

Vera A. Hirsh, Assistant Superintendent
Human Resources, Recruiting and Performance Management

**SUBJECT: PROPOSED AMENDMENT OF SCHOOL BOARD RULE: FINAL
READING 6Gx13- 4D-1.022, MANUAL OF PROCEDURES FOR
MANAGERIAL EXEMPT PERSONNEL**

COMMITTEE: SCHOOL SUPPORT ACCOUNTABILITY

The School Board of Miami-Dade County, Florida, announced on March 25, 2009, its intention to amend School Board Rule 6Gx13- 4D-1.022, Manual of Procedures for 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 this rule, at its meeting of May 20, 2009.

The Notice of Intended Action was published in the *Miami Daily Business Review* on March 30, 2009, 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 adoption of this rule has elapsed.

In accordance with the provisions of the Administrative Procedures Act, this amended rule is presented to The School Board of Miami-Dade County, Florida, for adoption 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 amendment. Changes from the current rule are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, adopt amended School Board Rule 6Gx13- 4D-1.022, Manual of Procedures for Managerial Exempt Personnel, Section B, Compensation System of the document, *Manual of Procedures for Managerial Exempt Personnel (MEP)*, which is incorporated by reference and a part of this rule, and authorize the Superintendent to file the rule with The School Board of Miami-Dade County, Florida, to be effective May 20, 2009.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on March 25, 2009, its intention to amend Board Rule 6Gx13- 4D-1.022, Manual of Procedures for Managerial Exempt Personnel, and the document, *Manual of Procedures for Managerial Exempt Personnel (MEP)*, which is incorporated by reference and a part of this rule, at its meeting of May 20, 2009.

PURPOSE AND EFFECT: To amend the School Board Rule by amending Section B, Compensation System, of the document, *Manual of Procedures for Managerial Exempt Personnel (MEP)*, to delineate revisions in the compensation practices.

SUMMARY: Board Rule 6Gx13- 4D-1.022, Manual of Procedures for 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 RULEMAKING IS AUTHORIZED: 1001.41(1)(2); 1001.42(25); 1001.43(10) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 115.09; 115.14; 1012.01; 1012.22(1)(c)(4); 1012.40; 1012.61(2)(a)(5); 1012.65; 1012.66 F.S.; 6A-4.0083; 6A-4.0084 FAC; Section 401(a) Internal Revenue Code

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF May 20, 2009, 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 April 20, 2009, 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 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: Vera A. Hirsh
Supervisor: Alberto M. Carvalho
Date: March 4, 2009

Compensation and Related Benefits**MANUAL OF PROCEDURES FOR MANAGERIAL EXEMPT PERSONNEL****I. Statement of Policy-Relations with Professional Associations of School District Administrators**

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 rule.

II. Manual of Procedures for Managerial Exempt Personnel (MEP)

The wages, benefits, and terms and conditions of employment of the District's managerial exempt employees shall be delineated in the Manual of Procedures for Managerial Exempt Personnel (MEP), which shall be incorporated into and be a part of this Board rule. 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.

The MEP will include, but not be limited to the following topics:

- A. Wages
- B. Classification of managerial exempt positions

- C. Compensatory benefits, e.g., health and life insurance, retirement, holidays, vacation, sick leave, disability leave, supplemental worker's compensation payments, tax-deferred annuity or salary deferment programs, and cafeteria plans
- D. Working conditions, e.g., travel reimbursement, continuing education, professional development, personal liability protection, leave policies (professional, military, personal leave of absence and parental), employee assistance programs
- E. Evaluation procedures
- F. Job assignment procedures
- G. Statement of human rights
- H. Investigation procedures
- I. Reappointment procedures
- J. Reduction in force/surplus/reorganization procedures
- K. Impartial District administrative review and hearing procedure for appeals of disciplinary actions
- L. Impartial District administrative review for resolution of non-disciplinary disputes, e.g., disputes over whether salary schedule, benefits or other working conditions are granted in accordance with the MEP or whether procedures in the MEP were followed.

