

Office of Superintendent of Schools
Board Meeting of August 15, 2018

July 30, 2018

Jose L. Dotres, Chief Human Capital Officer
Office of Human Capital Management

**SUBJECT: FINAL READING: PROPOSED AMENDMENT OF POLICIES
1120.01, MANAGERIAL EXEMPT PERSONNEL, AND 8420,
EMERGENCY CLOSING OF SCHOOLS**

**COMMITTEE: PERSONNEL, STUDENT, SCHOOL, AND COMMUNITY
SUPPORT**

**LINK TO STRATEGIC
BLUEPRINT: HIGHLY EFFECTIVE TEACHERS, LEADERS AND STAFF**

At its regularly scheduled School Board meeting of October 11, 2017, the School Board approved Agenda Item A-3 (MEP Payment During Emergency School Closures) proffered by the Superintendent, and Agenda Item H-10 (MEP Compensation During Declared Emergencies), sponsored by Ms. Mari Tere Rojas, Board Member. Agenda Item A-3 authorized the Superintendent to amend the *Manual of Procedures for Managerial Exempt Personnel* (MEP) to provide for the compensation of essential personnel during future declared emergencies.

This item is therefore submitted for consideration by the Board to amend School Board Policy, 1120.01, *Managerial Exempt Personnel*, by amending Section B, Compensation System, of the document *Manual of Procedures for Managerial Exempt Personnel* (MEP), which is incorporated by reference and a part of the policy. Section B is proposed to be revised to include the addition of language to authorize payment to managerial exempt employees required to work during emergency periods.

Additionally, at the School Board meeting of February 21, 2018, the Board approved Agenda Item H-10, sponsored by Dr. Lawrence S. Feldman, Board Member, and co-sponsored by Ms. Perla Tabares Hantman, Board Chair, and Dr. Dorothy Bendross-Mindingall, Ms. Lubby Navarro, and Ms. Mari Tere Rojas, Board Members. The item authorized the Superintendent to explore the feasibility of codifying, in either existing or new School Board Policy, provisions for ensuring that after each declared state of emergency in which regularly scheduled work days are lost for hourly and part-time employees due to the emergency, all available options will be considered to allow those employees who were regularly scheduled to work during that time to make up for the time not worked.

Accordingly, this item also seeks to amend School Board Policy 8420, *Emergency Closing of Schools*, to address compensation of part-time employees during emergency school closures. Attached is Policy 8420, *Emergency Closing of Schools*. Proposed changes from the current policy are indicated by language to be added.

Attached is Section B, Compensation System, of the *Manual of Procedures for Managerial Exempt Personnel* (MEP), which is incorporated by reference in Board Policy 1120.01, *Managerial Exempt Personnel*. Changes from the current policy are indicated by

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underscoring words to be added and striking through words to be deleted, located on page 13. Also attached is the Notice of Intended Action and the proposed amendment of Policy 8420, *Emergency Closing of Schools*. 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 procedures in accordance with the Administrative Procedure Act to amend Board Policies 1120.01, *Managerial Exempt Personnel*, and 8420, *Emergency Closing of Schools*.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, adopt the proposed amendment to Board Policies 1120.01, Managerial Exempt Personnel, and 8420, Emergency Closing of Schools, and authorize the Superintendent to file the amended policies with the School Board of Miami-Dade County, Florida, to be effective August 15, 2018.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on June 20, 2018, its intention to amend Board Policies, 1120.01, *Managerial Exempt Personnel*, and the Section B, Compensation System, of the document, *Manual of Procedures for Managerial Exempt Personnel* (MEP), which is incorporated by reference and a part of the policy, and 8420, *Emergency Closing of Schools*, at its meeting of August 15, 2018.

PURPOSE AND EFFECT: To amend School Board Policies, 1120.01, *Managerial Exempt Personnel*, by amending Section B of the document, *Manual of Procedures for Managerial Exempt Personnel* (MEP), to provide compensation to managerial exempt employees required to work during a period of declared emergency; and 8420, *Emergency Closing of Schools*, to ensure all available options be considered to allow hourly or part-time employees to make up for potential time not worked during an emergency closing of schools.

SUMMARY: Board Policy, 1120.01, *Managerial Exempt Personnel*, and Section B of the document, *Manual of Procedures for Managerial Exempt Personnel* (MEP), is proposed to be amended to provide compensation to managerial exempt employees required to work during a period of declared emergency. Board Policy, 8420, *Emergency Closing of Schools*, is also proposed to be amended to ensure all available options will be considered to allow hourly or part-time employees to make up for potential time not worked during an emergency closing of schools.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1),(2); 1001.42(28); 1001.43(10),(11); 1012.01; 1012.22; 1012.40 F.S.

LAWS IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 1001.32; 1001.42; 1001.43(1); 1001.49(2); 1001.51 F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING of August 15, 2018, 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 regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by July 16, 2018, 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 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 POLICIES is available at cost to the public for inspection and copying in the Citizen Information Center, Room 102, 1450 N.E. Second Avenue, Miami, Florida 33132.

Managerial Exempt Personnel Manual

Section B: Compensation System

B-14 Compensation for Work Performed During Emergency Closing of Schools

The emergency closing of school(s) for any cause, such as inclement weather or violent or disruptive activities in which the safety of individuals might be endangered, shall be at the discretion of the Superintendent of Schools, pursuant to School Board Rule ~~6Gx13~~ Policy 8420, Emergency Closing of School(s). When an emergency is declared by the Superintendent and essential Managerial Exempt employees are excused from work because of the emergency and are called back to duty to perform disaster-related and/or emergency work, those employees required to work (i.e., shelter assigned or other designated essential personnel duties) during the emergency closing of schools will be granted additional financial compensation. ~~Compensatory time for managerial exempt personnel shall be accrued at the rate of half or full-day increments for each half/full day worked during the emergency closing of schools.~~

Revised
at Initial
Reading
6/20/18

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EMERGENCY CLOSING OF SCHOOLS

2 The emergency closing of school(s) for any cause, such as inclement weather or
3 violent or disruptive activities in which the safety of individuals might be
4 endangered, shall be at the discretion of the Superintendent, unless authority is
5 specifically delegated by the Superintendent to another administrator.

6 When an emergency necessitates the closing of a school(s), the members of the
7 Board shall be notified immediately of the action taken and the reason for the
8 action.

9 If the emergency is of a nature that the school(s) must remain closed for an extended
10 period of time, with the exception of closing for inclement weather or natural
11 disaster, the Superintendent may call an emergency meeting of the Board to discuss
12 the closure.

13 The Superintendent may provide for the payment of salaries according to labor
14 contracts. If the affected bargaining units' labor contracts do not include provisions
15 to address the compensation of hourly or part-time employees, all available options
16 will be considered to allow hours not worked during the emergency to be made up by
17 these employees.
18

19 F.S. 228.041(17), 230.03(2), 230.23(4)(f), 230.23005(11), 230.33(6), 1001.32,
20 1001.42, 1001.43, 1001.51
21 F.S. 1006.07, 1013.13

