugs and a \$10 co-payment for non-generic. All components of utilization review will become a part of this program.~~

~~Enrollees using non-network providers are automatically in an out-of-network program and will be required to pay a flat \$500 deductible which will apply to hospitals and/or doctors; the plan will pay only 70% of the in-network fee schedule (which is comparable to 50% of reasonable and customary charges). There will be an additional \$500 per hospital confinement deductible and a \$5,000 out-of-pocket limit, plus the deductibles, and all benefits will be subject to case management, otherwise they will not be counted toward the out-of-pocket maximum. There will be a \$20 out-patient mental health co-payment. The same drug programs as above will be offered. Pre-certification of hospitalizations are still mandatory, otherwise a 50% penalty will be applied to all benefits payable.~~

2) MET-LIFE HMO

~~The current \$5 co-payment for primary care physicians will be increased to \$10. For specialists, the new co-payment will be \$20 each visit. There will be a per hospital confinement deductible of 1% of salary up to \$250 which will be limited to no more than 3 deductibles per family per year. There will be a \$50 emergency room co-payment and a \$20 out-patient mental health co-payment. The only prescription program will be the local pharmacy with a \$5 co-payment for generic drugs and a \$10 co-payment for non-generic.~~

3) STAFF/GROUP MODEL HEALTH MAINTENANCE ORGANIZATIONS - Humana and C.A.C.

~~The current two staff model health maintenance organizations will continue with the addition of a \$5 co-payment as the only significant change from 1989 benefit levels.~~

~~B. Medical Plan (Retirees)~~

- ~~1. All eligible retirees and eligible dependents of retirees will be able to select any of the abovementioned health plans. All premium costs will be borne by the retiree.~~
- ~~2. Inasmuch as many retirees have moved to locations outside of the South Florida area, several accommodations will be made for their benefit. They are the following:~~
 - ~~a. Retirees under the age of 65 living in areas outside a State of Florida HMO service area, will be permitted to enroll in a Metropolitan Life program and be reimbursed at 70% of reasonable and customary charges. There will be a \$300 annual deductible, the out of pocket maximum will be \$3,000 a year excluding the deductible, and there will be no per confinement deductible. All other benefits and restrictions will apply.~~
 - ~~b. Retirees living or moving to locations outside a service area will also be eligible to convert to a private indemnity insurance program. Once this conversion is effected, they will no longer be a part of the Board's retiree group.~~

~~C. Life Insurance~~

- ~~1. Effective January 1, 1990 all eligible employees shall choose life insurance:~~
 - ~~a. Equal to two times the employees annual base salary effective January 1 of each year. Any income taxes for amounts in excess of \$50,000 (the current tax exempt amount) shall be paid by the affected employee.~~
- ~~OR~~
- ~~b. Equal to \$50,000 only.~~
 - ~~c. If an employee does not indicate a choice on the appropriate form, Option 1 will be the automatic option. Employees will only be able to switch annually during the annual open enrollment period for changes effective the following January 1. Employees wishing to switch to Option 2 from Option 1 may~~

~~do so without proof in insurability. In subsequent years anyone wishing to switch from Option 2 to Option 1 will have to prove insurability to the satisfaction of the Insurance Company.~~

- ~~2. Employees shall be given the option of purchasing an additional amount of life insurance equal to the employee's base salary, at the same rate. optional coverage shall be paid for by the employee.~~

