

Office of Superintendent of Schools  
Board Meeting of April 16, 2008

March 26, 2008

Business Operations  
Ofelia San Pedro, Deputy Superintendent

**SUBJECT: PROPOSED AMENDMENT OF SCHOOL BOARD RULE: FINAL  
READING 6Gx13- 4E-1.11, MILITARY LEAVE**

**COMMITTEE: INNOVATION, EFFICIENCY AND GOVERNMENTAL  
RELATIONS**

**LINK TO DISTRICT  
STRATEGIC PLAN: IMPROVE FINANCIAL SERVICES**

At the Board meeting of February 13, 2008, Ms. Perla Tabares Hantman, Vice Chair, Miami-Dade County Public Schools, proffered Agenda Item H-8, to direct the Superintendent of Schools to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to amend School Board Rule 6Gx13- 4E-1.11, Military Leave.

The School Board of Miami-Dade County, Florida, announced on March 12, 2008, its intention to amend School Board Rule 6Gx13- 4E-1.11, Military Leave, at its meeting of April 16, 2008 to:

- increase the maximum number of days regular full-time employees receive remuneration from 17 days to 30 days when absent from their regular work when ordered for temporary active duty.

The Notice of Intended Action was published in the *Miami Daily Business Review* on March 17, 2008, posted in various places for public information, and mailed to various organizations representing persons affected by the amended rule, and to individuals requesting notification.

The time to request a hearing or protest the adoption of this rule has elapsed.

In accordance with the provisions of the Administrative Procedures Act, this amended rule is presented to The School Board of Miami-Dade County, Florida, for adoption and authorization to the rule in the official records of The School Board of Miami-Dade County, Florida.

**E-201**

Attached are the Notice of Intended Action, and the amended rule. Changes from the current rule are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

**RECOMMENDED:**

That The School Board of Miami-Dade County, Florida, adopt School Board Rule 6Gx13- 4E-1.11, Military Leave, and authorize the Superintendent to file the rule with The School Board of Miami-Dade County, Florida, to be effective April 16, 2008.

OSP:jmg

## NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on March 12, 2008, its intention to amend School Board Rule 6Gx13- 4E-1.11, Military Leave, at its meeting of April 16, 2008.

**PURPOSE AND EFFECT:** To increase the maximum number of days regular full-time employees receive remuneration from 17 days to 30 days when absent from their regular work when ordered for temporary active duty.

**SUMMARY:** The rule provides policies and practices for the granting of military leave to school Board employees.

**SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED:** 1001.41(1)(2); 1001.42(23); 1001.43(10), F.S.

**LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC:** 115.01; 115.07; 115.09; 115.14; 250.48; 1012.66, F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF April 16, 2008, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by April 7, 2008, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

A COPY OF THE PROPOSED AMENDED RULE is available at cost for inspection and copying by the public in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Ms. Perla Tabares Hantman  
Date: February 27, 2008

Absences, Leaves and Vacations**MILITARY LEAVE**

- A. All regular full-time employees who are members of the reserve in the United States Armed Services or members of the National Guard of the United States shall, to the extent permitted by law, receive remuneration up to a maximum of ~~47~~ 30 days absence from their regular work (contractual period) during any calendar year, if they are ordered by the Armed Services or National Guard to report for temporary active duty provided that:

Full-time regular employees should plan to render their temporary military service during the time school is not in session. If this is impossible, requests for leaves for temporary military service with military orders must be submitted to Personnel Management and Services at least four weeks prior to the beginning of the leave.

- B. A full-time regular employee of The School Board of Miami-Dade County, Florida may be granted a military leave of absence without pay provided that:

1. The employee is inducted into the Armed Services via Selective Service Act;
2. The employee enlists in the Armed Services;
3. The employee is recalled to active service from a reserve status.

- C. The conditions and benefits of a military leave of absence for a full-time regular employee are as follows:

The employee is to be considered as being in continuous employment of the Board during this period of service and shall receive all benefits of employment, upon return, that would normally accrue if the employee had been actually filling his/her position, except that time in military service does not count for credit toward professional services contract eligibility.

- D. The employee is to return to the employ of the Board within six months after receiving the final discharge.

- E. Any regular full-time employee of the Board who enters the Armed Services at any time is to receive full pay for the first 30 days of military service; except that no compensation is to be paid to such a person for any time for which he/she would not normally be drawing pay during the first 30 days of such military service. This is not to be confused with temporary military leave which grants up to ~~47~~ 30 days compensation under certain conditions.

The compensation described in the foregoing paragraph is to be paid only when the individual submits to the Superintendent of Schools or designee an affidavit proving that he/she has been in the Armed Services at least 30 days.

- F. An employee who is a member of the Florida National Guard, and is ordered to active state duty as a result of a state of emergency being declared by the Governor, is entitled to a leave of absence without loss of pay, not to exceed 30 days at any one time.
- G. Any employee involuntarily called to active duty following the terrorist acts on September 11, 2001, shall be entitled to a military pay supplement as provided in Section 115.14, Florida Statutes. The first 30 calendar days of military service by full-time employees are compensable at full pay in accordance with Section E of this rule, upon verification that the employee has completed 30 days of service. Subsequent to the first 30 days of service, the Board will provide military pay supplements to full-time employees who are reservists or members of the National Guard, involuntarily called to active duty after September 11, 2001.

Specific Authority: ~~230.22(2); 230.23(2)~~ F.S. 1001.41(1)(2); 1001.42(23); 1001.43(10), F.S.

Law Implemented, Interpreted, or Made Specific: 115.01; 115.07; 115.09; 115.14; ~~231.39; 250.48; 1012.66~~ F.S.; ~~6A-1.083~~ FAC

History: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA  
 Repromulgated: 12-11-74  
 Amended: 5-13-98; 12-12-01; 8-21-02