

Office of Human Resources  
Chief Personnel Officer

**SUBJECT: PROPOSED AMENDMENT OF SCHOOL BOARD RULES: INITIAL READING**

**6Gx13- 4D-1.022, MANUAL OF PROCEDURES FOR MANAGERIAL EXEMPT PERSONNEL**

**6Gx13- 4E-1.16, TERMINAL PAY-EXEMPT MANAGERIAL AND CONFIDENTIAL PERSONNEL**

**COMMITTEE: LEGISLATIVE RELATIONS, PUBLIC RELATIONS AND PERSONNEL SERVICES**

At the School Board meeting of June 16, 2004, the Board authorized the Superintendent to initiate rulemaking proceedings to amend School Board Rules 6Gx13- 4D-1.022, Manual of Procedures for Managerial Exempt Personnel by amending Section G, Employee Benefits, of the document, Manual of Procedures for Managerial Exempt Personnel, which is incorporated by reference and a part of this rule, and 6Gx13- 4E-1.16, Terminal Pay-Exempt Managerial and Confidential Personnel. The proposed amendments are presented to add a Good Attendance Incentive to the Employee Benefits section of the document, and to incorporate changes made by the 2004 Legislature to Section 1012.61, Florida Statutes, regarding Terminal Pay provisions for employees other than instructional or educational support personnel.

Attached are the Notices of Intended Action, the proposed amended rules, and Section G, Managerial Exempt Personnel Employee Benefits, of the document, Manual of Procedures for Managerial Exempt Personnel. Changes from the current rule are indicated by underscoring words to be added and ~~striking-through~~ words to be deleted.

Authorization of the School Board is requested for the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act for the amendment of School Board Rules 6Gx13- 4D-1.022, Manual of Procedures for Managerial Exempt Personnel, and 6Gx13- 4E-1.16, Terminal Pay-Exempt Managerial and Confidential Personnel.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to amend School Board Rules 6Gx13- 4D-1.022, Manual of Procedures for Managerial Exempt Personnel by amending Section G, Employee Benefits, of the document, Manual of Procedures for Managerial Exempt Personnel, which is incorporated by reference and a part of this rule, and 6Gx13- 4E-1.16, Terminal Pay-Exempt Managerial and Confidential Personnel.

REU/am

## NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on July 14, 2004, its intention to amend Board Rule, 6Gx13- 4D-1.022, Manual of Procedures for Managerial Exempt Personnel, and the document, Manual of Procedures for Managerial Exempt Personnel, which is incorporated by reference and a part of this rule, at its meeting of August 18, 2004.

**PURPOSE AND EFFECT:** The purpose of the proposed amendment is to incorporate changes made by the 2004 Legislature to Section 1012.61, Florida Statutes, by amending Sections G-6, Leaves, and G-8, Terminal Pay, of the document, Manual of Procedures for Managerial Exempt Personnel, which is incorporated by reference and a part of this rule.

**SUMMARY:** The proposed amendment will modify annual sick leave pay and terminal pay provisions for employees other than instructional or educational support personnel, in accordance with statutory changes enacted by the 2004 Legislature.

**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:** 115.09; 115.14; 1012.01; 1012.22(1)(c)(4); 1012.40; 1012.61(2)(a)5; 1012.65; 1012.66 F.S.; 6A-4.0083; 6A-4.0084 FAC; Section 401(a) Internal Revenue Code

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF August 18, 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), Florida Statutes, must do so in writing by August 9, 2004, 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 to the public for inspection and copying at cost in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Mr. Rafael E. Urrutia  
Date: June 30, 2004

Compensation and Related Benefits**MANUAL OF PROCEDURES FOR MANAGERIAL EXEMPT PERSONNEL****I. Statement of Policy-Relations with Professional Associations of School District Administrators**

Administrators employed by the District and designated as managerial exempt have joined together in professional associations to further both the interests of public education and of the administrators themselves. Such associations can contribute to the orderly and proper operation of the District by presenting the concerns of the District's administrators to the Superintendent and to the School Board. Concerns of administrators which pertain to wages, benefits, and other terms and conditions of employment can most efficiently be presented to and considered by the Superintendent working with a single professional association. While individual administrators will always be free to present their personal views to the Superintendent and/or the Board, it has been determined that, as a matter of policy, the common concerns of managerial exempt administrators on matters pertaining to wages, benefits and other terms and conditions of employment should be presented to the Board through the Superintendent working with a single professional association.

Therefore, providing that a professional association can show that it represents a majority of the managerial exempt employees, the Superintendent shall recognize that association to represent all managerial exempt employees on common issues regarding wages, benefits, and other terms and conditions of employment. The Superintendent shall designate and inform the Board of the appropriate association to meet and confer with the Superintendent pursuant to this rule.

**II. Manual of Procedures for Managerial Exempt Personnel (MEP)**

The wages, benefits, and terms and conditions of employment of the District's managerial exempt employees shall be delineated in the Manual of Procedures for Managerial Exempt Personnel (MEP), which shall be incorporated into and be a part of this Board rule. Except when required by state or federal law, regulations, or when recommended by the Superintendent, the MEP will be amended annually, as necessary, subsequent to the completion of the "meet and confer" process.

The MEP will include, but not be limited to the following topics:

- A. Wages
- B. Classification of managerial exempt positions

- C. Compensatory benefits, e.g., health and life insurance, retirement, holidays, vacation, sick leave, disability leave, supplemental worker's compensation payments, tax-deferred annuity or salary deferment programs, and cafeteria plans
- D. Working conditions, e.g., travel reimbursement, continuing education, professional development, personal liability protection, leave policies (professional, military, personal leave of absence and parental), employee assistance programs
- E. Evaluation procedures
- F. Job assignment procedures
- G. Statement of human rights
- H. Investigation procedures
- I. Reappointment procedures
- J. Reduction in force/surplus/reorganization procedures
- K. Impartial District administrative review and hearing procedure for appeals of disciplinary actions
- L. Impartial District administrative review for resolution of non-disciplinary disputes, e.g., disputes over whether salary schedule, benefits or other working conditions are granted in accordance with the MEP or whether procedures in the MEP were followed.

**Note:** In the dispute resolution procedures set forth above in K and L, the association shall be permitted to represent and assist its members. All managerial exempt employees shall be permitted to utilize these procedures to resolve their disputes without the assistance or representation of the association; however, no precedent shall be established nor implied in any dispute resolution formulated without the participation of the association.