~~D. CAFETERIA BENEFIT PLAN VARIETY OF INDIVIDUAL SELECTIONS TRUST ACCOUNT (VISTA)~~

- ~~1. A "cafeteria plan" is provided for the exclusive purpose of purchasing the optional fringe benefits listed as part of the cafeteria plan. The amount of \$35 per month per eligible employee, or \$52.50 if a Health Maintenance Organization is chosen for the employee's medical plan, excluding those on Board approved leave, will be provided by the Board effective January 1, 1986. The following conditions will prevail:
 - ~~a. Changes shall not be permitted except on a calendar year basis unless a family status change occurs which, based upon the plan manager's and IRS guidelines, may warrant allowing the change.~~
 - ~~b. Employees not choosing either a basic core benefit or cafeteria benefit within 60 days of eligibility will be enrolled in the automatic option.~~
 - ~~c. The Board will establish an appropriated reserve to implement the cafeteria plan in which interest earning, rate refunds, and/or premium credits (less the Board's cost for management services) will be kept under control of the Board, but be used to offset future premium increases, additional benefits and be maintained for the exclusive use of the employees. Any surplus funds, shall be used by the Board to offset costs of core group insurance premiums (health and life insurance) paid by the Board. The appropriated reserve for the cafeteria plan shall initially be based upon the number of budgeted full time employees at the time of final budget adoption plus the number of actual full time unit employees on leave. The reserve shall be adjusted at the beginning of each fiscal year based upon the number of actual unit billings and credits during each month of the previous fiscal year plus the amount of actual accrued interest earnings from invested funds during the previous fiscal year. The interest earnings shall be computed during each month by using the average weekly Federal Fund rate less one percent of the previous month. If any differences in premium between the per employee contribution and the actual premium for the various options exist, such differences will remain on~~~~

deposit in the fund.

2. ~~Effective January 1, 1985, an escrow trust account is established in the name of "VISTA Deposit Account Dade," for the exclusive benefit of eligible employees. A payroll reduction mechanism is provided for each participating eligible employee who wishes to make contributions to the VISTA Deposit Account Dade, in accordance with the provisions of the VISTA plan document which, by reference, is made part of this Plan. Experience rating refunds, dividends, interest earned, forfeiture funds, etc. on this account will be retained in the account for the exclusive benefit of plan participants (employees). Balances in the account and disposition of account balances will be used to offset core group insurance premium increases by the Board.~~
 - a. ~~The VISTA Management Company, herein known as "VISTA," a Florida corporation domiciled in Tallahassee, Florida, will be the plan manager responsible to DCPS for plan management, enrollment, and service. The agreement with VISTA will be for one year, with two one year renewals if authorized by the Board. VISTA will be provided with reasonable access to eligible employees for the purpose of enrolling them into the plan, and for servicing of their accounts, once enrolled. VISTA will be provided a listing of eligible employees by work location. Effective January 1, 1990 VISTA (the plan manager) will receive a management fee of \$4.25 per employee per month for the above mentioned services which will be subtracted from the total remuneration received from the Board's contributions. The employee's salary reductions will be paid by the enrolling employees, and there will be no fees for employee reduction for VISTA benefits.~~
 - b. ~~Plan contributions will be remitted to the VISTA Deposit Account Dade, which shall be established at a legally registered credit union or bank. Contributions shall be made to the account in a timely fashion following the pay period the salary reduction occurs.~~
 - c. ~~Data on magnetic tape will be supplied to VISTA, in a timely fashion, relative to the operation of the account in a format mutually acceptable to the Board and VISTA.~~
 - d. ~~Information will be supplied to VISTA for each participating employee's Board paid life insurance and salary, so that the plan can comply with applicable Internal Revenue Service regulations.~~
 - e. ~~The plan manager's books and records will be subject to DCPS audit at the plan manager's expense. The plan manager, at its~~

~~expense, will provide the Board with periodic (at least monthly) reports, in a format mutually agreed to by the Board and the plan manager, with quarterly utilization reports.~~

- ~~f. No later than April 15, each year the plan manager will provide an analysis of the year-to-date performance of the programs for the previous calendar year. Following acceptance of the data, the Board will determine the balances in the account and disposition of such balances.~~
 - ~~g. Employees on leave will only be permitted to enroll in the plan upon return to active status on the first day of the month following 30 calendar days of active employment. Individual questions as to employee eligibility will be resolved for both active and on-leave employees by the Deputy Superintendent for Personnel Management and Services.~~
 - ~~h. VISTA shall, at all times, comply with existing federal and state laws, rules, and/or regulations. The provisions herein relating to the VISTA plan should automatically be amended to conform to changes in any of the above stated laws, rules, and/or regulations, provided such changes do not require additional Board liability of contributions.~~
- ~~3. VISTA Management Company, Public Employees Services Company, and Fringe Benefits Management Company, the parent company, VISTA agrees to indemnify, save harmless, and defend The School Board of Dade County, Florida, its employees and agents, from and against any and all claims, liability, losses, causes of action, cost or expense of whatever kind or nature (including, but not by way of limitation, attorney's fees) which may arise out of the "Variety of Individual Selections Trust Account," known as "VISTA." Surety bonds, as required by the State of Florida on behalf of the above-referenced companies will be endorsed to provide that The School Board of Dade County, Florida, its employees and agents will be added as named insured.~~

B. Fringe Benefits Agreement

All fringe benefits are subject to change annually upon approval by the School Board.

