

Business Operations  
Ofelia San Pedro, Deputy Superintendent

**SUBJECT: ACCEPTANCE OF RESIGNATION AND APPROVAL OF SETTLEMENT AGREEMENT - THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, AND ERNEST SMITH AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME), LOCAL 1184 - AAA CASE No. 32 390 00763 06**

**LINK TO DISTRICT STRATEGIC PLAN: NEGOTIATE AND DEVELOP CONTRACTS WITH EACH BARGAINING UNIT**

On September 13, 2006, the School Board took action to suspend and initiate dismissal proceedings against Ernest Smith for just cause, including but not limited to: conduct unbecoming a School Board employee; and violation of School Board Rules 6Gx13-4A-1.21, Responsibilities and Duties and 6Gx13-4A-1.213, Code of Ethics.

This case was scheduled for hearing before an Arbitrator on January 8, 2008. Prior to the hearing, the parties reached a tentative Settlement Agreement, subject to School Board approval, which provides that the School Board will rescind its decision to suspend and dismiss Ernest Smith and allow Ernest Smith to resign from his employment with the School Board and pay him for leave time accrued, but not used, as of the date of his termination. The Settlement Agreement will be provided to the School Board under separate cover prior to the Board Meeting.

Upon consultation with the Office of Professional Standards, and with their approval, this office recommends that the Settlement Agreement be accepted in its entirety. Acceptance and approval of the Settlement Agreement will obviate the need for further legal action.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, accept the resignation of Ernest Smith and approve the Settlement Agreement between The School Board of Miami-Dade County, Florida, AFSCME and Ernest Smith to resolve in its entirety AAA Case No. 32 390 00763 06.

OSP:jmg

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