

Office of Human Resources  
Howard S. Tames, Chief Personnel Officer

**SUBJECT: PROPOSED AMENDMENT OF SCHOOL BOARD RULES: FINAL 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**

The School Board of Miami-Dade County, Florida, announced on July 14, 2004, its intention to amend, at its meeting of August 18, 2004, School Board Rule 6Gx13- 4D-1.022, Manual of Procedures for Managerial Exempt Personnel, and Section G, Managerial Exempt Personnel Employee Benefits, of the document, Manual of Procedures for Managerial Exempt Personnel, which is incorporated by reference and a part of this rule, and School Board Rule 6Gx13- 4E-1.16, Terminal Pay-Exempt Managerial and Confidential Personnel. These amendments 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.

The Notices of Intended Action were published in *The Miami Daily Business Review* on July 19, 2004 and posted in various places for public information, and mailed to various organizations representing persons affected by the amended rules and to individuals requesting notification.

The time to request a hearing or protest the adoption of these rules has elapsed.

In accordance with the provisions of the Administrative Procedure Act, these amended rules are presented to The School Board of Miami-Dade County, Florida, for adoption and authorization to file the rules in the official records of The School Board of Miami-Dade County, Florida.

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

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, adopt amended School Board Rule 6Gx13- 4D-1.022, Manual of Procedures for Managerial Exempt Personnel, and Section G, Managerial Exempt Personnel Employee Benefits, of the document, Manual of Procedures for Managerial Exempt Personnel, which is incorporated by reference and a part of this rule, and School Board Rule 6Gx13- 4E-1.16, Terminal Pay-Employees Other Than Instructional or Educational Support Personnel, and authorize the Superintendent to file the rules with The School Board of Miami-Dade County, Florida, to be effective August 18, 2004.

HST/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 Section 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 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  
Supervisor: Mr. Howard S. Tames  
Date: July 1, 2004

} Added  
subsequent  
to Initial  
Reading on  
7/14/2004

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