C. Health Insurance and Flexible Benefits Coverage

1. Benefits will be made available to all eligible full-time employees, as determined by the School Board, consisting of health insurance and a variety of selections from the flexible benefits offerings.

2. Coverage for health benefits for full-time employees begins the first day of employment. Coverage for flexible benefits begins the first of the month following the date of hire. Coverage for dependents is effective the first of the month following the first payroll deduction. Coverage for all such employees and covered dependents will expire on the last day of the last month of employment. Ten month employees who terminate or retire on the last day of school in June (and their covered dependents) will be carried forward until August 31st of the same year. Coverage for dependents must be continued until the end of the calendar year, unless a family status change occurs, pursuant to Internal Revenue Service rules.

D. Life Insurance

1. Eligible full-time employees will receive term life insurance equal to two times the employee's annual base salary effective January 1 each year, for the term of this contract. Such coverage is paid by the School Board.
2. Optional coverage is available to be purchased through payroll deduction for up to a maximum of five times the annual base salary. Proof of insurability to the satisfaction of the insurance company may be required for the optional coverage.
3. Dependent term life coverage is also made available through payroll deduction, pursuant to terms agreed to by the School Board and the contracted company.

E. Terminal Pay

Terminal pay shall be provided pursuant to School Board Rule 6Gx13-4E-1.16, - Terminal Pay-Exempt Managerial and Confidential Personnel.

~~F. Retirement Incentive Programs~~

- ~~1. The Board agrees to provide at Board expense a supplemental early retirement plan to eligible full-time confidential exempt employees who met eligibility requirements by July 1, 2000.~~
- ~~2. For employees retiring from full-time service on or after July 1, 1986 and who are retiring and terminating within the fiscal year (defined to allow completion of the current school year) in which they first become eligible for normal retirement as defined in 3 a., b., and c. below, the Board will establish a temporary retirement incentive program, for confidential exempt personnel, which will provide reimbursement of the retiree's personal health insurance or health maintenance organization premiums until such time as the retiree becomes eligible for Medicare Parts A and B, at which time said~~

~~reimbursement shall no longer be made.~~

- ~~3. The date when an employee first becomes eligible for benefits under this section will include the earliest of the following:~~
 - ~~a. An employee's eligibility for normal retirement under the Florida Retirement System; or~~
 - ~~b. An employee's eligibility for normal retirement under the Teachers' Retirement System; or~~
 - ~~c. An employee's eligibility for normal retirement under the State and County Officers and Employees Retirement System.~~

~~In addition, employees who retire under the M-DCPS' Early Retirement Plan as outlined in F.1. and 2. of these guidelines shall be eligible.~~

~~During the first year of this plan (fiscal Year 1986-87), employees currently in full-time service but eligible for normal retirement as defined above will be considered as first becoming eligible for normal retirement if they retire during fiscal year 1986-87 for purpose of this benefit.~~

~~Effective July 1987, the reimbursement will be paid once annually, during the month of October, upon presentation of a paid premium invoice and a copy of a cancelled check or money order. All substantiation must be submitted to the Division of Risk and Benefits Management by August 31 or of the respective year, on designated forms.~~

~~The amount of reimbursement will be prorated by the complete calendar months of coverage, but limited to no more than \$1,200 annually, effective July 1, 1988.~~

~~G~~F. Holidays and Annual (Vacation) Leave

Confidential exempt employees shall be granted paid legal holidays and annual leave (vacation) leave pursuant to Florida Statutes, School Board Rule 6GX13- 4E-1.18, Holiday and Annual (Vacation) Leave, and the school calendar adopted annually by the School Board.

