

Financial Services
Richard H. Hinds, Chief Financial Officer

**SUBJECT: RATIFICATION OF THE 2008-2009 BUDGET RECOVERY AND
EMPLOYEE PARTNERSHIP PLAN MEMORANDUM OF
UNDERSTANDING BETWEEN THE MIAMI-DADE COUNTY
PUBLIC SCHOOLS AND THE FLORIDA STATE LODGE,
FRATERNAL ORDER OF POLICE**

COMMITTEE: SCHOOL SUPPORT ACCOUNTABILITY

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

Pursuant to negotiations between Miami-Dade County Public Schools (M-DCPS) and the Florida State Lodge, Fraternal Order of Police (FOP), the parties reached a tentative agreement on the 2008-2009 Budget Recovery and Employee Partnership Plan Memorandum of Understanding (MOU) on Friday, March 13, 2009 (attached).

The agreement includes a reduction of the 2008-2009 work year for 12-month full-time employees by three (3) days. Salaries for the fiscal year 2008-2009 will be reduced accordingly. As part of the compensation package for fiscal year 2009-2010, an appropriation for a Service Incentive for services to be rendered during the 2009-2010 fiscal year, will be submitted to the School Board for approval with the fiscal year 2009-2010 tentative budget.

FOP bargaining unit members ratified the MOU on Monday, March 16, 2009.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, ratify the 2008-2009 Budget Recovery and Employee Partnership Plan Memorandum of Understanding with the Fraternal Order of Police.

RHH/jmg

MEMORANDUM OF UNDERSTANDING
Contract Modification/Implementation

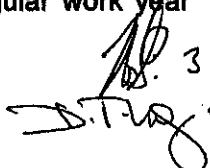
2008-2009 BUDGET RECOVERY AND EMPLOYEE PARTNERSHIP PLAN

Pursuant to Article XXXI – Ratification and Final Disposition, of the current contract between the Florida State Lodge, Fraternal Order of Police (FOP), and the Miami-Dade County Public Schools (M-DCPS), the parties reopened negotiations regarding a 2008-2009 Work Year Reduction for 12-month full-time employees.

1. **Deduction of Pay** - The parties agree to reduce the 2008-2009 work year for 12-month full time employees by three (3) days. Said reductions shall be applicable for 12-month full-time employees in job assignments as of the date of approval of this agreement.

The pay reductions (i.e. Work Year Reduction) will be implemented as an adjustment to the 2008-2009 annual salaries for 12-month employees in an amount equivalent to three days of pay. The adjustments to gross salaries will be deducted from five paychecks in the 2008-2009 fiscal year for 12-month employees. The deductions will be made in equal increments through payroll deductions - - April 24, 2009; May 8, 2009; May 22, 2009; June 5, 2009; and June 19, 2009.

2. **Recess Days (12-months)** - The parties agree that all affected 12-month employees shall be entitled to three recess days during the 2008-2009 fiscal year without pay for the above reductions.
 - a. Twelve-month employees shall schedule pay reduction days off prior to July 1, 2009, with supervisory approval. Such supervisory approval shall not be arbitrarily withheld.
 - b. All pay reduction days off shall be taken in full day increments prior to July 1, 2009. Employees will list three choices of recess dates in priority order. One of these dates will be guaranteed by the supervisor. In the event of a conflict, seniority at the work location will be the determining factor. Those employees who have not taken their recess days by June 1, 2009 will be given a second notice. If by June 15, 2009 employees have not taken their recess days off, the supervising administrator will determine the recess days for the employee prior to July 1, 2009.
3. **Exemptions** - The parties agree that the following employees will be exempt from specified provisions of the Work Year Reduction.
 - a. Employees who will terminate employment with the District by December 31, 2009 through Deferred Retirement Options Program (DROP), retirement, or resignation shall be exempt from the work year reduction to their annual salaries. Employees who plan to retire, resign or terminate must submit a binding application/resignation form by April 10, 2009 in order to avoid the pay deductions which begin on April 24, 2009. These employees will not be eligible for the approved recess days and must work the regular work year calendar.

 3-13-09
3/13/09

- b. Employees only on Board-approved leaves during any portion of the work year reduction period of April 10 – June 19, 2009 will also be exempt from this reduction. Employees will not be eligible for the approved recess days and must work the regular work year calendar.
 - c. Employees newly joining DROP prior to July 1, 2009 will be exempt from the three day reduction adjustment to their annual salary if they file an application by April 10, 2009 to join DROP in order to avoid the pay deductions which begin on April 24, 2009. This DROP commitment shall be considered binding. These employees will not be eligible for the approved recess days and must work the regular work year calendar.
4. **Service Incentive** – The parties agree that all 12-month employees who are in an active pay status as of August 24, 2009 and were affected by the Work Year Reduction will be eligible to receive a Service Incentive for services rendered during the 2009-2010 fiscal year. The Service Incentive payment will be rendered in a lump sum payment after October 1, 2009 but before December 18, 2009.
- a. The Service Incentive is being paid for services and performance pursuant to the applicable collective bargaining agreements between the School Board and Bargaining Agents for the 2009-2010 fiscal year as modified by this agreement.
 - b. The amount of the Service Incentive shall be equivalent to the amount of the affected employee's salary for three days at the time of the Work Year Reduction on April 24, 2009.
 - c. Employees affected by this Work Year Reduction who terminate voluntarily or involuntarily prior to January 1, 2010 and who have been paid the service incentive shall have one-half of the Service Incentive deducted from their terminal payment.
5. The parties assert that their representatives have reviewed this MOU prior to execution.
6. If additional funds become available for use in reducing the budget deficit during the 2008-2009 fiscal year, the parties agree to reopen negotiations on this issue.
7. M-DCPS shall implement a procedure that every affected FOP bargaining unit member will be notified in writing of the terms of the Budget Reduction and Employee Partnership Plan. Employees will sign that they have received said notification at their respective work sites.
8. This MOU will remain in effect until the last day of the 2009-2010 fiscal year.

AA 3-13-09
DT 3/13/09

DATED at Miami, Florida this _____ day of _____, 2009.

**THE SCHOOL BOARD OF MIAMI-DADE
COUNTY, FLORIDA**

**FLORIDA STATE LODGE,
FRATERNAL ORDER OF POLICE**

Dr. Solomon C. Stinson Date
Chair

Mr. Joe Puleo Date
FOP Staff Representative

Dr. Marta Pérez Date
Vice Chair

Mr. Howard Giraldo Date
President

Alberto M. Carvalho Date
Superintendent of Schools

APPROVED AS TO FORM

School Board Attorney

Handwritten signature and date:
3-13-09
3/13/09