### III. Amendment of the MEP

- A. The Superintendent shall prepare proposed amendments and forward such to the association.
- B. The association shall notify the Superintendent in writing whether it concurs with the amendments as proposed or wishes to meet and confer with the Superintendent concerning proposals or to offer additional proposals.

- C. Should the association indicate its desire to meet and confer, the Superintendent or his designee(s) shall meet and confer with the association on a regular basis in an attempt to agree upon the proposed amendments to be presented to the Board; however, nothing herein shall preclude the Superintendent from recommending such amendments to the Board in the event an agreement is not reached on such amendments.
- D. When the association and the Superintendent agree upon the proposed amendments to the MEP, it shall be presented to the Board by the Superintendent. The association shall, prior to consideration by the Board, transmit to the Board the association's support of the proposed MEP.

IV. Association Rights

The following rights shall be provided to the association:

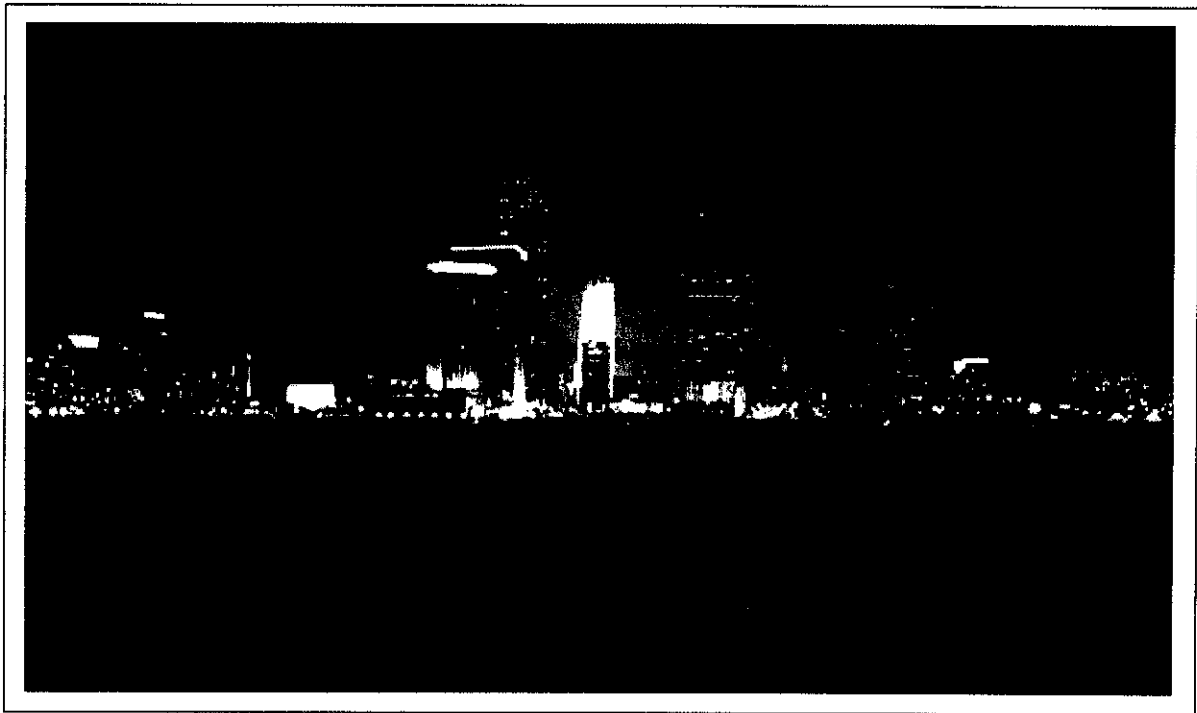
- A. Payroll deductions
- B. Inclusion in E-Mail subject to applicable laws and regulations
- C. Access to school facilities for the association's staff and officers to meet with managerial exempt employees at reasonable times which will not interfere with the employee's assigned duties, after giving notice to the supervising administrator at each facility
- D. Regularly scheduled meetings with the Superintendent, except when extenuating circumstances prevent such scheduled meetings from occurring
- E. Incorporation of this rule and the MEP into the contracts between managerial exempt personnel and the School Board as follows:

School Board Rule number 6Gx13- 4D-1.022 entitled "MANUAL OF PROCEDURES FOR MANAGERIAL EXEMPT PERSONNEL (MEP)" is hereby incorporated into this Contract and hereby made a part thereof, binding on both parties. This Contract is subject to the amendments to said rule.

Specific Authority: 1001.41(1)(2); 1001.42(22); 1001.43(10), F.S.  
Law Implemented, Interpreted or Made Specific: 115.09; 115.14; 1012.01;  
1012.22(1)(c)(4); 1012.40; 1012.61(2)(a)(~~4~~)5; 1012.65; 1012.66 F.S.; 6A-4.0083; 6A-  
4.0084 FAC; Section 401(a) Internal Revenue Code

History THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA  
New: 1-8-86  
Amended: 6-25-86; 10-15-86; 12-17-86; 9-30-87; 7-27-88; 10-18-89; 9-26-90; 8-21-91;  
6-24-92; 1-20-93; 12-14-94; 10-25-95; 3-5-97; 11-5-97; 6-10-98; 10-21-98; 8-25-99;  
3-15-00; 9-13-00; 4-18-01; 1-16-02; 5-14-03; 6-18-03; 8-20-03; 5-19-04

# *Manual of Procedures for Managerial Exempt Personnel*



*Miami-Dade County Public Schools  
Office of Human Resources*



Miami-Dade County Public Schools  
*giving our students the world*

*~~May 19, 2004~~*

*Initial Reading: July 14, 2004*

*Board Rule 6Gx13- 4D-1.022*

*C-28*

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

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Dr. Robert B. Ingram, Vice Chair  
Mr. Agustin J. Barrera  
Mr. Frank J. Bolaños  
Mr. Frank J. Cobo  
Ms. Perla Tabares Hantman  
Ms. Betsy H. Kaplan  
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Dr. Solomon C. Stinson**

~~Ms. Lynda Hunt-Dorta~~ Mr. Adam C. Rosen, Student Advisor

~~Mr. Merrett R. Stierheim~~  
Dr. Rudolph F. Crew  
Superintendent of Schools

~~Ms. Marjorie H. Adler~~  
Chief Personnel Officer  
Office of Human Resources



## **INTRODUCTION**

The Manual of Procedures for Managerial Exempt Personnel (MEP) addresses all Public Employees Relations Commission (PERC) approved managerial exempt positions. The provisions are intended to implement the policies established by the School Board Rules as they pertain to Managerial Exempt Personnel. This plan includes employment policies, guidelines, provisions and regulations governing the classification, compensation and performance appraisal system for managerial exempt personnel.