~~H~~. Early Dismissal

~~On the last work day which precedes a holiday or recess, administrators shall have the authority to release confidential exempt employees one hour early.~~

~~J.~~ **Release Time**

~~Release time for a designated confidential exempt employee will be granted to attend School Board meetings that relate to confidential exempt issues.~~

G. **Leaves**

~~J.~~ 1. **Sick Leave**

Each confidential exempt employee employed on a full-time basis shall be credited with four days of sick leave at the end of the first month of employment of each fiscal year and shall thereafter be credited for one day of sick leave for each month of employment, which shall be credited to the employee at the end of the month and which shall not be used prior to the time it is earned and credited to the employee. However, each employee shall be entitled to earn no more than one day of sick leave times the number of months of employment during the year of employment. ~~If the employee terminates his/her employment and has not accrued the four sick days available for him/her, the School Board may withhold the average daily amount of the sick days utilized but unearned by the employee.~~ Employees may use up to six days personal leave with pay per year provided that such days shall be charged against the employee's currently accrued sick leave; such leave is non-cumulative.

~~K.~~ 2. **Medical Leave**

Confidential exempt employees may be released from their work without penalty for up to two hours for the purpose of medical and/or dental care, with verification upon return.

~~L.~~ 3. **Additional Sick Leave**

4. An employee who has exhausted all of his/her sick leave or extra sick leave to which he/she is entitled shall be considered automatically on leave without pay (not to exceed 30 consecutive days) with the School Board's approval until such employee returns to work. Leave without pay for illness is considered only a protection of one's employment rights.

- a. Where such leave is in excess of ten days an employee is eligible for vacation or holiday pay (while absent) only for the number of days he/she has accrued.
- b. The preceding paragraph shall not apply to employees receiving compensation for illness or injury-in-line-of-duty.

- c. Employees whose illness requires an absence of over 30 days without pay must file an application for extended sick leave indicating the anticipated length of such absence and supported by a statement from competent medical authority. Such leave may not extend beyond three consecutive years, approved one year at a time.

4. Use of Sick Leave by Family Member

Pursuant to School Board Rule 6Gx13- 4E-1.01, Absences and Leaves, a district employee may authorize his or her spouse, child, parent, or sibling who is also a district employee to use sick leave that has accrued to the authorizing employee. The recipient may not use the donated sick leave until all of his or her sick leave has been depleted, excluding sick leave from a sick leave pool, if the recipient participates in a sick leave pool. Donated sick leave shall have no terminal value for purposes of Section VI., E, above.

~~2. Hardship Leave~~

~~An employee eligible for sick leave may receive extra hardship leave time for his/her own illness up to a maximum of 30 additional working days for the same illness per fiscal year, provided that:~~

- ~~a. Documentary evidence is presented by a Board approved physician to the Board proving that this particular illness necessitated confinement, either to home or hospital, which prevented the employee from reporting to work. The employee must be confined for 10 working days or more, without available sick leave in order to receive this benefit.~~
- ~~b. The word "confinement" means medical restriction requiring isolation from the work place, not physical enclosure.~~
- ~~c. The time granted for extra hardship leave will be on the basis of one day for each two days of confinement (30 working days is the maximum allowed any fiscal year for any and all extra hardship leave).~~
- ~~d. Extra hardship leave may be granted an employee while on leave from the Board if illness is the same one for which he/she was granted a leave of absence.~~
- ~~e. Application for hardship leave must be submitted to the Leave office no later than one year after the conclusion of the confinement period.~~

~~3.~~ Dire Emergency Leave

~~Dire emergency leave may be granted to an employee following a hardship leave if the illness is the same one for which he/she was granted a hardship leave of absence. Documentary evidence from a Board-approved physician must be submitted with the application for dire emergency leave. This evidence must confirm that confinement, either to home or hospital, further prevented the employee from reporting to work. The employee must be confined for 10 working days or more, without available sick leave, in order to receive this benefit. Dire emergency leave will be computed on the basis of one day for each two days of confinement. This leave cannot exceed 30 working days. Application for dire emergency leave must be submitted to the Leave office no later than one year after the conclusion of the confinement period.~~

M.5. Parental Leave

A parental leave of absence with pay, if applicable, or without pay, shall be granted to an employee for the purpose of childbearing and/or parenting as follows:

