

Vera A. Hirsh, Assistant Superintendent
Human Resources, Recruiting and Performance Management

SUBJECT: PROPOSED AMENDMENT OF BOARD RULES:

**FINAL READING 6Gx13- 4D-1.022, MANUAL OF PROCEDURES FOR
MANAGERIAL EXEMPT PERSONNEL**

FINAL READING 6Gx13- 4E-1.09, PROFESSIONAL LEAVE

COMMITTEE: SCHOOL SUPPORT ACCOUNTABILITY

**LINK TO DISTRICT
STRATEGIC PLAN: GENERAL OPERATIONS**

The School Board of Miami-Dade County, Florida, announced on June 17, 2009, its intention to amend School Board Rule 6Gx13- 4D-1.022, Manual of Procedures for Managerial Exempt Personnel, and the document *Manual of Procedures for Managerial Exempt Personnel*, which is incorporated by reference and is a part of this rule, and School Board Rule 6Gx13- 4E-1.09, Professional Leave, at its meeting of August 5, 2009.

The Notice of Intended Action was published in the *Miami Daily Business Review* on June 22, 2009, 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 these rules has elapsed.

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

Attached are the Notices of Intended Action and the rules proposed for amendment. Changes from the current rules are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

Copies of the document, *Manual of Procedures for Managerial Exempt Personnel*, which is incorporated by reference and is part of this rule, will be forwarded to School Board members under separate cover, and will be available for inspection by the public in the Office of Board Recording Secretary, Room 924, and the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, adopt amended School Board Rule 6Gx13- 4D-1.022, Manual of Procedures for Managerial Exempt Personnel, and the document *Manual of Procedures for Managerial Exempt Personnel*, which is incorporated by reference and is a part of this rule, and School Board Rule 6Gx13- 4E-1.09, Professional Leave, and authorize the Superintendent to file these rules with The School Board of Miami-Dade County, Florida, to be effective August 5, 2009.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on June 17, 2009, its intention to amend Board Rule 6Gx13- 4D-1.022, Manual of Procedures for Managerial Exempt Personnel, and the document, *Manual of Procedures for Managerial Exempt Personnel (MEP)*, which is incorporated by reference and a part of this rule, at its meeting of August 5, 2009.

PURPOSE AND EFFECT: To amend the School Board Rule by amending Section A, Classification System; Section C, School Site Administrator Performance Planning and Assessment System; Section D, Non-School Site Administrator Performance Planning and Assessment System; Section E, Professional Rights; Section F, Professionalization; and Section G, Managerial Exempt Personnel Employee Benefits of the document, *Manual of Procedures for Managerial Exempt Personnel (MEP)*, to update outdated sections and language of the document, to comport with administrative procedures related to Performance Management, changes previously made to Board Rules, and to clarify some technical documentation requirements.

SUMMARY: Board Rule 6Gx13- 4D-1.022, Manual of Procedures for Managerial Exempt Personnel, and the document, *Manual of Procedures for Managerial Exempt Personnel (MEP)*, delineate procedures for managerial exempt personnel, including employment policies, guidelines, and provisions for classification, compensation, and performance appraisal for the aforementioned employee group.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1)(2); 1001.42(25); 1001.43(10) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 115.09; 115.14; 1012.01; 1012.22(1)(c)(4); 1012.40; 1012.61(2)(a)(5); 1012.65; 1012.66 F.S.; 6A-4.0083; 6A-4.0084 FAC; Section 401(a) Internal Revenue Code.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF August 5, 2009, 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 July 13, 2009, 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 to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Vera A. Hirsh
Supervisor: Alberto M. Carvalho
Date: May 27, 2009

Compensation and Related Benefits**MANUAL OF PROCEDURES FOR MANAGERIAL EXEMPT PERSONNEL****I. Statement of Policy-Relations with Professional Associations of School District Administrators**

Administrators employed by the District and designated as managerial exempt have joined together in professional associations to further both the interests of public education and of the administrators themselves. Such associations can contribute to the orderly and proper operation of the District by presenting the concerns of the District's administrators to the Superintendent and to the School Board. Concerns of administrators which pertain to wages, benefits, and other terms and conditions of employment can most efficiently be presented to and considered by the Superintendent working with a single professional association. While individual administrators will always be free to present their personal views to the Superintendent and/or the Board, it has been determined that, as a matter of policy, the common concerns of managerial exempt administrators on matters pertaining to wages, benefits and other terms and conditions of employment should be presented to the Board through the Superintendent working with a single professional association.

