

Office of School Board Attorney
Johnny Brown, Board Attorney

SUBJECT: APPROVAL OF SETTLEMENT
THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA v.
HENRY CHATMAN - DOAH Case No. 04-4274

At its regularly scheduled meeting of November 17, 2004, the School Board took action to suspend and initiate dismissal proceedings against Henry Chatman, a Lead Custodian, for just cause, including, but not limited to, gross insubordination, 6B-4.009(4), F.A.C., job performance deficiencies, violation of School Board Rules 6Gx13-4-1.08, *Violence in the Workplace*, and 6Gx13-4A-1.21, *Responsibilities and Duties*. The employee timely requested a hearing on the matter.

This case was scheduled for hearing before an Administrative Law Judge from the Division of Administrative Hearings on February 17 and 18, 2005. Prior to the hearing, the parties reached a tentative settlement agreement subject to School Board approval, providing for the employee's reinstatement to employment by the Board, subject to the following terms and conditions:

- 1) The employee will be demoted from the position of lead custodian to the position of custodian. Additionally, the employee will be required to comply with all requirements and pre-conditions for clearance by the Office of Professional Standards for re-employment;
- 2) The employee will be suspended without pay for time served, from the date of his last employment when the Board took action at its November 17, 2004 School Board meeting, until a date following the Board's approval at its March 16, 2005 School Board meeting, when the employee complies with the aforesaid re-employment requirements, and is cleared for reinstatement. Said suspension to be for a period of not less than 120 days. The employee's employment record will reflect that the suspension without pay is a disciplinary sanction for violation of the School Board's policies as outlined in the settlement agreement;

- 3) The employee will waive any and all claims to back pay from his last date of employment up to the date of reinstatement as a custodian; and
- 4) The employee will not be assigned to his former worksite location, but will be reinstated at a location to be determined by the District.

This office recommends that the Settlement Agreement be accepted in its entirety. Administration concurs with this recommendation. Acceptance and approval of the Settlement Agreement will obviate the need for further litigation by the School Board.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, approve the Settlement Agreement between The School Board of Miami-Dade County, Florida and Henry J. Chatman to resolve in its entirety DOAH Case No. 04-4274.

DSV/hd