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Office of Human Capital Management

SUBJECT: **FINAL READING: PROPOSED AMENDMENT OF SCHOOL BOARD
POLICY 1120.01 MANUAL OF PROCEDURES FOR MANAGERIAL
EXEMPT PERSONNEL**

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

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

This item is submitted for consideration by the Board to amend the *Manual of Procedures for Managerial Exempt Personnel*, inclusive of the motions made during the initial reading at the School Board meeting of December 9, 2020, which is incorporated by reference in Board Policy 1120.01, *Managerial Exempt Personnel*. Section A, *Classification System*, Section B, *Compensation System*, Section C, *Professional Rights*, Section D, *Professionalization* and Section E, *Employee Benefits* are recommended for amendment to align the manual with legislative changes and to update outdated sections and language to conform with established District practices. These revisions are needed to remain effective and align with the mission and goals of the district.

At its regularly scheduled School Board meeting of April 17, 2019, the School Board approved Agenda Item H-6, *Administrative Assessment and Associated Updates of Districtwide Manuals and Websites*, sponsored by Ms. Mari Tere Rojas, Board Member. Agenda Item H-6 authorized the Superintendent to conduct an administrative assessment and associated updates of districtwide manuals and websites.

Attached is the Notice of Intended Action.

Copies of the document, *Manual of Procedures for Managerial Exempt Personnel* will be forwarded to the Board under separate cover.

Authorization of the Board is requested for the Superintendent to initiate rulemaking proceedings in accordance with the Florida Administrative Procedure Act for the amendment of the *Manual of Procedures for Managerial Exempt Personnel*, which is incorporated by reference in Board Policy 1120.01, *Managerial Exempt Personnel*.

The Notice of Intended Action was published in the *Miami Daily Business Review* on December 14, 2020 and posted in various places for public information and mailed to various organizations representing persons affected by the amended Policies and to individuals requesting notification. The time to request a hearing or protest the adoption of this amendment has elapsed.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, adopt the proposed amendments and authorize the Superintendent to file the amended Policy with The School Board of Miami-Dade County, Florida, to be effective January 13, 2021.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on December 9, 2020, its intention to amend the *Manual of Procedures for Managerial Exempt Personnel*, which is incorporated by reference in Board Policy 1120.01, *Managerial Exempt Personnel*, at its meeting of January 13, 2021.

PURPOSE AND EFFECT: To amend the *Manual of Procedures for Managerial Exempt Personnel* by amending Section A, *Classification System*, Section B, *Compensation System*, Section C, *Professional Rights*, Section D, *Professionalization* and Section E, *Employee Benefits*, to delineate revisions in compensation, performance appraisals, professional rights, workers' compensation and leave provisions and to update outdated information.

SUMMARY: The *Manual of Procedures for Managerial Exempt Personnel (MEP)*, which is incorporated by reference in Board Policy 1120.01, *Managerial Exempt Personnel*, delineates procedures for managerial exempt personnel, including employment policies, guidelines, and provisions for classification, compensation, performance appraisal, workers compensation and leave for the aforementioned employee group. Amendments are proposed to align the manual with legislative changes and to update outdated information to conform with established District practices.

SPECIFIC LEGAL AUTHORITY UNDER WHICH POLICYMAKING IS AUTHORIZED: 1001.41(1),(2); 1001.42(5), (28); 1001.43(11) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 1001.51(7); 1012.01(3), (7); 1012.22(1); 1012.27 F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF January 13, 2021, 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 6, 2021, 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.



Book	Policy Manual
Section	1000 Administration
Title	MANAGERIAL EXEMPT PERSONNEL
Code	po1120.01
Status	Active
Adopted	May 11, 2011

1120.01 - MANAGERIAL EXEMPT PERSONNEL

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 policy.

Manual of Procedures for Managerial Exempt Personnel (MEP)

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

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.

Amendments

- A. The Superintendent shall prepare proposed amendments and forward them 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 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, the Superintendent is not precluded from recommending amendments to the Board even if no agreement is reached.

- 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.

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, and
- D. Regularly scheduled meetings with the Superintendent, except when extenuating circumstances prevent scheduled meetings from occurring.

Effective 7/1/11

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