

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

- SUBJECT:**
- 1. ESTABLISH AND CLASSIFY ADMINISTRATIVE AND CONTRACTED POSITIONS**
  - 2. APPOINT AND ASSIGN**

**COMMITTEE: SCHOOL SUPPORT ACCOUNTABILITY**

Authorization of the Board is requested to establish and classify the contracted position of Special Counsel to the Office of the Superintendent; new administrative position classifications in accordance with School Board Rule 6Gx13- 4D-1.022 Manual of Procedures for Managerial Exempt Personnel, and the labor contract with the Dade County School Administrators' Association (DCSAA). Copies of the job descriptions will be forwarded to Board Members under separate cover and will be placed on file in the Citizen Information Center and the Board Recording Secretary's office.

**Office of the Superintendent**

The present Development Officer PAC that is allocated in the Office of the Superintendent will be converted into a PAC to support the establishment of this position. Due to difference in the base salary and associated fringes, the net cost for establishing this position is \$62,000.

**Special Counsel to the Office of the Superintendent, Contracted Position**

The Special Counsel to the Office of the Superintendent will be the general legal advisor to the Superintendent of Schools on all matters relating to the Superintendent's duties and responsibilities. This position will report directly to the Superintendent of Schools and will collaborate with the School Board Attorney's Office in providing sound, candid, and ethical legal services around cabinet level issues in order to effectively operationalize/implement Board policy.

Conditions of the employment contract for the position of Special Counsel to the Office of the Superintendent provide for an initial employment term of 13 months, with compensation at an annual salary of \$145,000. The salary amount shall remain in effect throughout the term of the contract. The contract also provides for the individual to be granted vacation and sick leave as provided to managerial exempt personnel. The employee shall be entitled to membership in the Florida Retirement System in the Senior Management Classification as required by Florida Retirement System Rule 60S-1.004.

The employment contract may be terminated by the Board or employee on 30 days written notice to the Board or to the employee, as the case may be, it being understood that except as so provided, the contracted employee's right to

employment shall be subject to the Board's absolute right to terminate the employment agreement at will.

**Mr. Thomas Gary, Esq.** is recommended for appointment to the contracted position of Special Counsel to the Office of The Superintendent. Mr. Gary received a Bachelor of Arts Degree in Economics from Oberlin College, Oberlin, Ohio, in 1972; a Juris Doctor Degree from Emory University, Atlanta, Georgia in 1975; a Master of Law Degree in Taxation from the University of Miami, Coral Gables, Florida in 1984; and a Master of Business Administration in International Business from the University of Miami, Coral Gables, Florida in 1997. Mr. Gary's work history includes Senior Assistant Attorney General, State of Florida, Tallahassee, Florida; Managing Partner, Suarez & Gary and its successor, Thomas Gary & Associates, Miami, Florida; Director of the tax practice, Beasley, Olle & Downs, Miami, Florida; Associate in Contract Litigation and Commercial Law, Niewald, Waldeck, Norris & Brown, Kansas City, Missouri; Partner in Labor Litigation, Elliot, Kaiser & Freeman, Kansas City, Missouri; Associate in Commercial Litigation, Morgan, Lewis & Bockius, Philadelphia, Pennsylvania; Associate in Contract Litigation, White and Williams, Philadelphia, Pennsylvania; and Law Clerk to the Honorable Caleb R. Layton, III, Wilmington, Delaware. Mr. Gary has been appointed to serve as Vice Chair of the Florida Bar Professional Ethics Committee for the next Bar year.

Mr. Gary is recommended for employment effective May 19, 2005, or as soon thereafter as can be facilitated for the period through June 30, 2006, at an annual salary of \$145,000.

### **Curriculum and Instruction**

An existing PAC has been converted to establish and classify this position. There is no net cost difference to the District.

#### **District Supervisor, Instructional Support (Bilingual – K-12), MEP, Pay Grade 21**

##### **Bilingual Programs**

The District Supervisor for Instructional Support is directly responsible to the Administrative or Executive Director of the specific subject area in Curriculum and Instruction (ESOL, Spanish, Haitian-Creole, or secondary foreign languages). The supervisor provides leadership and direction in the specific subject by planning, implementing, providing training, developing support materials, and supervising curricular programs K-12 district-wide.

### **Financial Operations/Budget**

#### **Construction Management**

The Project Manager I, Furniture, Fixtures and Equipment (FF&E) Operations position is established as a result of a state audit performed by OPPAGA (Office of Program Policy and Governmental Accountability) who sited an audit exception with the previous job description which was not descriptive of the work performed by Construction Management.

An existing PAC has been converted to establish and classify this position. There is no net cost difference to the District.

**Project Manager I, Furniture, Fixtures and Equipment (FF&E) Operations, DCSAA, Pay Grade 40**

**School Facilities Construction**

Coordinates the development of furniture, fixtures and equipment (FF&E) operations requirements in order to assure the accurate, cost effective, timely delivery, relocation, installation, and set up of FF&E for new schools, additions, remodeling/renovation projects and ancillary/auxiliary facilities for Capital Improvement Projects, Facilities Operations and District-wide relocation requirements.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida,

1. Establish and classify the following contracted position, MEP, and DCSAA position classifications:
  - a. Special Counsel to the Office of the Superintendent, with an annual salary range between \$103,006.00 to \$160,071.00;
  - b. District Supervisor, Instructional Support (Bilingual – K-12), MEP, pay grade 21;
  - c. Project Manager I, Furniture, Fixtures and Equipment (FF&E) Operations, DCSAA, pay grade 40; and
2. Appoint **Mr. Thomas Gary, Esq.** to the contracted position of Special Counsel to the Office of the Superintendent, and assign to the Office of the Superintendent, effective May 19, 2005, or as soon thereafter as can be facilitated, at an annual salary of \$145,000 through June 30, 2006.

PMC:mtp