Intrinsic to this plan is the acknowledgment that administrative personnel are the designated leaders of the Miami-Dade County Public Schools (M-DCPS) workforce. As such, it is essential and expected that their efforts will serve to assist all other stakeholders in the School Board's central mission of enhancing the quality of our instructional program by providing the best possible programs and services to our students.

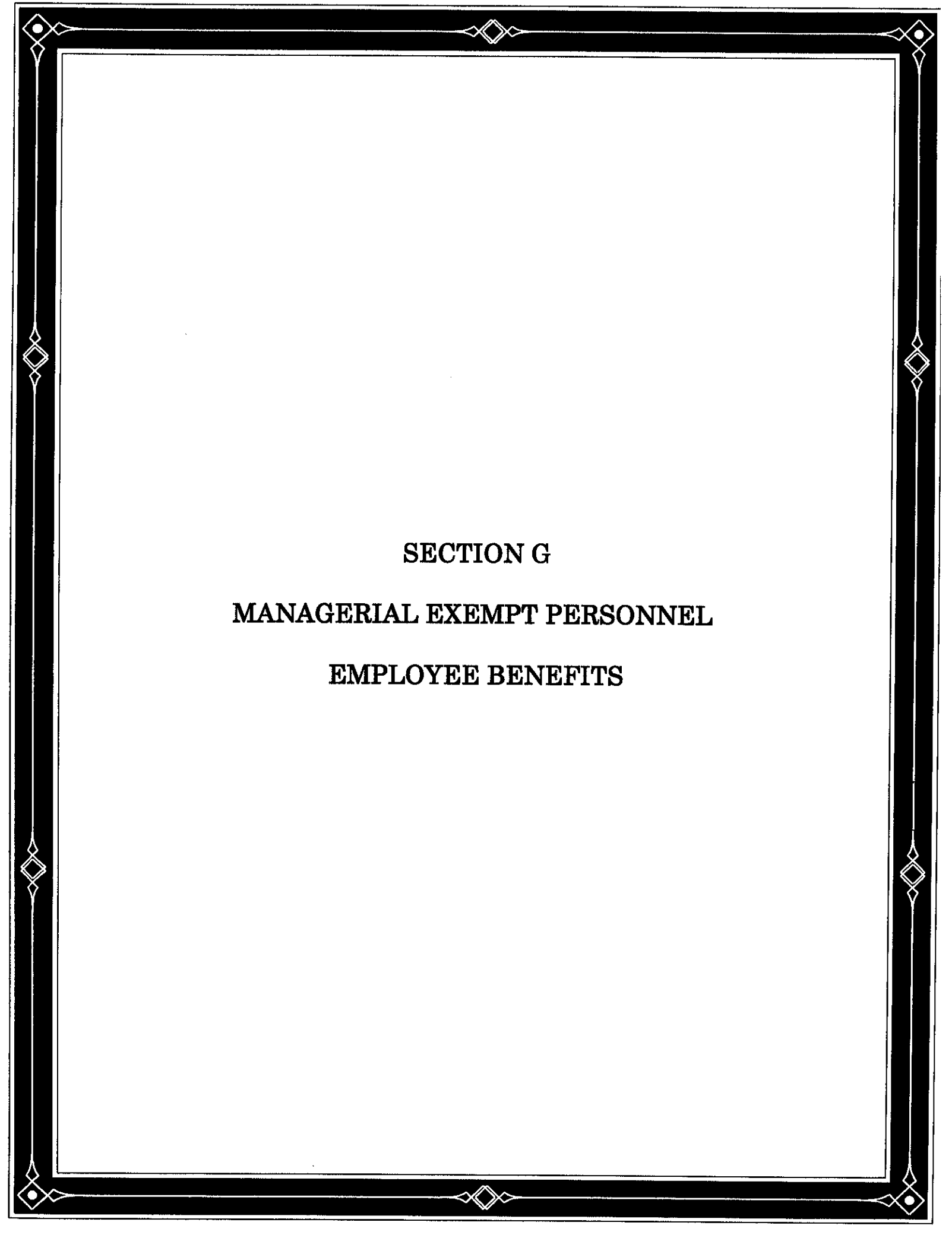
The provisions of this Manual are not to be interpreted in any way or manner to change, amend, modify, or to limit the exclusive statutory authority of The School Board and the Superintendent for the operation of the public schools in Miami-Dade County and the management of the school district.

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**SECTION G**  
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**EMPLOYEE BENEFITS**

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## **SECTION G**

### **MANAGERIAL EMPLOYEE BENEFITS**

#### **G-1 Employee Assistance Program**

- A. The School Board values its employees and recognizes the importance of maintaining a highly effective, productive workforce to carry out the mission of Miami-Dade County Public Schools.
- B. Assistance will be available to such administrators through the Employee Assistance Program. The Employee Assistance Program provides help to employees and their families who are suffering from problems that may jeopardize an employee's health and continued employment. The program's goal is to help individuals who develop such problems by providing for consultation, referral to treatment, and rehabilitation to curtail the condition from progressing to a degree which may prevent them from working effectively.
- C. Appropriate measures will be taken to ensure the confidentiality of records for any administrator admitted to the program, according to established guidelines and federal regulations.
- D. Guidelines for the Employee Assistance Program, by reference, are included in School Board Rule 6Gx13- 4D-1.11, Employee Assistance Program.
- E. Employee Rights:
  - 1. 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.
  - 2. An employee has the right to elect not to participate in the program and may discontinue participation at any time.

#### **G-2 Physical and Psychological Examinations and Tests**

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

- C. An administrator 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 administrator. When the option is exercised, the additional opinion shall be attached to any other medical opinions under consideration.

### **G-3 CHEMICALS**

In the event administrators are exposed to toxic chemicals as part of their ordinary duties, they will be given prescribed examinations and tests at the time of such exposure, and thereafter, as determined by the examining physician. Examinations or tests will be on the School Board's time and at the School Board's expense.

