

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

**SUBJECT: APPROVAL OF SETTLEMENT AGREEMENT  
THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, AND  
CHRISTOPHER BUOY and THE AMERICAN FEDERATION OF  
STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME),  
LOCAL 1184 - AAA CASE No. 32 390 00886 04**

**COMMITTEE: SCHOOL SUPPORT ACCOUNTABILITY**

At its regularly scheduled meeting of May 19, 2004, the School Board took action to suspend and initiate dismissal proceedings against Christopher Buoy, a Custodian, for just cause, including, but not limited to misconduct in office, deficient performance, violation of School Board Rules 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 April 12, 2005. Prior to the hearing, the parties reached a tentative settlement agreement subject to School Board approval, providing for the employee's demotion to a regular custodian and 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 May 19, 2004 School Board meeting, until a date following the Board's approval at its May 18, 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 two (2) years from the date of re-employment whereby the employee will be subject to termination without recourse if it is again substantiated that he violated School Board rules or policies.

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 non-school site 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 Christopher Buoy to resolve in its entirety AAA Case No. 32 390 00886 04.

PMC:jmg