

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

**SUBJECT: APPROVAL OF SETTLEMENT AGREEMENT
THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, AND
JIMMIE NEAL and THE AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOYEES (AFSCME), LOCAL 1184 -
AAA CASE No. 32 390 677 04**

COMMITTEE: SCHOOL SUPPORT ACCOUNTABILITY

At its regularly scheduled meeting of August 18, 2004, the School Board took action to suspend and initiate dismissal proceedings against Jimmie Neal, a Custodian, for just cause, including, but not limited to deficient performance by reason of violation of School Board Rule 6Gx13- 4-1.08, *Violence in the Workplace*, and 6Gx13- 4A-1.21, *Responsibilities and Duties*, and gross insubordination. The employee timely requested an arbitration hearing on the matter.

This case was scheduled for hearing before an Arbitrator on March 2, 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 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 August 18, 2004 School Board meeting, until a date following the Board's approval at its April 13, 2005 School Board meeting, when the employee complies with the aforesaid re-employment requirements, and is cleared for reinstatement. 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 be subject to a Last Chance Agreement for a period of one (1) year from the date of re-employment whereby the employee will be subject to termination without recourse if it is substantiated that he violated School Board Rule 6Gx13- 4-1.08;
4. 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

5. 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 Jimmie Neal to resolve in its entirety AAA Case No. 32 390 00677 04.

PMC:jmg