Therefore, providing that a professional association can show that it represents a majority of the managerial exempt employees, the Superintendent shall recognize that association to represent all managerial exempt employees on common issues regarding wages, benefits, and other terms and conditions of employment. The Superintendent shall designate and inform the Board of the appropriate association to meet and confer with the Superintendent pursuant to this rule.

II. Manual of Procedures for Managerial Exempt Personnel (MEP)

The wages, benefits, and terms and conditions of employment of the District's managerial exempt employees shall be delineated in the Manual of Procedures for Managerial Exempt Personnel (MEP), which shall be incorporated into and be a part of this Board rule. Except when required by state or federal law, regulations, or when recommended by the Superintendent, the MEP will be amended annually, as necessary, subsequent to the completion of the "meet and confer" process.

The MEP will include, but not be limited to the following topics:

- A. Wages
- B. Classification of managerial exempt positions

- C. Compensatory benefits, e.g., health and life insurance, retirement, holidays, vacation, sick leave, disability leave, supplemental worker's compensation payments, tax-deferred annuity or salary deferral programs, and cafeteria plans
- D. Working conditions, e.g., travel reimbursement, continuing education, professional development, personal liability protection, leave policies (professional, military, personal leave of absence and parental), employee assistance programs
- E. Evaluation procedures
- F. Job assignment procedures
- G. Statement of human rights
- H. Investigation procedures
- I. Reappointment procedures
- J. Reduction in force/surplus/reorganization procedures
- K. Impartial District administrative review and hearing procedure for appeals of disciplinary actions
- L. Impartial District administrative review for resolution of non-disciplinary disputes, e.g., disputes over whether salary schedule, benefits or other working conditions are granted in accordance with the MEP or whether procedures in the MEP were followed.

Note: In the dispute resolution procedures set forth above in K and L, the association shall be permitted to represent and assist its members. All managerial exempt employees shall be permitted to utilize these procedures to resolve their disputes without the assistance or representation of the association; however, no precedent shall be established nor implied in any dispute resolution formulated without the participation of the association.

III. Amendment of the MEP

- A. The Superintendent shall prepare proposed amendments and forward such to the association.
- B. The association shall notify the Superintendent in writing whether it concurs with the amendments as proposed or wishes to meet and

confer with the Superintendent concerning proposals or to offer additional proposals.

- C. Should the association indicate its desire to meet and confer, the Superintendent or his designee(s) shall meet and confer with the association on a regular basis in an attempt to agree upon the proposed amendments to be presented to the Board; however, nothing herein shall preclude the Superintendent from recommending such amendments to the Board in the event an agreement is not reached on such amendments.
- D. When the association and the Superintendent agree upon the proposed amendments to the MEP, it shall be presented to the Board by the Superintendent. The association shall, prior to consideration by the Board, transmit to the Board the association's support of the proposed MEP.

IV. Association Rights

The following rights shall be provided to the association:

- A. Payroll deductions
- B. Inclusion in E-Mail subject to applicable laws and regulations
- C. Access to school facilities for the association's staff and officers to meet with managerial exempt employees at reasonable times which will not interfere with the employee's assigned duties, after giving notice to the supervising administrator at each facility
- D. Regularly scheduled meetings with the Superintendent, except when extenuating circumstances prevent such scheduled meetings from occurring
- E. Incorporation of this rule and the MEP into the contracts between managerial exempt personnel and the School Board as follows:

School Board Rule 6Gx13- 4D-1.022 entitled "MANUAL OF PROCEDURES FOR MANAGERIAL EXEMPT PERSONNEL (MEP)" is hereby incorporated into this Contract and hereby made a part thereof, binding on both parties. This Contract is subject to the amendments to said rule.

Specific Authority: 1001.41(1)(2); 1001.42(25); 1001.43(10), F.S.