Note: In the dispute resolution procedures set forth above in K and L, the association shall be permitted to represent and assist its members. All managerial exempt employees shall be permitted to utilize these procedures to resolve their disputes without the assistance or representation of the association; however, no precedent shall be established nor implied in any dispute resolution formulated without the participation of the association.

III. Amendment of the MEP

- A. The Superintendent shall prepare proposed amendments and forward such 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

confer with the Superintendent concerning proposals or to offer additional proposals.

- C. Should the association indicate its desire to meet and confer, the Superintendent or his designee(s) 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, nothing herein shall preclude the Superintendent from recommending such amendments to the Board in the event an agreement is not reached on such amendments.
- 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.

IV. 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
- D. Regularly scheduled meetings with the Superintendent, except when extenuating circumstances prevent such scheduled meetings from occurring
- E. Incorporation of this rule and the MEP into the contracts between managerial exempt personnel and the School Board as follows:

School Board Rule 6Gx13- 4D-1.022 entitled "MANUAL OF PROCEDURES FOR MANAGERIAL EXEMPT PERSONNEL (MEP)" is hereby incorporated into this Contract and hereby made a part thereof, binding on both parties. This Contract is subject to the amendments to said rule.

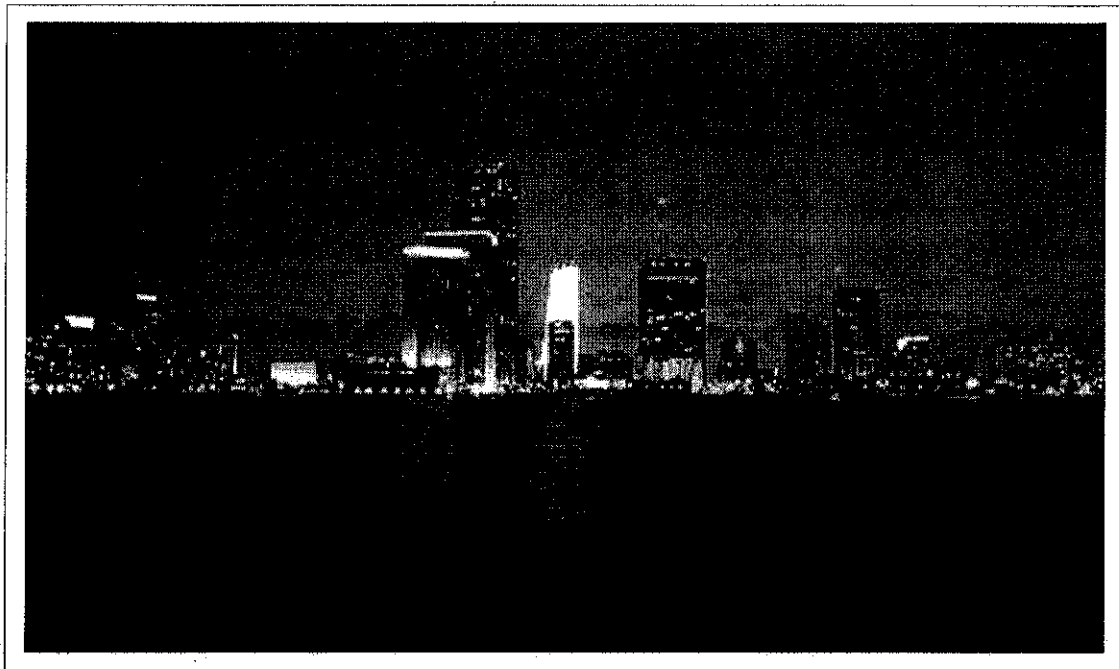
Specific Authority: 1001.41(1)(2); 1001.42(22) 25; 1001.43(10), F.S.
Law Implemented, Interpreted or Made Specific: 115.09; 115.14; 1012.01;
1012.22(1)(c)(4); 1012.40; 1012.61(2)(a)(5); 1012.65; 1012.66 F.S.; 6A-4.0083; 6A-
4.0084 FAC; Section 401(a) Internal Revenue Code

History THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

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05; 4-18-06

Manual of Procedures for Managerial Exempt Personnel



*Miami-Dade County Public Schools
Office of Human Resources, Recruiting and
Performance Management*



