

Enid Weisman, Chief Human Capital Officer
Office of Human Capital Management

SUBJECT: PROPOSED AMENDMENT OF BOARD POLICY: INITIAL
READING 1120.01, MANAGERIAL EXEMPT PERSONNEL

COMMITTEE: SCHOOL SUPPORT ACCOUNTABILITY

**LINK TO STRATEGIC
FRAMEWORK:** SCHOOL/DISTRICT LEADERSHIP

This item is submitted for consideration by the Board to amend Board Policy 1120.01, Managerial Exempt Personnel, by amending Section B-4.B, Initial Appointment Compensation of the document, *Manual of Procedures for Managerial Exempt Personnel*, which is incorporated by reference and is a part of this policy.

Attached are the Notice of Intended Action and the policy proposed for amendment and Section B-4.B of the document, *Manual of Procedures for Managerial Exempt Personnel*. Changes from the current policy are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

Authorization of the Board is requested for the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act for the amendment of Board Policy 1120.01, Managerial Exempt Personnel.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to amend Board Policy 1120.01, Managerial Exempt Personnel, and the document, *Manual of Procedures for Managerial Exempt Personnel*, which is incorporated by reference and is a part of this policy.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on December 11, 2013, its intention to amend Board Policy 1120.01, Managerial Exempt Personnel, and the document, *Manual of Procedures for Managerial Exempt Personnel (MEP)*, which is incorporated by reference and is a part of this policy, at its meeting of January 15, 2014.

PURPOSE AND EFFECT: To amend the Board Policy by amending Section B-4.B, Initial Appointment Compensation of the document, *Manual of Procedures for Managerial Exempt Personnel (MEP)*, to delineate revisions in the compensation and professionalization practices.

SUMMARY: Board Policy 1120.01, 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 POLICYMAKING IS AUTHORIZED: 1001.41(1)(2); 1001.42(25); 1001.43(10) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 1001.42(5); 1001.43(11); 1001.51(7); 1012.01(6)(7); 1012.22(1)(c)(e)(2); 1012.27 F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF January 15, 2014, 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 January 8, 2014, 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 POLICY 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: Ms. Enid Weisman
Supervisor: Mr. Alberto M. Carvalho
Date: November 25, 2013

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MANAGERIAL EXEMPT PERSONNEL

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

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

22 **Manual of Procedures for Managerial Exempt Personnel (MEP)**

23 The wages, benefits, and terms and conditions of employment of the District's
24 managerial exempt employees are found in the Manual of Procedures for Managerial
25 Exempt Personnel (MEP), incorporated by reference.

26 Except when required by State or Federal law, regulations, or when recommended
27 by the Superintendent, the MEP will be amended annually, as necessary,
28 subsequent to the completion of the "meet and confer" process.

29 **Amendments**

30 A. The Superintendent shall prepare proposed amendments and
31 forward them to the association.

- 1 B. The association shall notify the Superintendent in writing whether it
2 concurs with the amendments as proposed or wishes to meet and
3 confer with the Superintendent concerning proposals or to offer
4 additional proposals.
- 5 C. Should the association indicate its desire to meet and confer, the
6 Superintendent shall meet and confer with the association on a
7 regular basis in an attempt to agree upon the proposed amendments
8 to be presented to the Board. However, the Superintendent is not
9 precluded from recommending amendments to the Board even if no
10 agreement is reached.
- 11 D. When the association and the Superintendent agree upon the
12 proposed amendments to the MEP, it shall be presented to the
13 Board by the Superintendent. The association shall, prior to
14 consideration by the Board, transmit to the Board the association's
15 support of the proposed MEP.

16 **Association Rights**

17 The following rights shall be provided to the association:

- 18 A. Payroll deductions,
- 19 B. Inclusion in E-Mail subject to applicable laws and regulations,
- 20 C. Access to school facilities for the association's staff and officers to
21 meet with managerial exempt employees at reasonable times which
22 will not interfere with the employee's assigned duties, after giving
23 notice to the supervising administrator at each facility, and
- 24 D. Regularly scheduled meetings with the Superintendent, except when
25 extenuating circumstances prevent scheduled meetings from
26 occurring.

27 F.S. 115.09, 115.14, 1001.41(1)(2), 1001.42(25), 1001.43(10), 1012.01
28 F.S. 1012.22(1)(c)(4), 1012.40, 1012.61(2)(a)(5), 1012.65, 1012.66
29 F.A.C. 6A-4.0083, 6A-4.0084
30 Section 401(a) Internal Revenue Code

B-4 Initial Appointment Compensation

- B. The applicant is a Miami-Dade County Public Schools employee reassigned and appointed or reclassified from a non-managerial M-DCPS position; in this case the employee shall be placed in the salary range that provides a 5% increase in salary above the employee's current base pay. During times of fiscal constraints, this increase may be deferred waived. Please refer to Compensation Increases, Section B-5G.

If the applicant is a Miami-Dade County Public Schools employee that is reassigned and appointed or reclassified from another managerial M-DCPS position, the employee's new salary—at the position where he or she has been reassigned and appointed or reclassified to—shall be the published rate for the new job assignment which is the closest to the current salary.