### **G-4 HOLIDAYS**

#### **A. Legal Holidays**

1. Independence Day --July 4
  - \*Labor Day --First Monday in September
  - \*Veterans' Day
  - \*Thanksgiving Day --Fourth Thursday in November
  - Christmas Day --December 25
  - New Year's Day --January 1
  - \*Martin L. King's Birthday
  - \*All Presidents' Day
  - \*Memorial Day --Last Monday in May

2. Holidays listed above with an asterisk (\*) shall be paid legal holidays.

#### **B. School Board Approved Holidays**

In addition to legal holidays, the following days have been approved as School Board approved holidays for twelve-month administrators:

Friday following the fourth Thursday in November (Thanksgiving). Two days in addition to December 25.

In the event December 25 falls on a Saturday or Sunday, School Board approved holidays shall be observed on Monday, December 26, Tuesday, December 27 and Wednesday, December 28.



C. Succession of Holidays

When one or more holidays in a succession of holidays falls on Saturday or Sunday, the holiday occurring on Saturday shall be observed on a preceding working day; a holiday occurring on a Sunday shall be observed on a working day following the respective Sunday.

D. Eligibility for Pay

An administrator who is not returning to work after a holiday shall be deemed to be terminated on his/her last working day prior to the holiday and is not eligible for holiday pay.

**G- 5 LEAVES**

**Leave With Pay**

A. Vacation (Annual Leave) -Twelve-Month Administrators

1. Accrual Provisions

- a. A year of employment is defined as a year of service with the Miami-Dade County Public School System which is creditable for a contract year, which is more than one-half the contractual period (six months for 12-month employees and five months for 10-month employees).
- b. A month, for annual leave purposes, is defined as two consecutive pay periods, commencing with the first pay period of each fiscal year, as outlined in the annual payroll processing schedule.
- c. A month for inclusion of credit toward accrual is defined as eligible for pay for 11 work days or more during any month (as defined in (b) above).
- d. The effective date of accrual rate changes shall be determined, as of July 1, following the fiscal year during which the employee completes three years of creditable service.
- e. During leaves of absence with pay, an administrator shall continue to earn annual leave days except in the case of annual leave granted in conjunction with resignation or termination of employment. In such cases, terminal vacation leave for which an employee is paid upon termination shall not be used for accrual of additional annual leave days.

- f. Supervisors should make every effort to insure that earned annual leave is used on a current yearly basis in order to provide proper rest and relaxation.
- g. Twelve-month administrators shall accrue annual leave at the following rates:
  - (1) First three years of employment, --15 days per fiscal year
  - (2) Fourth year of employment and thereafter --24 days per fiscal year
- h. Effective July 1, 2001, managerial exempt employees shall be permitted to accumulate annual leave up to a maximum of 60 days. Upon termination, death or retirement, payment in excess of 60 days shall be forfeited (§1012.65, F.S.). For unused vacation leave accumulated before July 1, 2001, terminal pay shall be made pursuant to the policies in effect on June 30, 2001.
- i. Use of annual leave shall not be authorized prior to the time it is earned and shall be used only with the approval of the supervising administrator.
- j. Annual leave shall be scheduled so that there will be minimum disruption of the operation of the school system.

**B. Sick Leave**

1. Each administrator 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 contract year and shall thereafter be credited for one day of sick leave for each month of employment, which shall be credited at the end of the month and which shall not be used prior to the time it is earned and credited. However, each administrator 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 administrator terminates his/her employment and has not accrued the four sick days available to him/her, the School Board may withhold the average daily amount for the sick days utilized but unearned. Such sick leave shall be cumulative from year to year and there shall be no limit on the number of days of sick leave an administrator may accrue.
2. Sick leave shall be approved in the following categories:

Illness of Self or illness and/or death of:

Mother	Husband	Foster Children
Father	Wife	Step-parents

Sister	Child	Step-children
Brother	Foster Parents	Step-children
Mother-in-law	Son-in-law	Grandchild
Father-in-law	Daughter-in-law	Uncle Aunt
Brother-in-law	Grandmother	Niece
Sister-in-law	Grandfather	Nephew

3. Medical and Dental Examination Leave

An administrator shall be eligible to use sick leave for the purpose of medical and/or dental care. Such leave shall be deducted from accrued sick leave in half or full day units, provided that no administrator shall be compelled to utilize more sick leave than is required.

4. Use by Family Member

Pursuant to §1012.61 (5)(e) F.S., a managerial exempt 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.

5. Good Attendance Incentive

To encourage and reward personnel who exercise particular care in the maintenance of their personal health and job attendance, the School Board provides a good attendance incentive. All full-time managerial exempt employees who accrue sick leave may cash in sick leave days accrued each year, provided the following criteria are met:

a. The employee must use no more than a total of three sick/personal days during the course of the fiscal year (July 1 - June 30).

b. The employee must have a minimum of 21 accrued sick leave days after cash-in of sick leave days accrued on an annual basis. Compensation for annual accrued sick leave cashed in, pursuant to the above provisions, shall be as follows:

- The employee's daily rate of pay during the fiscal year in which the days were accrued times 80 percent.

- Payment for this benefit will be made during the month of July. Days for payment received shall be deducted from the employee's accumulated leave balance.

C. Injury-In-Line-Of-Duty Leave

1. Whenever an administrator is absent from his/her duties as a result of injury caused by an accident or an assault occurring in the course of his/her employment for Miami-Dade County Public Schools, upon verification of injury by a Board-approved licensed physician, and at the discretion of the School Board, payment for sick leave granted for illness-in-line-of-duty leave School Board benefits shall be combined with the employee's workers' compensation temporary total disability (TTD) benefits to keep injured employee in a pre-injury, full salary status, while eligible for temporary total disability benefits, pursuant to Florida Statute 440, for a term not to exceed thirteen (13) weeks following the date of injury. If an injured employee continued to be eligible for TTD benefits, pursuant to Florida Statute 440, beyond the 13 weeks, TTD benefits will be paid and the employee may use his/her accrued sick time, if any, to supplement TTD benefits, not to exceed pre-injury earnings. If the employee does not have any accrued sick time, he/she will be eligible to be paid for leave- without-pay to supplement TTD benefits, not to exceed pre-injury earnings. Any accrued sick days used to supplement TTD benefits, or leave-without-pay benefits, will be eligible for reimbursement or payment up to six months from the date of injury, as a result of formal School Board action.
2. To comply with Florida Statute Chapter 440, the School Board's Workers' Education and Rehabilitation Compensation (WERC) Plan will be utilized to support the placement of those eligible administrators into retraining classes or reassignment to other duties commensurate with the compensation doctor's diagnosis.