Law Implemented, Interpreted or Made Specific: 115.09; 115.14; 1012.01; 1012.22(1)(c)(4); 1012.40; 1012.61(2)(a)(5); 1012.65; 1012.66 F.S.; 6A-4.0083; 6A-4.0084 FAC; Section 401(a) Internal Revenue Code

History

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

New: 1-8-86

Amended: 6-25-86; 10-15-86; 12-17-86; 9-30-87; 7-27-88; 10-18-89; 9-26-90; 8-21-91; 6-24-92; 1-20-93; 12-14-94; 10-25-95; 3-5-97; 11-5-97; 6-10-98; 10-21-98; 8-25-99; 3-15-00; 9-13-00; 4-18-01; 1-16-02; 5-14-03; 6-18-03; 8-20-03; 5-19-04; 8-18-04; 4-13-05; 4-18-06; 5-20-09

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on June 17, 2009, its intention to amend School Board Rule 6Gx13- 4E-1.09, Professional Leave at its meeting of August 5, 2009.

PURPOSE AND EFFECT: To amend the School Board Rule by deleting Extended Professional Leave Without Pay to comport with changes recommended under Board Rule 6Gx13- 4D-1.022, Manual of Procedures for Managerial Exempt Personnel and the document, *Manual of Procedures for Managerial Exempt Personnel (MEP)*.

SUMMARY: 6Gx13- 4E-1.09, Professional Leave, delineate guidelines and procedures to request professional leave with pay.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1)(2); 1001.42(25); 1001.43(10) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 115.09; 115.14; 1012.01; 1012.22(1)(c)(4); 1012.40; 1012.61(2)(a)(5); 1012.65; 1012.66 F.S.; 6A-4.0083; 6A-4.0084 FAC; Section 401(a) Internal Revenue Code.

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Originator: Vera A. Hirsh
Supervisor: Alberto M. Carvalho
Date: May 27, 2009

Absences, Leaves and Vacations**PROFESSIONAL LEAVE**

Professional leave is leave granted to full-time members of the United Teachers of Dade and Dade County School Administrators' Association bargaining units, managerial exempt employees, and confidential/exempt employees to engage in activities which will result in professional benefit or advancement, including earning of college credits and degrees.

Professional Leave With Pay

Any regular member of the instructional or professional administrative staff (12 month employees) may be granted three weeks of professional leave with compensation during any school year when school is not in session, with such leave cumulative for not more than two years, in accordance with Florida Statutes and State Board of Education Rules, provided that one is under contract during this period and further provided that such leave is approved in writing by the principal of the school for personnel under his/her supervision and by the Superintendent of Schools, or such person as may be designated. School is construed to be in session starting with the first day of the 180 day school term for students in the fall and ending with the last day the students are required to be in school in the spring. Professional leave for such personnel not under the supervision of a principal shall be approved by the Superintendent of Schools or designee.

Professional leave will not be granted to persons who are employed for less than twelve months to attend summer school during the period of services which exceeds the regular ten-month period served by teachers. No substitute will be approved for a person whose first day of absence for summer school is the day following the end of the students' term of school in the spring, or for a person whose last day of absence is prior to the first day of the students' 180-day term of school.

We recognize the importance of employees who voluntarily participate in government and other civic affairs. Employees serving in an elected position on August 21, 2002 and receiving professional leave with pay when engaged in official functions of the elected body, may continue to receive said leave for the remainder of their current term in office, but not thereafter. Employees who are elected to public office after August 21, 2002 may request professional leave with pay for release time directly related to their attendance at official functions of the elected body. Such leave shall be granted in half or full day increments, and the daily rate of the salary for their elected position shall be deducted from their school system pay for such leave.

Extended Professional Leave Without Pay

~~Extended professional leave without pay is leave granted in excess of thirty days. No one, with the exception of employees granted leave to work for a charter school, may receive more than two consecutive years of extended professional leave, which is approved one year at a time. An employee granted extended professional leave may engage in activities for which no college credit is granted provided it is determined by the Superintendent of Schools or designee that these activities will enhance the employee's professional competence and, thereby, benefit the school system once the employee returns. Extended professional leave for outside employment is prohibited, except for public sector employment or employment for a not-for-profit organization, when deemed by the Superintendent of Schools or designee to be in the best interest of the Miami-Dade County Public School system. Any employee who is approved for full-time employment under extended professional leave will not be entitled to Board-paid fringe benefits.~~

Specific Authority: ~~230.22(2); 230.23(22)~~ 1001.41(1)(2); 1001.42(25); 1001.43(10); 1012.66 F.S.

Law Implemented, Interpreted, or Made Specific: ~~228.056(13)(e); 231.39~~ 1010.66 F.S.; 6A-1.081 FAC

History

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

Repromulgated: 12-11-74

Amended: 5-13-98; 8-21-02