- ~~1.~~ a. An employee who is pregnant shall be entitled upon request to a leave to begin at any time between the commencement of her pregnancy and one year after a child is born to her.
 - ~~a.~~ 1) The employee shall notify her immediate supervisor, in writing, of her desires to take such leave and, except in a case of emergency, shall give such notice at least 30 days prior to the date on which her leave is to begin. She shall include with such notice either a health care provider's statement certifying her pregnancy or a copy of the birth certificate of her child, whichever is applicable.
 - ~~b.~~ 2) An employee who is pregnant may continue active employment as late in her pregnancy as she desires provided she is able to properly perform her required functions as certified by her health care provider.
 - ~~c.~~ 3) All or any portion of a leave taken because of a medical disability connected with or resulting from pregnancy may, at the employee's option, be charged to her available sick leave.
- ~~2.~~ b. A male employee shall notify his supervisor, in writing, of his desire to take parental leave to begin at any time between the birth of his child, and one year thereafter. Except in

cases of emergency, such notice is to be given at least 30 days prior to the day on which the leave is to begin.

3. c. An employee adopting an infant child (i.e., one year of age or less) shall be entitled upon request to a leave to commence at any time during the first year after receiving de facto custody of said infant child, or prior to receiving such custody, if necessary, in order to fulfill the requirements for adoption.
4. d. An employee who is granted a parental leave of absence, pursuant to the above, shall have the following re-employment rights:
 - a. 1) When an employee notifies the supervisor or the ~~Deputy Superintendent~~ Chief Personnel Officer, for the ~~Office of Personnel Management and Services~~ Human Resources, of the desire to return to active employment after parental leave, except for early return, he/she shall be assigned to the same position held at the time the leave commenced.
 - b. 2) If that position is no longer in existence, the employee shall be assigned to a substantially equivalent position.
5. e. An employee on parental leave may elect to use any accrued vacation (annual leave), personal leave with pay, and/or sick leave before entering leave-without-pay status.
6. f. While the employee is on parental leave-without-pay status, the School Board will continue to provide liability, health, and life benefits on the same basis as would have been provided had the employee remained at work. The School Board will also continue appropriate contributions to the IRS Section 125 Cafeteria Plan. The employee may continue to make contributions to those compensation or employment benefit plans which permit continuation of such contributions.
7. g. Failure of an employee to respond to the official Letter of Intent from the Office of Personnel Management and Services Human Resources ~~Letter of Intent (MIS 12328 REV. 7-89)~~ or to return to work immediately following the expiration of parental leave shall be deemed willful neglect of duty.

N. Extended Professional Leave

~~Full-time employees may be granted extended professional leave~~

~~to study without pay for up to two years. Such leave will be applied for one year at a time with documentation showing that the employee is a full-time student at a college or university. An employee may also be granted extended professional leave to engage in activities for which no college credit is granted provided it is determined by the Superintendent of Schools or designee that these activities will enhance the employee's professional competence. Any employee on such leave will be entitled to Board-paid fringe benefits.~~

0. 6. Personal Leave Without Pay

- ~~1.~~ a. Leave of absence, without pay, may be approved for personal reasons for full-time regular employees. Such a leave may be approved by the Superintendent or designee for a period not to exceed 30 consecutive work days. Leave for a longer period, not to exceed two years (approved one year at a time), requires School Board approval except for leave granted in accordance with the provisions of the Worker's Compensation Law.
- ~~2.~~ b. Employment rights shall be protected. If the duration of the leave is 12 months or less, the employee shall be returned to the same position held prior to the commencement of the leave. If the position no longer exists or if the duration of the leave is longer than 12 months, the employee shall be assigned to a position of like status. In the event no position of like status is available, the employee shall be laid-off and placed in the recall pool.
- ~~3.~~ c. Unless the employee has notified the Office of ~~Personnel Management and Services~~ Human Resources requesting an extension of leave, and has received approval from the Office of ~~Personnel Management and Services~~ Human Resources for such extension, failure to return at the expiration of such leave shall be deemed termination of employment with M-DCPS.
- ~~4.~~ d. Any employee on leave may make contributions to those compensation or employee benefit plans which permit or provide for the continuation of such contribution.
- ~~5.~~ e. Employees may not request personal leave without pay until they have completed at least three years of continuous full-time employment with the Miami-Dade County Public Schools.
- f. School Board-paid fringe benefits will be authorized for a

maximum of one year for each personal leave without pay granted. Employees will have the option to purchase fringe benefits at a group rate for the second consecutive year of a School Board-approved personal leave without pay.