D. Illness-In-Line-Of-Duty Leave

1. Administrators shall be entitled to illness-in-line-of-duty leave when absent from their duties because of illness from any contagious or infectious disease contracted in the course of their employment.
2. Contagious or infectious disease as heretofore described shall include childhood diseases (measles, chicken pox, diphtheria, rubella), typhoid, meningitis, tuberculosis, hepatitis, mononucleosis, ringworm, head lice, when substantial proof is provided that such illness resulted from contact with students or other employees.
3. The School Board shall not require any administrative personnel to work directly with students who have special contagious or infectious diseases. However, in the event an administrator volunteers to work with these students, the Superintendent is authorized to enter into a supplemental agreement with that administrator providing for, but not limited to, the following:

- a. The period of time for which the administrator may be paid, pursuant to this section, shall be four years.
  - b. The School Board will provide medical examinations.
  - c. In the event the administrator contracts a special contagious or infectious disease in the line-of-duty, the School Board will pay for all reasonable and customary medical and related costs resulting from the illness, except for those costs paid for by the administrator's insurance or workers' compensation.
  - d. The administrator's identity shall remain confidential, except as required by law.
4. The Superintendent or designee may, when deemed in the best interest of the school system, involuntarily transfer administrators with contagious or infectious diseases. Before the administrator is involuntarily transferred, a conference shall be held with the ACCESS Center Assistant Superintendent or his/her designee or appropriate bureau/office head, except where such transfers are a result of a legal order.

E. Personal Leave With Pay

Each full-time administrator who is eligible to accrue sick leave may use up to a maximum of six days personal days with pay per year provided that such days shall be charged against his/her currently accrued sick leave. This leave is noncumulative.

F. Professional Sabbatical Leave

Periodically the School Board may approve Professional Sabbatical Leave for employees to pursue professional and personal growth activities that will be beneficial to the Miami-Dade County Public Schools. Such leave will be provided one time only for full-time managerial exempt personnel who are in an active pay status (not on leave) with an acceptable performance evaluation for the preceding school year and a minimum of seven years of full-time M-DCPS experience including three years administrative experience.

While on Professional Sabbatical Leave, employees will receive monthly payments as approved by the School Board less FICA and withholding taxes. The School Board will pay the retirement contributions on such payments. Professional Sabbatical Leave recipients will continue to receive Board-paid insurance benefits.

Employees returning from Professional Sabbatical Leave will be assigned to a position as determined by the Superintendent of Schools.

## G. Temporary Duty

When an administrator is assigned to service away from his/her school or regular place of employment, he/she must complete a leave request for signature and approval by the principal, department head, or division head as appropriate. Administrators will receive regular pay and may be allowed expenses, as provided by law. Temporary duty may be granted to administrators for the following types of assignments:

1. To attend duly authorized conferences and conventions of national, regional and state organizations in the field in which the administrator is directly involved;
2. To attend conventions or conferences of recognized civic groups;
3. To attend state meetings of educational sororities and fraternities; (In items 1 through 3 above, the administrator must be an officer, official delegate, or have a significant part on the program.)
4. To attend meetings and conferences as the representative of the Superintendent. Only the Superintendent or his designated representative(s) will approve this type of assignment;
5. To participate in a staff development program approved by The School Board;
6. To attend meetings of educational legislative committees.

## H. Jury Duty and Subpoena As A Witness

1. In case of jury summons, the administrator must report to the Court on the appointed day, as there is no statutory exemption from jury service.

Any full-time administrator who is summoned as a member of a jury panel shall be granted temporary duty, and any jury fees shall be retained by the administrator.

An administrator subpoenaed as a witness or defendant, except personal litigation, shall be given temporary duty, and any witness fees shall be retained by the employee.

In no case shall temporary duty be granted for court attendance when the employee is engaged in personal litigation; however, administrators who have accrued vacation or personal leave may be granted such leave for this purpose upon request.

2. Any administrator of the school system may be placed on temporary duty when he/she has been subpoenaed by a court as a result of incidents

occurring which are related to his/her employment with The School Board of Miami-Dade County, Florida.

Any administrator who has in his/her custody official records of the school system and is subpoenaed by a court to produce such records may also be granted temporary duty.

I. Temporary Military Leave

If obligation cannot be met during the time school is not in session, temporary leave for military service is granted with full pay (not to exceed 17 days compensation per calendar year), provided evidence is submitted from responsible military authority that such required training cannot be conducted at any other time.

**Leave Without Pay (LWOP)**

J. General Provisions

All leaves (except military) are granted for no more than (1) year at a time with appropriate documentation, and MAY be extended subject to the following limits and documentation requirements:

<b>TYPE OF LEAVE</b>	<b>TIME LIMITS</b>	<b>REQUIRED DOCUMENTATION</b>
Personal	1 year	Letter giving reasons
Professional (Study)	2 years	Official transcript and letter from university verifying continued full-time status and planned coursework
*Professional (Other)	2 years	Letter explaining purpose(s); full-time employment requires completion of Supplemental Information Forms (FM-6445)
Illness of Self	3 years	Leave of Absence Medical Documentation Form (FM-6030)
Illness of Relative	3 years	Name and relationship of relative, Leave of Absence Medical Documentation Form (FM-6030)
Parental	1 year	Only one parental leave can be extended with personal leave
Military	No limit	Copy of military orders

*\*May only be taken one time during an administrator's career*

K. Leave Limitations

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

1. 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 four (4) years.
2. Exceptions to the above provision (A. 1.a.) will be made only for extenuating circumstances, as determined by the Chief Personnel Officer, Office of Human Resources.

L. Additional/Extended Sick Leave

An administrator 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) until such administrator returns to work. Leave without pay for illness is considered only a protection of one's employment rights.

1. Where such leave is in excess of ten days, an administrator is eligible for vacation or holiday pay (while absent) only for the number of days he/she has accrued.
2. The preceding paragraph shall not apply to administrators receiving compensation for illness or injury-in-line-of-duty.
3. Administrators whose own or family member's 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.

M. Extended Military Leave

A full-time administrator may be granted an extended military leave of absence provided that:

1. He/she is inducted into the Armed Services via Selective Service Act, or volunteers.
2. He/she enlists in the Armed Services during the period our forces are engaged in combat.
3. He/she is recalled to active service from a reserve status.



The first 30 calendar days of military service by full-time employees are compensable at full pay, upon verification that the employee has completed 30 days of service. Subsequent to the first 30 days of service, the School Board will provide military pay supplements to full-time employees who are reservists or members of the National Guard, involuntarily called to active duty after September 11, 2001.

