

Office of School Board Attorney
Johnny Brown, Board Attorney

**SUBJECT: APPROVAL OF SETTLEMENT AGREEMENT
THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA v.
DANIEL RIVERA - DOAH CASE NO. 04-1344**

At its regularly scheduled meeting of April 14, 2004, the School Board took action to suspend Daniel Rivera from his position as a police officer for thirty (30) calendar days without pay for just cause, including, but not limited to, violation of School Board Rule 6Gx13-4A-1.21, *Responsibilities & Duties*. The employee requested a hearing on the matter. The hearing is scheduled to be held on January 13, 2005. The employee has also filed claims with the Equal Employment Opportunity Commission and the Florida Human Rights Commission alleging discrimination and retaliation.

The parties have reached a tentative settlement agreement, subject to School Board approval. This office recommends that the Board approve the settlement agreement, forwarded under separate cover, the terms of which include the following:

1. The School Board will reimburse the employee for the 30 calendar day suspension that he has already served; and
2. The employee will release the School Board from any and all complaints filed with the Equal Employment Opportunity Commission and the Florida Human Rights Commission.

Administration concurs with this recommendation. Approval of the settlement agreement will obviate the need for further legal actions in this matter.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, approve the settlement agreement between The School Board of Miami-Dade County, Florida and Daniel Rivera, DOAH Case No. 04-1344.