

Office of Superintendent of Schools  
Board Meeting of June 18, 2003

June 4, 2003

Office of Human Resources  
Marjorie H. Adler, Chief Personnel Officer

**SUBJECT: PROPOSED REPEAL OF SCHOOL BOARD RULE: FINAL READING  
6Gx13- 4E-1.12, HARDSHIP OR DIRE EMERGENCY LEAVE**

**COMMITTEE: LEGISLATIVE RELATIONS, PUBLIC RELATIONS AND PERSONNEL  
SERVICES**

The School Board of Miami-Dade County, Florida, announced on May 14, 2003, its intention to repeal, at its meeting of June 18, 2003, School Board Rule 6Gx13- 4E-1.12, Hardship or Dire Emergency Leave, which provides guidelines for any employee eligible for sick leave to receive hardship leave time for his/her own illness up to a maximum of 30 additional work days for the same illness per fiscal year. The Short Term Disability Insurance policy, approved by the School Board as a core benefit for all full-time employees as of January 1, 2003, replaces the Hardship/Dire Emergency Leave benefit provided by this rule.

The Notice of Intended Action was published in *The Miami Daily Business Review* on May 19, 2003, and 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 repeal of this rule has elapsed.

In accordance with provisions of the Administrative Procedure Act, this rule is presented to The School Board of Miami-Dade County, Florida, for repeal and authorization to file the rule in the official records of The School Board of Miami-Dade County, Florida.

Attached are the Notice of Intended Action and the rule proposed for repeal.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, repeal School Board Rule 6Gx13- 4E-1.12, Hardship or Dire Emergency Leave and authorize the Superintendent to file the rule with The School Board of Miami-Dade County, Florida, to be effective June 18, 2003.

MHA:am

## NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on May 14, 2003, its intention to repeal School Board Rule 6Gx13- 4E-1.12, Hardship or Dire Emergency Leave, at its meeting of June 18, 2003.

**PURPOSE AND EFFECT:** To discontinue the benefit provided by this rule, which has been replaced by the inclusion of a short term disability insurance policy as a core benefit for all full-time employees, as of January 1, 2003.

**SUMMARY:** Board Rule 6Gx13- 4E-1.12, Hardship or Dire Emergency Leave, will be repealed because the inclusion of a short term disability insurance policy as a core fringe benefit has replaced the benefit provided by this rule.

**SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED:** 230.22(2) F.S.

**LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC:** 231.39; 231.40 F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF June 18, 2003, 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 June 10, 2003, 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 for inspection and copying at cost by the public in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Mr. Rafael E. Urrutia  
Supervisor: Ms. Marjorie H. Adler  
Date: April 30, 2003

Absences, Leaves and Vacations**HARDSHIP OR DIRE EMERGENCY LEAVE**

## I. Hardship Leave

An employee eligible for sick leave may receive hardship leave time for his/her own illness up to a maximum of 30 additional work days for the same illness per fiscal year, provided that:

- A. Documentary evidence is presented to the Board by a Board-approved physician proving that this particular illness has necessitated confinement either to home or hospital, which prevented the employee from reporting to work. The employee must be confined for 10 consecutive working days or more without available sick leave, in order to receive this benefit, except as stipulated in collective bargaining agreements.
- B. The time granted for hardship leave will be on the basis of one day for each two days of confinement. Payment will be made for the first half of the approved confinement period, for which no sick leave was available.
- C. Hardship leave may be granted an employee while on leave from the Board if illness is the same one for which the employee was granted a leave of absence.

## II. Dire Emergency Leave

Dire emergency leave may be granted an employee following a hardship leave if the illness is the same one for which he/she was granted a hardship leave of absence provided that documentary evidence is presented to the Board from a Board-approved physician confirming that confinement, either to home or hospital, further prevented the employee from reporting to work. Dire emergency leave will be computed and paid in the same manner as hardship leave. This leave cannot exceed 30 work days.

- A. Dire emergency leave may be granted an employee while on leave from the Board if illness is the same one for which the employee was granted a leave of absence.
- B. These benefits will not be paid if eligible under Board Rule 6Gx13- 4E-1.13.

Specific Authority: 230.22(2) F.S.

Law Implemented, Interpreted, or Made Specific: 231.39; 231.40 F.S.

History

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

Repromulgated: 12-11-74

Amended: 9-23-81; 5-13-98