~~April 18, 2006~~

Final Reading: May 20, 2009

Board Rule 6Gx13- 4D-1.022

D-46

THE SCHOOL BOARD OF
MIAMI-DADE COUNTY, FLORIDA

~~Mr. Agustin J. Barrera~~ Dr. Solomon C. Stinson, Chair
~~Ms. Perla Tabares Hantman~~ Dr. Marta Pérez, Vice Chair
~~Mr. Frank J. Bolaños~~ Mr. Agustin J. Barrera
~~Ms. Evelyn Langlieb Greer~~ Mr. Renier Diaz de la Portilla
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~~Dr. Solomon C. Stinson~~ Ms. Ana Rivas Logan

~~Ms. Arielle Maffei~~, Ms. Angelique T. Gayle,
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~~Dr. Rudolph F. Crew~~ Mr. Alberto M. Carvalho
Superintendent of Schools

~~Ms. Mariaelena Vidal~~ Ms. Vera A. Hirsh
Human Resources Officer Assistant Superintendent
Office of Human Resources, Recruiting and Performance
Management

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SECTION B COMPENSATION SYSTEM

B-1 Scope and Purpose

This section sets forth the rules and regulations for the establishment, maintenance, and administration of the compensation system applicable to managerial exempt positions in Miami-Dade County Public Schools. All compensation changes shall be processed through Compensation Administration, to ensure compliance with the provisions of this section.

B-2 Statement of Policy

- A. Managerial exempt employees shall be compensated in accordance with the pay grades established for the positions to which the employees are assigned as governed by the regulations contained in the MEP Manual.
- B. The compensation system consists of rules and regulations governing the administration of the compensation system set forth in this Section.
- C. The salary schedules consist of all pay grades for the managerial exempt positions.
- D. The salary schedules contain pay grades with a minimum and maximum salary as specified on the Managerial Exempt Salary Schedule as approved by The School Board.
- E. The salary schedules provide a link to competitive pay levels for comparable positions in similar public employment organizations and geographic areas; it incorporates the adjustments resulting from the compensation review discussed in Section F below.
- F. Compensation Administration may:
 - 1. Review competitive compensation levels periodically and collect survey data for planning purposes.
 - 2. Make recommendations for changes in the salary structure and for possible changes to pay grade assignments.

B-3 Calculation of Rate of Pay

Managerial exempt employees shall be paid in accordance with rates computed as follows:

- A. 230-Day Employee (12 Month)
 - 1. Daily Rate = Annual salary divided by 260 days (230 actual work days plus the intervening holidays and yearly earned vacation days subject to the annual calendar).*
 - 2. Biweekly Rate = Daily Rate x 10 days.

3. Hourly = Daily Rate divided by 8.

* The Salary Schedule reflects an annual 260-day work year with each 12-month employee actually paid for 261 days, pursuant to the annual Board-adopted calendar.

B. 206 Day Employee (10 Month)

1. Daily Rate = Annual salary divided by 222 days (206 actual work days plus intervening holidays and school vacation days subject to the annual calendar).

2. Bi-Weekly Rate = Daily Rate x 10 days.

3. Hourly = Daily Rate divided by 8.

C. The School Board will provide 10-month employees (Assistant Principals) the option of receiving payment of salary over 10 months or over 12 months. ~~The employee will continue to be paid on the basis selected until he/she elects to change. The election to change salary basis may be made only from July through December of each year. Employees must complete a written election form. The election must be made before the first work day of the school year. The election is irrevocable; it cannot be cancelled during the school year. This election will remain in effect until a cancellation form is received for the subsequent school year. The accumulated deferred wages will be paid during the months of June, July and August, depending on the school year calendar. Only if an employee transfers to an ineligible job position, resigns, retires or dies, can the deferred compensation funds be paid prior to the scheduled pay dates.~~

B-4 Initial Appointment Compensation

The rate of compensation upon initial appointment to a managerial exempt position shall be the minimum of the pay grade of the classification involved, unless:

A. ~~The Superintendent recommends and the School Board approves a higher salary. The applicant is deemed to be exceptionally qualified for the position, and/or recruiting efforts have failed to fill a position at the entry level; in this case the Superintendent of Schools may authorize the initial compensation at a higher rate than the minimum for the classification. The School Board shall be notified of such action by the Superintendent.~~

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 95% increase in salary above the employee's current base pay. During times of fiscal constraints, this increase may be deferred. Please refer to Compensation Increases, Section B-5G.