Employees who are either drafted or are already members of the active or retired reserves of the United States Armed Forces (but not enlistees) who are involuntarily called to active duty, shall have their health, life and flexible benefits coverage continued by the School Board for the period of their approved leave.

N. Personal Leave Without Pay

Leave of absence without pay for personal reasons not to exceed 30 consecutive workdays may be granted to full-time administrators if approved by the Superintendent or designee. Extended personal leaves in excess of 30 consecutive workdays may be approved, subject to the following guidelines:

1. No wages or salaries shall be paid during such leave except as provided in other sections of School Board Rules.
2. All such leaves shall be approved by the School Board, except for those granted in accordance with provision of the Workers' Compensation Law.
3. Such leave shall not exceed one year in duration.
4. Such leave may be granted for one of the following reasons:
  - To serve in the Peace Corps.
  - To accept a Fulbright Scholarship.
  - To continue no more than one parental leave.
  - Settlement of family estates.
  - Severe family hardships.
5. Personal leave for reasons other than those listed above may be approved by the School Board, upon recommendation of the Superintendent.
6. Administrators 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.

O. Parental Leave

A parental leave of absence without pay, shall be granted to an administrator for up

to one year for the purpose of childbearing and/or parenting as follows:

1. An administrator 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.
  - The administrator shall notify her immediate supervisor, in writing, of her desire 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.
  - An administrator 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.
  - All or any portion of a leave taken because of a medical disability connected with or resulting from pregnancy may, at the administrator's option, be charged to her available sick leave.
2. A male administrator 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. An administrator 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. An administrator 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.
5. The School Board will continue appropriate contributions to the IRS Section 125 Cafeteria Plan. The administrator may continue to make contributions to those compensation or employment benefit plans which permit continuation of such contributions.
6. Failure of an administrator to respond to the official Letter of Intent from the Office of Human Resources, or failure to return to work immediately following the expiration of leave shall constitute willful neglect of duty which shall subject the employee to termination.

P. Extended Professional Leave

Full-time administrators may be granted extended professional leave to study without pay for up to two years. Such leaves will be applied for one year at a time with

documentation showing that the administrator is a full-time student at a college or university.

An administrator 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 and, thereby, benefit the school system once the employee returns. Extended professional leave for outside employment is prohibited, except for public sector employment or employment for a not-for-profit organization, when deemed by the Superintendent of Schools or designee to be in the best interest of the Miami-Dade County Public Schools system. Any employee on such leave who is approved for full-time employment will not be entitled to Board-paid fringe benefits. Further, such employee, who has been employed full-time while on leave, upon return, will be offered a position in the district to be determined by the Superintendent. Professional leave is not intended to subsidize extended or frequent employment outside of Miami-Dade County Public Schools (M- DCPS), or replace the opportunities for administrative experience which can be obtained within M-DCPS. Therefore, professional leave for full-time employment may only be taken one time during an administrator's career, for no longer than two years, one year at a time.

An employee must complete three years of full-time administrative employment prior to requesting extended professional leave.

**Q. Employment Rights -Benefits**

An administrator who is granted Parental, Illness of Self Leave, or Professional Leave to Study for one year or less shall have reemployment rights to the same position, if available. Administrators returning from other leaves shall be assigned to a like position, if available. While the administrator is on leave-without-pay status, except professional leave for full-time employment, the School Board will continue to provide liability, health, and life benefits on the same basis as would have been provided had the administrator remained at work.

The School Board complies with the requirements of the Family and Medical Leave Act (FMLA) of 1993.

**G-6 LEGAL SERVICES**

- A. When any parent or other person not subject to the discipline of the School Board assaults any administrator of the school system, and in the opinion of the Superintendent the assault is school connected, said administrator may request of the Superintendent the right of consultation with the School Board Attorney. Upon recommendation of the Superintendent or his/her designee, the administrator may consult with the School Board Attorney for the purpose of determining his/her rights and to receive assistance in the prosecution of the violation of the law perpetrated upon him/her.

- B. Under the provision of §1001.41 F.S., certain persons who upbraid, abuse, insult, or assault personnel of the School Board shall be guilty of a crime, and, in appropriate instances, the Superintendent or his/her designee, at the discretion of the School Board, may initiate the prosecution of violators of the aforementioned statutes.
- C. Subject to the availability of liability policies to the School Board, all administrators are covered by professional liability insurance, and the carrier undertakes the defense of the employee sued as a result of acts occurring in the scope of his/her employment or function unless such employee acted in bad faith, or with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety or property, according to the terms of the policy.
- D. If the School Board Attorney is to represent the administrator in a case in which the insurance coverage does not apply, the Superintendent may make that recommendation to The School Board. When time does not permit prior recommendation to The School Board, the Superintendent shall authorize the Board Attorney to represent the employee and report this action at the next regular meeting of The School Board.

## **G-7 INSURANCE AND OTHER BENEFITS**

### **A. Fringe Benefits Agreement**

The fringe benefits agreement is subject to change annually upon approval by the School Board.

### **B. Health Insurance and Flexible Benefits Coverage**

1. Benefits will be provided to all eligible full-time employees, consisting of health coverage, and a variety of selections from the flexible benefits offerings. The School Board will negotiate annually a plan design and a maximum sum that it will pay toward the combined 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.
3. Eligible retirees may select any health plan offered to active full-time employees at rates no greater than those charged to active employees. Premiums for retirees and their dependents are paid by the retiree. Claims experience for

retirees will be co-mingled with active employee and dependent claims for purposes of rate-setting.

C. Life Insurance

1. Eligible full-time employees will receive term life insurance equal to two time(s) the employee's annual base salary. This amount will be updated annually. Such coverage is paid by the Board.
2. Optional coverage is available to be purchased through payroll deduction for up to a maximum of five times 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 Board and the contracted company.

