

Rudolph F. Crew, Ed. D., Superintendent of Schools

SUBJECT: REQUEST FOR APPROVAL OF MEMORANDUM OF UNDERSTANDING (MOU) REGARDING PROVISIONS OF THE LABOR CONTRACT BETWEEN MIAMI-DADE COUNTY PUBLIC SCHOOLS (M-DCPS) AND THE UNITED TEACHERS OF DADE (UTD) RELATED TO EXTENDING THE DEFERRED RETIREMENT OPTION PROGRAM (DROP) TERMINATION DATE FOR CLASSROOM TEACHERS AND THE REHIRING OF RETIRED CLASSROOM TEACHERS FOR THE 2004-2005 SCHOOL YEAR

COMMITTEE: LEGISLATIVE RELATIONS, PUBLIC RELATIONS AND PERSONNEL SERVICES

Florida Statutes, Section 121.091(9) 3, allows school districts the authority to re-employ retired members as full-time instructional personnel after they have been retired for one calendar month. Florida Statutes, Section 121.091(13)(a) 2, allows individuals employed in instructional positions to participate in the Deferred Retirement Option Program (DROP) beyond sixty (60) months with the authorization of the employer.

The attached MOU outlines an agreement between the Miami-Dade County Public Schools (M-DCPS) and the United Teachers of Dade (UTD) in addressing issues related to the rehiring of retired classroom teachers in full-time positions and extending the DROP period for classroom teachers for the 2004-2005 school year.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, approve the proposed M-DCPS/UTD Memorandum of Understanding (MOU) authorizing the rehiring of retired classroom teachers and extending the DROP termination date for classroom teachers until the end of the 2004-2005 school year.

RFC:jmg

MEMORANDUM OF UNDERSTANDING
Contract Modification/Implementation

Pursuant to applicable Florida law and the current labor contract between Miami-Dade County Public Schools (M-DCPS) and the United Teachers of Dade (UTD), the parties have discussed extending the Deferred Retirement Option Program (DROP) termination date for classroom teachers and the rehiring of classroom teachers who have been retired for at least one calendar month for the 2004-2005 school year. Accordingly, the parties have negotiated and agreed to the modification/implementation of Article XII, Section 4 and Appendix E, Section 1.

The Miami-Dade County Public Schools (M-DCPS) and the United Teachers of Dade (UTD), through discussions and negotiations, are memorializing their agreement regarding issues to extend the Deferred Retirement Option Program (DROP) for classroom teachers and to rehire retired classroom teachers under the following implementation procedures:

1. M-DCPS will consider extending the DROP termination date until the end of the 2004-2005 school year for full-time classroom teachers whose DROP termination date is between August 1, 2004 and June 30, 2005.
2. M-DCPS will consider rehiring full-time classroom teachers who have been retired for at least one calendar month for the balance of the 2004-2005 school year.
3. Teachers may be rehired after retirement or may be retained at a school site under the DROP extension provision at the complete and sole discretion of the principal.
4. Teachers rehired or retained must be assigned to full-time classroom teaching positions only (e.g., no Educational Specialist, Teacher on Special Assignment, or less than full-time classroom teaching load will be acceptable).
5. Teachers whose DROP termination date is extended for the 2004-2005 school year will continue to be paid at their current salary and maintain their current work locations and assignments, if approved by the Principal.
6. Teachers rehired in non-critical shortage areas in full-time classroom teaching positions will receive year for year experience credit or begin at Step 12, whichever is lower.
7. Teachers rehired in any of the critical staff shortage areas in full-time classroom teaching positions will receive year for year experience credit or begin at Step 14, whichever is lower.
8. There will be no guarantee that all classroom teachers applying for positions will be rehired or retained.
9. Teachers rehired or retained under this MOU will be employed on an annual contract basis even if the employment is less than a year.
10. The parties agree that the terms outlined in this MOU shall constitute a one-time agreement and shall not be construed as precedent-setting.
11. This MOU and all those hired thereunder shall sunset the last day of school for the 2004-2005 school year,

which is June 3, 2005.

12. Teachers who have been retired for at least one year and were rehired prior to March 17, 2004 will continue to have their salary adjudicated based on provisions of Appendix E, Section 1(B)(10).
13. This MOU establishes no waiver on the part of either party of any rights or defenses.
14. The parties assert that they have read and understand the provisions of this MOU, and that they will fully comply with the conditions outlined herein.
15. This MOU does not impact the Florida Retirement System prohibition governing the re-employment of employees within one calendar month after retirement.

Dated this 18th day of August, 2004.

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

UNITED TEACHERS OF DADE

Dr. Michael M. Krop
Chair

Date

Mark Richard
AFT Administrator

Date

Dr. Robert Ingram
Vice Chair

Date

Dr. Rudolph F. Crew
Superintendent of Schools

Date

Approved as to Form

School Board Attorney

Date