C. Retired MEP employees shall be hired at the minimum of the pay grade or lower of the job classification in which they are hired.

MEP retirees who are rehired, either part-time or full-time, within the first twelve months after retirement, must promptly notify the Florida Retirement System, in

accordance with state statutes, to suspend their pension, until conclusion of the first year of re-employment.

Rehired MEP retirees will be re-employed on an annual basis. All contracts shall be based on a fiscal year and shall expire on or before June 30 of each year.

With respect to rehired MEP retirees, the Superintendent of Schools shall have the discretion to terminate a contract without cause anytime during the year.

B-5 Compensation Increases

An employee shall be eligible to receive a compensation increase only when one of the following conditions exists:

- A. Salary schedules and increments shall be approved by The School Board. July 1 shall be considered the anniversary date for all employees covered under the MEP system provided that service was initiated on or before March 31 of that year or an employee who was on leave returns to work on or before March 31 of ~~that~~ the preceding school year. If eligible, a salary increment, as defined herein, shall be awarded prior to the compensation increase upon promotion, if recommended by the Superintendent and approved by The School Board.
- B. Employees may be eligible for salary increments, established annually by The School Board, unless evaluated at ~~Below Expectations on Performance Standards~~ Does Not Meet Standards, evidenced by their official annual evaluation for the previous school year, pursuant to the performance planning and appraisal system. Furthermore, in addition to being ineligible for a salary increment, employees evaluated at ~~Below Expectations on Performance Standards~~ Does Not Meet Standards shall be ineligible to receive any salary increase which is a result of The School Board's authorized improvement to the salary schedule. Salary increments shall be implemented effective upon the conclusion of successfully completed probationary status, ~~or Performance Improvement Plans~~ or investigative status.
- C. When The School Board approves the reclassification of a position to a higher pay grade, the incumbent's salary shall be improved ~~5~~ 3% provided such increase will not exceed the maximum pay for the higher pay grade position, on the effective date of the Board action as recommended by the Superintendent to The School Board, unless the Superintendent, due to unusual circumstances, recommends and The School Board approves otherwise.
- D. An employee who is promoted from a position covered under this system shall move to the higher pay grade at a rate which provides a ~~9~~ 5% increase provided such increase will not exceed the maximum pay for the higher pay grade position; ~~unless the Superintendent, due to unusual circumstances, recommends and The School Board approves otherwise.~~ Subsequent promotions within 12 months of the previous promotion shall be at a maximum of 3% and shall not exceed the maximum of the higher pay grade.

- E. ~~If unusual circumstances exist which justify compensation increases not otherwise provided for in this section, the Superintendent of Schools may authorize a special compensation increase for any managerial exempt employee at any time. The School Board shall be notified of such action by the Superintendent. If an employee is promoted or reclassified and then the employee requests to return to the previous job or another job at a lower pay grade within one year, the employee's salary will revert to the previous salary.~~
- F. ~~If an employee is promoted or reclassified and then the employee requests to return to the previous job or another job at a lower pay grade within one year, the employee's salary will revert to the previous salary. Upon Board approval, the Superintendent of Schools may authorize compensation adjustments related to changes in job responsibilities not otherwise provided for in this section.~~
- G. During periods where the District is under fiscal constraints the Superintendent of Schools may defer compensation for promotional increases and reclassification increases until such time as fiscally feasible not withstanding the terms of the employees' contract. The District is considered under fiscal constraints when revenue limitations, or decreases, and/or cost increases, particularly in the General Fund, create a significant and often recurring need for expenditure reductions.