**G- 8 TERMINAL PAY**

~~To encourage and reward managerial exempt personnel who exercise particular care in the maintenance of their personal health and job attendance, the School Board will provide terminal pay at resignation, normal retirement, or to their beneficiaries if services are terminated by death. For managerial exempt employees hired in any full-time position before July 1, 1995, whose employment has been continuous, terminal pay shall not exceed an amount determined as follows:~~

- ~~1. During the first three years of service, the daily rate of pay multiplied by 35 percent times the number of days of accumulated sick leave;~~
- ~~2. During the next three years of service, the daily rate of pay multiplied by 40 percent times the number of days of accumulated sick leave;~~
- ~~3. During the next three years of service, the daily rate of pay multiplied by 45 percent times the number of days of accumulated sick leave;~~
- ~~4. During the next three years of service, the daily rate of pay multiplied by 50 percent times the number of days of accumulated sick leave;~~
- ~~5. During and after the 13th year of service and until when first eligible for normal retirement, the daily rate of pay multiplied by 100% times the number of days of accumulated sick leave. Thereafter, the daily rate will remain frozen in the rate when first eligible for normal retirement. In no case, however, shall an employee whose daily rate has been frozen pursuant to this provision receive less than the amount determined in #4 above.~~

~~For managerial exempt employees, terminal pay shall not exceed one-fourth of all unused sick leave accumulated on or after July 1, 2001, up to a maximum payment of 60 days. Any sick leave accumulated prior to July 1, 2001, will be paid in accordance with numbers one (1) through five (5) above. If a managerial exempt~~

~~employee has an accumulated sick leave balance of 60 days or more prior to July 1, 2001, sick leave earned after that date may not be accumulated for terminal pay purposes until the accumulated leave balance for leave earned before July 1, 2001 is less than 60 days.~~

~~Provisions for terminal pay at resignation apply only to those sick leave days accrued after July 1, 1982.~~

~~Payment for the resignation benefit will be made on or before September 1 of the following fiscal year. Payment for the retirement benefit will be made according to the provisions of the Miami-Dade County School Board 401(a)/403(b) Terminal Leave Retirement Plan (TLRP).~~

~~Resignation or retirement as referred to herein shall mean termination of employment by action of the employee; such termination excludes resignation or retirement after a recommendation for dismissal, or resignation or retirement after participation in a work stoppage, job action, or strike, in the absence of specific approval by The School Board.~~

Terminal pay shall be provided pursuant to School Board Rule 6Gx13- 4E.1.16, Terminal Pay - Employees Other Than Instructional or Educational Support Personnel.

## **G- 9 SICK LEAVE BANK**

### **A. Rules and Procedures for the Administrator's Sick Leave Bank**

The administrators' association with which the Superintendent has agreed to meet and confer agrees to staff and operate a Sick Leave Bank Committee for the period of time determined by the Superintendent. It shall be the responsibility of this committee to administer the Administrator's Sick Leave Bank rules and procedures stipulated below:

1. Miami-Dade County Public Schools agrees to:
  - a. assist the committee in the operation of the Administrator's Sick Leave Bank by providing, upon request, data from participating employees' sick leave records. These data will be used to plan the initial operation of the Sick Leave Bank and serve as a basis for Sick Leave Bank withdrawals;
  - b. designate an administrator to meet periodically with the Administrator's Sick Leave Bank Committee and to act as liaison with the appropriate M-DCPS office.
2. The Administrator's Sick Leave Bank Committee shall
  - a. maintain adequate records relative to all functions of the Sick Leave Bank;

- b. meet periodically with a designated administrator of M-DCPS to review Administrator's Sick Leave Bank records; and
- c. operate the Administrator's Sick Leave Bank in accordance with the rules and procedures contained herein.

M-DCPS shall establish and the Association shall comply with procedures for identifying and recording contributions to the Sick Leave Bank and for complying with any applicable governmental regulation of sick leave or sick leave banks or associated recordkeeping.

#### B. Purpose

1. To provide employees with an emergency pool of sick leave days for illness, accident, or injury of self above and beyond those available under the "Sick Leave With Pay" provision, the School Board and Association hereby establish the Administrator's Sick Leave Bank.
2. The Administrator's Sick Leave Bank shall function under rules and procedures administered by the Association. All full-time employees in the managerial exempt unit may participate in the Administrator's Sick Leave Bank.
3. Any alleged abuse or misuse of the Sick Leave Bank shall be investigated by either or both parties. If the investigation results in finding of wrongdoing, the employee, M-DCPS, and the Association shall be notified and the employee shall repay all sick leave days drawn from the pool and shall be subject to such disciplinary action as deemed appropriate by the School Board.

#### C. Membership Requirements and Contributions

Only managerial exempt employees who are full-time employees who have been employed full-time for at least one year, and who have sick leave accrual of five days or more at the time of enrollment, may enroll in the Administrator's Sick Leave Bank by contributing one or more days to the Sick Leave Bank. Sick Leave Bank Members may contribute additional days to be used by other members, as designated by the contributor.

#### D. Withdrawal Procedures

1. Participating members who meet the following criteria may apply for withdrawal of days from the Administrator's Sick Leave Bank (under the following conditions);
  - a. exhaustion of all personal sick leave days;
  - b. confinement for 10 working days or more without sick leave; and
  - c. exhaustion of or ineligibility for extra sick leave for hardship.
2. All applications are subject to final approval by the Administrator's Sick Leave

Bank Committee. The maximum number of Sick Leave Bank days that may be approved for any participating member is 45 days per 12-month period. Days designated for a particular member will be over and above the 45-day allocation. The committee shall have the authority to process extraordinary requests prior to the Sick Leave Bank attaining its full allocation.

E. Maintenance of the Administrator's Sick Leave Bank

The Administrator's Sick Leave Bank will be activated when a minimum number of 250 days has been deposited. No further contribution shall be required of participating members unless the Administrator's Sick Leave Bank is depleted to a point where 100 days remain. In such case, all members of the Sick Leave Bank, except those members receiving extra leave for hardship, shall contribute one day each time the Sick Leave Bank is depleted.

F. Duration of Agreement

The Administrator's Sick Leave Bank shall be in existence for a period of time as recommended by the Superintendent and approved by the Board. In the event a member wishes to terminate Administrator's Sick Leave Bank membership, all obligations and privileges of membership shall cease 90 days from the date of receipt of written notification by the Administrator's Sick Leave Bank Committee. The deposit of sick leave days shall remain in the Administrator's Sick Leave Bank.

G. Granting of Sick Leave From the Bank

In the event of non-renewability of the Administrator's Sick Leave Bank in succeeding contracts, bank deposits will be returned to contributing members where appropriate. Return of days will be accomplished equally to those members who have not utilized Administrator's Sick Leave Bank withdrawals.

H. Administrator's Sick Leave Bank Procedures

1. Initial Enrollment

- a. The enrollee will sign and forward an Administrator's Sick Leave Bank Program Card to the Association for necessary processing. This card will be the same size as the present Application for Leave Card and will contain authority for the initial deduction of one-day sick leave upon enrollment in the program. Additionally, the card will authorize administrators to deduct an additional day of sick leave from the employee, if the Sick Leave Bank has been depleted.
- b. Upon completion of internal processing by the Association, the card and a transmittal listing will be forwarded to the Payroll Department. Cards will be forwarded in work location sequence by employee number. The Payroll Department will deduct a day of sick leave from the employee's leave balance.



