

Office of Human Resources
Paul M. Cholak, Chief Personnel Officer

SUBJECT: REQUEST FOR APPROVAL OF MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN MIAMI-DADE COUNTY PUBLIC SCHOOLS (M-DCPS) AND THE UNITED TEACHERS OF DADE (UTD) RELATED TO EXTENDING THE DEFERRED RETIREMENT OPTION PROGRAM (DROP) FOR ELIGIBLE EMPLOYEES UNTIL THE END OF THE 2005-2006 SCHOOL YEAR, AND CONTRACT PROVISIONS REGARDING THE REHIRING OF RETIRED CLASSROOM TEACHERS AND SPEECH/LANGUAGE PATHOLOGISTS FOR THE 2005-2006 SCHOOL YEAR

COMMITTEE: SCHOOL SUPPORT ACCOUNTABILITY

Florida Statutes, Section 121.091(13), allow individuals employed in instructional positions to participate in the Deferred Retirement Option Program (DROP) beyond sixty (60) months with the authorization of the Superintendent. Further, Florida Statutes, Section 121.091 (9), allow school districts the authority to re-employ retired members as full-time instructional personnel after they have been retired for one calendar month and speech/language pathologists after they have been retired for one year.

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 extending the DROP period for eligible employees until the end of the 2005-2006 school year, and the rehiring of retired classroom teachers and speech/language pathologists for the 2005-2006 school year.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, approve the proposed M-DCPS/UTD Memorandum of Understanding (MOU) authorizing extending the DROP termination date for eligible employees until the end of the 2005-2006 school year, and the rehiring of retired classroom teachers and speech/language pathologists for the 2005-2006 school year.

PMC:jmg

MEMORANDUM OF UNDERSTANDING
Contract Implementation

Pursuant to applicable Florida law, the parties have discussed extending the Deferred Retirement Option Program (DROP) termination date for eligible employees. Additionally, 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 the rehiring of classroom teachers who have been retired for at least one calendar month for the 2005-2006 school year and the rehiring of speech/language pathologists who have been retired for one complete year for the 2005-2006 school year. Accordingly, the parties have negotiated and agreed to the 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 eligible employees and to rehire retired classroom teachers and speech/language pathologists under the following implementation procedures:

1. DEFERRED RETIREMENT OPTION PLAN (DROP)

- A. M-DCPS will consider extending the DROP termination date until the end of the 2005-2006 school year for eligible employees as defined by Florida Statutes, Section 1012.01 (2)(a-d), whose DROP termination date is between June 1, 2005 and June 30, 2006, if recommended by the Principal or the appropriate district administrator and approved by the Superintendent of Schools or designee.
- B. Eligible employees as defined above may be retained at a school site under the above DROP extension provision at the complete and sole discretion of the Principal or the appropriate district administrator and approved by the Superintendent of Schools or designee.
- C. Eligible employees as defined above whose DROP termination date is extended for the 2005-2006 school year will continue to be paid at their current salary and maintain their current work location and assignment, if approved by the Principal or appropriate district administrator and approved by the Superintendent of Schools or designee.
- D. The Superintendent of Schools will consider extending DROP termination dates for eligible employees for up to three (3) years on an annual basis as allowed by law based on personnel needs of M-DCPS. However, the Superintendent's decision whether or not to extend DROP termination dates is not subject to the grievance or arbitration provisions of the current labor contract between M-DCPS and the UTD.

2. REHIRING/RETAINING RETIREES

- A. M-DCPS will consider rehiring full-time classroom teachers as defined by Florida Statutes, Section 1012.01 (2)(a), who have been retired for at least one calendar month for full-time teaching positions for the 2005-2006 school year at the complete and sole discretion of a Principal.
- B. Speech/language pathologists may be rehired after one complete year of retirement at the sole discretion of the District Administrative Director for ESE programs or designee.
- C. 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.

- D. Teachers rehired in any of the M-DCPS critical staff shortage areas in full-time classroom teaching positions, and speech/language pathologists with full-time caseload assignments, will receive year for year experience credit or begin at Step 14, whichever is lower.

3. GENERAL PROVISIONS

- A. There will be no guarantee that classroom teachers and speech/language pathologists applying for full-time positions will be rehired or retained.
- B. Teachers and speech/language pathologists rehired or retained under this MOU will be employed on an annual contract basis, even if the employment is less than a year.
- C. This MOU shall expire on the last day of the 2005-2006 school year at School Improvement Zone (SIZ) and non-SIZ sites respectively.
- D. The parties agree that the terms outlined in this MOU shall constitute a one year agreement and shall not be construed as precedent setting.
- E. This MOU establishes no waiver on the part of either party of any rights or defenses.
- F. 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.

Dated this _____ day of February, 2005.

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

UNITED TEACHERS OF DADE

Frank J. Bolaños Date
Chair

Mark Richard Date
AFT Administrator

Dr. Robert Ingram Date
Vice Chair

Dr. Rudolph F. Crew Date
Superintendent of Schools

Approved as to Form

School Board Attorney Date