B-6 Compensation Upon Downward Reassignment or Adjustment

An employee may be reassigned to a position at a lower pay grade with or without a reduction in pay, subject to the following provisions:

- A. ~~Upon demotion (i.e., a downward change in job assignment due to an employee's unsatisfactory conduct and/or performance), an employee's salary shall be reduced to the same position-in-range in the lower pay grade position. Unsatisfactory conduct is defined in this Manual, as a substantiated violation of Federal or State Law or State Board of Education or School Board Rule. If a managerial exempt employee who has been demoted moves outside the managerial exempt group, the employee's new salary shall be the published rate for the new job assignment which is the closest to but less than the current salary. If the current salary is less than the new minimum salary of the lower pay grade position, the employee's salary shall be frozen until such time as a salary increment is authorized by The School Board.~~
- B. ~~When a position is reclassified to a lower pay grade or when the minimum or maximum rates for a pay grade are decreased, if the salary of the employee will receive a 3% base salary reduction not to exceed the maximum of the lower pay grade, assigned to that position is below the maximum of the lower pay grade, the salary will remain unchanged. Subsequently, the salary will be increased by the annual increment of the lower pay grade position until the employee reaches the maximum of the lower pay grade position. If the employee's salary is above the maximum rate for the lower classification, the salary will be reduced to the maximum of the lower pay grade position.~~

C. In accordance with School Board Rule 6Gx13- 4A-1.15, Assignment, Transfer, and Appointment--Administrative Positions, when a reorganization is recommended by the Superintendent, the Superintendent shall have the discretion to exercise the following options when determining salaries for affected employees based upon the changes in scope of work and/or responsibilities.

If the employee's current salary is below the maximum of the lower pay grade position, the employee will be placed on the salary schedule at their current salary or the employee will receive a 5% base salary reduction not to exceed the maximum of the lower pay grade position based upon the changes in scope of work and/or responsibilities.

If the employee's current salary is above the maximum of the lower pay grade position,

the employee's salary shall be adjusted to the maximum salary of the lower pay grade position, or the employee will receive a 5% base salary reduction not to exceed the maximum of the lower pay grade position based upon the changes in scope of work and/or responsibilities.

An employee whose salary is adjusted downward under this provision shall be eligible for subsequent salary increases provided such increase will not exceed the maximum level for the lower pay grade position.

If a managerial exempt employee is reassigned to a position outside the managerial exempt group, the employee's new salary shall be the published rate for the new job assignment which is the closest to but not to exceed the current salary.

B-7 Career Redirection

CA. Career redirection is a request submitted by an employee to be placed in a different position. Such a request may result from a career development conference between an employee and supervising administrator, or may be initiated by the employee upon careful consideration of career opportunities.

B. A request for career redirection shall be made by the affected employee in writing to the employee's supervisor for consideration and forwarded to the next supervisory level.

C. Such a change or move may be lateral in nature or may be a request for a re-assignment to a lower pay grade position.

D. If the requested career redirection results in reassignment to a lower pay grade, the employee's salary may be reduced by up to 5% upon a review of the duties and responsibilities of the new position provided that the resultant salary does not exceed the maximum for the lower pay grade. If the employee's salary is above the maximum, it shall be reduced at least to the maximum for the lower pay grade position. If the employee's salary is below the maximum for the lower pay grade position, the employee's salary may remain at the current salary. The employee's

salary will be increased by the authorized increment of the lower pay grade position until the employee reaches the maximum for the lower pay grade position.

- E. The recommendation as to the employee's salary in this situation will be made by the Deputy Superintendent, Business Operations Assistant Superintendent, Office of Human Resources, Recruiting and Performance Management in consultation with the employee's supervisor and the appropriate Executive Staff Member, subject to final approval by the Superintendent.
- F. The Deputy Superintendent, Business Operations Assistant Superintendent, Office of Human Resources, Recruiting and Performance Management shall forward a recommendation for the Superintendent's approval.
- D. ~~In accordance with School Board Rule 6Gx13-4A-1.15, Assignment, Transfer, and Appointment Administrative Positions, when a reorganization is recommended by the Superintendent, an affected employee's salary is determined as follows:~~
 - 1. ~~If the employee's current salary is below the maximum for the lower pay grade position, the employee will be placed on the salary schedule at their current salary.~~
 - 2. ~~If the employee's current salary is above the maximum of the lower pay grade position, the employee's salary shall be maintained at the current rate until the end of the current fiscal year, at which time it shall be adjusted to the maximum salary of the lower pay grade position.~~
 - 3. ~~An employee whose salary is adjusted downward under this provision shall be eligible for subsequent salary increases provided such increase will not exceed the maximum level for the lower pay grade position.~~

B-7 8 Compensation Upon Transfer or Lateral Reassignment

An employee who is laterally transferred or reassigned to a position at the same pay grade, or whose salary is within the range of an equivalent pay grade, shall not be granted a compensation increase as a result of being transferred.

~~B-8 Performance-based Pay for School Administrators~~

~~Section 1012.22(1)(c)(4), F.S., requires that each district school board include in its adopted budget a reserve to fully fund an additional five percent supplement for school administrators and instructional personnel who demonstrate outstanding performance. Districts have the full responsibility of designating the criteria for determining outstanding performance for teachers and school administrators. The district's performance-based pay policy must allow school administrators and instructional personnel to earn a five percent supplement in addition to their individual negotiated salary.~~

~~In keeping with Section 1012.22(1)(c)(4), F.S., the implementation plan provides opportunities for school administrators at the school sites that demonstrate the highest student learning gains, using the State formula for determining student learning gains, to~~

earn an additional five percent supplement to their individual negotiated salary.

The M-DCPS Performance-based Pay Implementation Plan addresses performance-based compensation for school administrators by establishing a process intended to identify "outstanding performance" based on student learning gains and individual performance data. The Implementation Plan stipulates that:

- A. Upon calculation of student learning gains data for all M-DCPS' K-12 school sites for the 2002-2003 school year, and annually thereafter, using the State formula for determining student learning gains, all schools will be ranked in descending order based on the student learning gains data for the 2002-2003 school year, and annually thereafter, within their respective Region Center and school levels (elementary, middle, and senior high school). K-8 Centers will be included in the elementary school category for ranking purposes. Senior high school programs identified as school-wide magnet/advanced studies programs (i.e., Coral Reef Senior High School, Design and Architecture Senior High School, MAST Academy Senior High School, New World School of the Arts, and the School for Advanced Studies) will be ranked in descending order based on the student learning gains data for the 2002-2003 school year and annually thereafter, using the State formula for determining learning gains, within the magnet/advanced studies category.
- B. Student learning gains will be calculated by M-DCPS' Office of Evaluation and Research Services using the State formula for determining student learning gains. Total student learning gains for each school will be determined by the sum of:
1. The percentage of students making learning gains in Reading as measured by the Florida Comprehensive Assessment Test (FCAT) 2002-2003 Administration scores, and annually thereafter, using the State formula for determining learning gains;
 2. The percentage of students making learning gains in Mathematics as measured by the Florida Comprehensive Assessment Test (FCAT) 2002-2003 Administration scores, and annually thereafter, using the State formula for determining learning gains; and
 3. The percentage of the lowest performing twenty-five (25) percent of students at each school demonstrating learning gains in Reading as measured by the Florida Comprehensive Assessment Test (FCAT) 2002-2003 Administration scores, and annually thereafter, using the State formula for determining learning gains.
- C. Upon completion of the Regional Centers and school level (elementary and middle school) rankings, the three (3) highest ranking elementary schools and one (1) highest ranking middle school in each Regional Center will be identified by the

Office of Research Services based on student learning gains data for the 2002-2003 school year, and annually thereafter, using the State formula for determining student learning gains.

~~D. The three (3) highest ranking senior high schools district-wide, excluding senior high schools within the magnet category, will be identified by the Office of Research Services based on student learning gains data for the 2002-2003 school year, and annually thereafter, using the State formula for determining student learning gains. The one (1) highest ranking senior high school identified as a school-wide magnet/advanced studies program (i.e., Coral Reef Senior High School, Design and Architecture Senior High School, MAST Academy Senior High School, New World School of the Arts, and the School for Advanced Studies) will be identified by the Office of Research Services based on student learning gains data for the 2002-2003 school year, and annually thereafter, using the State formula for determining student learning gains.~~

~~E. In the event that two or more schools are tied for one of the identified highest rankings, ties will be remedied by examining each affected school's performance on the following indicators:~~

- ~~1. the percentage of the lowest twenty five (25) percent of students at each affected school making learning gains in Reading during the 2002-2003 school year, and annually thereafter, using the State formula for determining student learning gains; and/or~~
- ~~2. the overall total number of points earned by each affected school on the State formula for determining school grades.~~

~~Upon determination of these data, the affected schools will be ranked based on the first criterion identified above. If this ranking does not resolve the tie, the second criterion will be applied and affected schools will be ranked accordingly.~~

~~F. In order to be eligible for an outstanding performance bonus, a school administrator:~~

- ~~1. Must be a full-time school site administrator at one of the selected schools during the year the learning gains were produced;~~
- ~~2. Must submit a plan with Regional Center approval addressing a high-priority school-site problem aligned with Performance Appraisal Job Targets, and meet those targets;~~
- ~~3. Must submit a professional growth plan with Regional Center approval consistent with the Performance Appraisal Instrument, and achieve such plan; and~~
- ~~4. Must receive a "Commendable" or higher annual evaluation rating for the year during which the learning gains were produced.~~

B-9 Compensation for Part-Time/Hourly Employment

Employees filling a position on a part-time basis shall be compensated at the minimum

hourly rate of the pay grade assigned to the position being filled, ~~unless otherwise approved by the Deputy Superintendent, Business Operations.~~

B-10 Effective Date of Salary Changes

The effective date of all salary changes provided for in this section shall be the date of the School Board action or as soon thereafter as can be facilitated with the exception of ~~the~~ an effective date as otherwise established by The School Board.

B-11 Reduction-in-Force Procedures

In the event that a reduction-in-force becomes necessary, the following procedures will be followed to guide the termination and/or reassignment of managerial exempt personnel affected by the reduction in force:

Should The School Board have to choose from among its managerial exempt personnel as to which should be retained, the Superintendent shall submit to the Board recommendations that are deemed to be in the best interest of the school district. The Superintendent may include among the criteria to be considered: capacity to meet the educational needs of the community, educational qualifications, efficiency or effectiveness in the school district. The decision of The School Board shall not be controlled by any previous contractual relationship.

B-12 Flexible Work Schedules

- A. MEP employees whose duties are technically oriented, highly specialized, and do not include direct or indirect supervision of other employees, may be assigned flexible work schedules to support the 24-hour operating schedule; respond to emergency/unforeseen requirements; and to adapt to cyclic workload requirements. Regular work schedules for each employee shall be established, anticipating, to the extent possible, extra and/or other than normal schedule requirements.

A system shall be utilized to keep track of the date that excessive hours are worked, so that the employee's work schedule may be adjusted to balance the excessive hours within the next 20-work day period. Adjustments to an employee's schedule will be authorized by the employee's immediate supervisor, and approved by the Department Head. In cases where extenuating circumstances do not allow for the employee's schedule to be adjusted to balance within the 20-work day period, additional schedule adjustments may be authorized only by the Superintendent or a member of the Superintendent's Cabinet.

- B. In the event an employee is required to work on a Board approved holiday to meet critical needs of the District, that employee may observe the holiday on another agreed upon day within the 20-work day period, subject to approval of the supervisor and appropriate Cabinet Member.

B-13 School Board Vehicles

The Superintendent of Schools is authorized to assign School Board vehicles to

administrators when necessary for the performance of their job duties and in the best interest of the school system. The school system will provide maintenance and gasoline for these vehicles. Please refer to the Miami-Dade County Public Schools Assigned Vehicle Policies and Procedures Manual <http://ehandbooks.dadeschools.net/policies/173.pdf> ~~Employees may obtain reimbursement for travel expenses, pursuant to School Board Rule 6Gx13-4C 1.07, Travel Expenses—School Board Members, Superintendent of Schools, Employees, and other Authorized Persons (Document: Travel Policies And Procedures Manual).~~

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- 6A-1.05, Emergency Closing of School(s). When an emergency is declared by the Superintendent and managerial exempt employees are excused from work because of the emergency, those employees required to work (i.e., designated essential personnel) during the emergency will be granted compensatory time. 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.

The use of accrued compensatory time shall be authorized in advance by the supervising administrator. Compensatory time shall be taken in half or full-day increments whenever possible and be reported in accordance with Payroll Processing Procedures using the Compensatory Time Report and Application For Leave forms. The amount of compensatory time an employee may accrue is in accordance with the days designated for emergency closing of schools. Accrued compensatory time must be used prior to the end of the fiscal year in which it is accrued. However, compensatory time accrued near the end of the fiscal year that cannot be taken within that fiscal year may be carried over and used within the first sixty calendar days of the new fiscal year. Under no circumstances shall monetary payments be made for unused compensatory time.

B-15 Supplement for Assistant/Vice Principals at Designated Senior High Schools

Assistant Principals and Vice Principals assigned and employed full-time at designated Senior High Schools shall be eligible for a \$4,000 supplement to provide compensation for the substantial amount of time worked beyond the regular school day.

- A. The supplement is compensation for providing evening and weekend services on a regular basis in support of the senior high school's academic, activity, and academic extracurricular programs.
- B. A. Designated Senior High Schools are those schools that provide a full complement of athletic and activity programs as determined by School Operations.
- C. B. No additional remuneration is authorized for Assistant Principals and Vice Principals for providing evening and weekend services as compensated for by this supplement.

- D. ~~C.~~ Payment of the supplement shall be effective the date of assignment to a designated Senior High School and shall be terminated effective the date of reassignment from a designated Senior High School.
- E. ~~D.~~ Ten-month Assistant Principals shall not be eligible for supplemental pay during the summer session.

B-16 Doctoral Pay Increment

Managerial exempt principals, vice principals, and assistant principals assigned and employed full-time at a school site, personnel who hold or obtain a doctoral degree from an accredited institution of higher learning in areas that directly impact teaching and learning in the classroom, and in areas relevant to their working assignment, shall be eligible for a Doctorate Pay Increment (DPI) of \$2,500. Appropriate areas of study may include educational leadership/supervision, educational theory and practice, educational research, educational technology, or educational psychology with specialization in areas such as curriculum and instructional leadership, school/business management, or other learning and cognitive domains.

- A. All personnel wishing to apply for the Doctorate Pay Increment must submit an official DPI application form, including an official university doctorate transcript(s), to Compensation Administration.
- ~~B.~~ The effective date to begin payment of the increment is July 1, 2005 for employees who have already obtained a doctoral degree prior to this date. For employees hired after July 1, 2005 who already have a doctorate, the effective date to begin payment of the increment shall be the date of employment.
- ~~C.~~ B. For employees who have obtained their doctoral degree on or after July 1, 2005 the effective date to begin payment of the increment shall be the beginning of the quarter (January 1, April 1, July 1, or October 1) of the year following completion of all degree requirements pay period following the verification and approval of the doctoral degree transcripts.
- ~~D.~~ Retroactive payment shall not exceed five calendar years.
- ~~E.~~ C. Resolutions of any disputes regarding the appropriateness of the area of study or job classification eligibility for DPI will be determined by the Assistant Superintendent of Labor Relations Assistant Superintendent, Office of Human Resources, Recruiting and Performance Management, in consultation with the Human Resources Officer Assistant Superintendent of Labor Relations.
- ~~F.~~ Managerial exempt personnel who are otherwise qualified may receive the Doctorate Pay Increment only while employed and assigned full-time as a principal, vice principal or assistant principal at a school site. The incremental pay shall be terminated effective the date of reassignment from a qualifying school site position.

B-17 Relocation Assistance Program

~~The School Board of Miami-Dade County, Florida, recognizes that to induce the most qualified job applicants for senior administrative positions to relocate to Miami-Dade County from distant parts of Florida and other states, it may be necessary to offer the applicants financial assistance to relocate. Therefore, the Superintendent is authorized to include in his final negotiations with qualified job applicants whose principal residence is outside of Miami-Dade, