

Business Operations
Ofelia San Pedro, Deputy Superintendent

SUBJECT: APPROVAL OF SETTLEMENT AGREEMENT - - THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, AND TERRY SMITH AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME), LOCAL 1184 -- AAA CASE NO: 32 390 00808 07

LINK TO DISTRICT STRATEGIC PLAN: NEGOTIATE AND DEVELOP CONTRACTS WITH EACH BARGAINING UNIT

On September 5, 2007, the School Board took action to suspend and initiate dismissal proceedings against Terry Smith for just cause, including but not limited to: deficient performance of job responsibility; non performance of job responsibility; and violation of School Board Rules 6Gx13- 4A-1.01, *Equal Opportunity Employment and Assignment and the Title VII Civil Rights Act of 1964*, as amended by Gender; 6Gx13- 4A-1.21, *Responsibilities and Duties* and 6Gx13- 4A-1.213, *Code of Ethics*. AFSCME, on behalf of the employee, filed a grievance challenging the discipline and requested an arbitration hearing on the termination.

This case is scheduled for hearing before an Arbitrator on September 22, 2008. However, the parties have reached a tentative Settlement Agreement, subject to School Board approval, which provides that the School Board will rescind its decision to terminate Terry Smith and instead will suspend Terry Smith without pay for time served and reinstate Terry Smith to his previous position of lead custodian.

Upon consultation with the Office of Professional Standards, and with their approval, it is recommended that the Settlement Agreement be approved as achieving the objective sought by the School Board in this matter. Approval of the Settlement Agreement, forwarded under separate cover to the School Board, will obviate the need for further legal action.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, approve the Settlement Agreement between The School Board of Miami-Dade County, Florida, AFSCME and Terry Smith to resolve in its entirety AAA Case No. 32 390 00808 07.

OSP:jmg