Deduction cards will be filed in the same manner as the Application for Leave Cards. Cards will be filed in the pay period that encompasses the date that the posting was made to the employee Leave Data Card.

For those employees who do not have the required leave balance for the deduction, the authorization card will be returned to the Association with the notation "NO LEAVE BALANCE."

## 2. Subsequent Deduction After Initial Enrollment

- a. Subsequent deductions as described in "E" above shall be accomplished by utilizing the Sick Leave Bank Program Card which will be checked in the box titled "Subsequent Deduction." This card need not be signed by the employee since the initial card authorized subsequent deductions. This card will be signed and dated by an authorized member of the Administrator's Sick Leave Bank Committee. The cards will then be forwarded to the Payroll Department.
- b. Upon receipt of the cards and transmittal listing by the Payroll Department, the information will be posted and filed per 1.b. above. The Administrator's Sick Leave Bank Committee will notify affected employees when subsequent deductions are made from participants. Insufficient leave balance to permit deductions will be returned to the Administrator's Sick Leave Bank Committee per 1.b. above. The Sick Leave Bank Committee shall, on an individual basis, notify employees with an insufficient leave balance that they are no longer enrolled in the Sick Leave Bank and advise them of subsequent enrollment procedures.

## 3. Granting of Sick Leave

When administrators are granted sick leave from the Administrator's Sick Leave Bank, the Administrator's Sick Leave Bank Committee will utilize the Sick Leave Bank Program card to notify the Payroll Department. The sick leave days granted by the committee shall be posted per H. 1.b. The committee will notify members who have been granted sick leave from the Sick Leave Bank.

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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

## NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on July 14, 2004, its intention to amend Board Rule, 6Gx13- 4D-1.16, Terminal Pay-Exempt Managerial and Confidential Personnel, at its meeting of August 18, 2004.

**PURPOSE AND EFFECT:** The purpose of the proposed amendment is to incorporate into the rule changes made by the 2004 Legislature to Section 1012.61, Florida Statutes.

**SUMMARY:** The proposed amendment will modify terminal pay provisions for employees other than instructional or educational support personnel, in accordance with statutory changes enacted by the 2004 Legislature.

**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:** 1012.01; 1012.40; 1012.61(2); F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF August 18, 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), Florida Statutes, must do so in writing by August 9, 2004, 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 to the public for inspection and copying at cost in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Mr. Rafael E. Urrutia  
Date: June 30, 2004

Absences, Leaves and Vacations**TERMINAL PAY- EXEMPT MANAGERIAL AND CONFIDENTIAL EMPLOYEES OTHER THAN INSTRUCTIONAL OR EDUCATIONAL SUPPORT PERSONNEL**

To encourage and reward personnel who exercise particular care in the maintenance of their personal health and job attendance, the Board will provide terminal pay to ~~exempt managerial and confidential~~ employees other than instructional or educational support personnel at resignation, ~~normal~~ retirement, or to their beneficiaries if services are terminated by death. Any person not in service at the time of retirement shall not receive these benefits. Terminal pay shall not exceed an amount determined as follows:

1. During the first three years of service the daily rate of pay multiplied by 35 percent times the number of days of accumulated sick leave;
2. During the next three years of service the daily rate of pay multiplied by 40 percent times the number of days of accumulated sick leave;
3. During the next three years of service the daily rate of pay multiplied by 45 percent times the number of days of accumulated sick leave;
4. During the next three years of service the daily rate of pay multiplied by 50 percent times the number of days of accumulated sick leave;
5. During and after the 13th year of service ~~and until when first eligible for normal retirement~~, the daily rate of pay multiplied by 100% times the number of days of accumulated sick leave. Thereafter, with the exception that, employees other than instructional or educational support personnel who became eligible for normal retirement prior to July 1, 2004, the daily rate will remain frozen at the rate when first eligible for normal retirement. In no case, however, shall an employee whose daily rate has been frozen pursuant to this provision receive less than the amount determined in #4 above.

For managerial-exempt employees other than instructional and educational support personnel, who reach normal retirement eligibility on or after July 1, 2004, the remaining balance of sick leave accrued as of July 1, 2001 shall be paid at the rate when first eligible for normal retirement; the remaining balance of sick leave accrued between July 1, 2001 and June 30, 2004 shall be paid at the daily rate in effect on June

~~30, 2004; the remaining balance of sick leave accrued on or after July 1, 2004 shall be paid at the daily rate in effect on the first work day of the fiscal year in which it is accrued. terminal pay shall not exceed one-fourth of all unused sick leave accumulated on or after July 1, 2001, up to a maximum payment of 60 days. Any sick leave accumulated prior to July 1, 2001, will be paid in accordance with numbers 1 through 5 above. If a managerial exempt employee has an accumulated sick leave balance of 60 days or more prior to July 1, 2001, sick leave earned after that date may not be accumulated for terminal pay purposes until the accumulated leave balance for leave earned before July 1, 2001 is less than 60 days.~~

Provisions for terminal pay at resignation apply only to those sick leave days accrued after July 1, 1982.

~~Payment for the resignation and retirement benefit will be made on or before August 1 of the following fiscal year.~~

Resignation or retirement as referred to herein shall mean termination of employment by action of the employee; such termination excludes resignation or retirement after a recommendation for dismissal or resignation or retirement after participation in a work stoppage, job action, or strike, in the absence of specific approval by the Board.

~~Upon retirement, the~~ daily rate shall be computed by dividing the number of "working days" that year into the annual salary. "Normal retirement," as referred to herein, shall mean retirement under any retirement system established by the legislature with either full or reduced benefits as provided by law. Years of service shall mean creditable years of service under any retirement system of the State of Florida.

In the case of separation due to retirement, payment for terminal pay in excess of \$1,000 will automatically be placed in the Terminal Leave Retirement Program (TLRP), a plan which shelters eligible terminal pay from certain taxation.

Specific Authority: ~~230.22(2); 230.23(22)~~ 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.

Law Implemented, Interpreted, or Made Specific: ~~231.40(3)~~ 1012.01; 1012.40; 1012.61(2) F.S.

#### History

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

Repromulgated: 12-11-74

Amended: 10-7-75; 12-12-79; 2-16-83; 5-13-98; 12-12-01