7. Extended Professional Leave

Full-time employees may be granted extended professional leave to study without pay for up to two years. Such leave will be applied for one year at a time with documentation showing that the employee is a full-time student at a college or university. An employee may also be granted extended professional leave to engage in activities for which no college credit is granted provided it is determined by the Superintendent of Schools or designee that these activities will enhance the employee's professional competence. Any employee on such leave, except those approved for full-time employment, will be entitled to School Board-paid fringe benefits.

8. Leave Limitations

The following overall limitations shall apply to any combination of leaves, regardless of category.

- a. The number of calendar years granted for any single period of continuous leave of absence without pay, with the exception of extended military leave, shall not exceed the number of creditable years earned with M-DCPS immediately preceding the leave request, up to a maximum of ~~two (2)~~ three (3) years.

9. Early Dismissal

On the last work day which precedes a holiday or recess, administrators shall have the authority to release confidential exempt employees one hour early.

10. Release Time

Release time for a designated confidential exempt employee may be granted to attend School Board meetings that relate to confidential exempt issues.

P.H. Expenses for Travel Within Miami-Dade County

Confidential exempt employees who are required to travel within the county on special assignments shall be reimbursed for travel in a privately-owned vehicle on the basis of the maximum amount prescribed by law for distances actually traveled on official business as established in

Florida Statutes.

Q- I. Physical and Psychological Examinations and Tests

The choice of examining medical specialists from among state-licensed physicians, psychologists, or psychiatrists shall be made by the employee from a list provided by the employer. No employee shall be compelled to submit to any test or examination without a written statement of the need for such examination.

The cost of all physical, psychological, or psychiatric tests or examinations taken at the request or direction of the Superintendent or his designee, except those examinations or tests which are prerequisites of initial employment, shall be borne by the School Board.

A confidential exempt employee shall have the right to seek an additional opinion or judgment from among state-licensed physicians, psychologists, or psychiatrists of the employee's choosing. The cost shall be borne by the employee. When the option is exercised, the additional opinion shall be attached to any other medical opinions under consideration.

J. Personal Property Loss Fund

1. The School Board of Miami-Dade County, Florida agrees to establish and maintain a Personal Property Loss Fund of \$3,000 for confidential exempt employees. The fund is to be used for the purpose of reimbursement for theft or vandalism. Guidelines for utilization of the fund shall be developed and administered by and shall be in compliance with School Board rules governing such expenditures of funds. Loss or damage to personal property, exclusive of personal vehicle damage, during the regular working day are to be covered.
2. Maximum reimbursement per claim shall be \$200. Reimbursement will not be provided for any loss already covered by a claimant's personal insurance policy. No reimbursement shall be provided for claims under \$10. Claimants shall be required to submit a Personal Loss Fund Claim Form to Labor Relations together with a sales receipt, if available, and a security report, if applicable. If a sales receipt is not available, claimants shall submit a notarized list of the lost or damaged item(s) with estimated prices.
3. When multiple items are damaged or stolen in a single incident, only one claim may be submitted for all such items. Coverage shall be limited to losses due to theft or damage which are incurred during the claimant's course of employment. No coverage shall be provided for losses resulting from a claimant's negligence. Theft of money is not covered.

K. Confidential Exempt Employee of the Year

In an effort to continue recognizing outstanding office personnel, the Confidential Exempt Employee of the Year Committee shall develop and implement guidelines and procedures for the nomination, selection and recognition of an annual Confidential Exempt Employee of the Year. Release time with pay shall be granted to confidential exempt employees serving in this capacity.

APPENDICES

CONFIDENTIAL EXEMPT POSITIONS

Appendix A

JOB CODE	JOB TITLE	PAY GRADE
4041	<u>Executive Secretary to Superintendent</u>	L M
4042	Administrative Secretary IV <u>Executive Assistant to Deputy Superintendent of Schools</u>	L
4043	Recording Secretary to School Board	L
4044	Administrative Secretary III	J
4045	<u>Recording Secretary/Historian</u>	M
4048	Administrative Secretary to School Board	L M
4049	School Board Clerk <u>Clerk of The School Board</u>	J M
4050	School Board Office Manager	L M
4051	<u>Compensation Analyst</u>	K
4330	<u>School Board Receptionist</u>	D
4332	Administrative Aide III	J
4353	<u>Personnel Assistant</u>	E
4377	Security Systems Monitor <u>District Communications Management (DCOM) Specialist</u>	B C
4378	Senior Security Systems Monitor <u>District Communications Management (DCOM) Specialist</u>	F G
4532	Executive Secretary II	F
4533	Secretary to School Board Members	J L
4534	Executive Secretary I	D
4535	Secretary	B C
4539	<u>Budget Specialist</u>	K
4540	Secretary to School Board Attorney	K L
4541	Legal Assistant	K L
4542	Legal Secretary	G L
4545	Word Processing Operator	D
4546	Senior Word Processing Operator	E
4548	Office Manager	H
4549	Administrative Aide I	G
4551	Administrative Aide II	H
4552	Administrative Secretary I	G
4553	Financial Aide	G
4554	Administrative Secretary II	H
4555	<u>Legislative Secretary</u>	I
4559	SIU Support Specialist <u>Police Support Specialist</u>	C
4560	Executive Assistant to Deputy Superintendent	K
4561	<u>Records Specialist</u>	K
4562	<u>Clerical Testing Manager</u>	H
4563	<u>Textbook Inventory Analyst</u>	I
4564	<u>Financial Analyst</u>	I
4565	<u>Compliance Specialist</u>	I
4652	<u>Compliance Assistant</u>	I
4857	Senior Property Auditor	F
4929	Chief Test Distribution Clerk <u>Assessment/Testing Assistant</u>	F

Revised subsequent to Initial Reading - May 19, 2004

EVALUATION FORM

The School Board of Miami-Dade County, Florida, adheres to a policy of nondiscrimination in employment and educational programs/activities and programs/activities receiving Federal financial assistance from the Department of Education, and strives affirmatively to provide equal opportunity for all as required by:

Title VI of the Civil Rights Act of 1964 - prohibits discrimination on the basis of race, color, religion, or national origin.

Title VII of the Civil Rights Act of 1964, as amended - prohibits discrimination in employment on the basis of race, color, religion, gender, or national origin.

Title IX of the Education Amendments of 1972 - prohibits discrimination on the basis of gender.

Age Discrimination in Employment Act of 1967 (ADEA), as amended - prohibits discrimination on the basis of age with respect to individuals who are at least 40.

The Equal Pay Act of 1963, as amended - prohibits sex discrimination in payment of wages to women and men performing substantially equal work in the same establishment.

Section 504 of the Rehabilitation Act of 1973 - prohibits discrimination against the disabled.

Americans with Disabilities Act of 1990 (ADA) - prohibits discrimination against individuals with disabilities in employment, public service, public accommodations and telecommunications.

The Family and Medical Leave Act of 1993 (FMLA) - requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons.

The Pregnancy Discrimination Act of 1978 - prohibits discrimination in employment on the basis of pregnancy, childbirth, or related medical conditions.

Florida Educational Equity Act (FEEA) - prohibits discrimination on the basis of race, gender, national origin, marital status, or handicap against a student or employee.

Florida Civil Rights Act of 1992 - secures for all individuals within the state freedom from discrimination because of race, color, religion, sex, national origin, age, handicap, or marital status.

School Board Rules 6Gx13- 4A-1.01, 6Gx13- 4A-1.32, and 6Gx13- 5D-1.10 - prohibit harassment and/or discrimination against a student or employee on the basis of gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, pregnancy, or disability.

Veterans are provided re-employment rights in accordance with P.L. 93-508 (Federal Law) and Section 295.07 (Florida Statutes), which stipulate categorical preferences for employment.

Revised 5/9/03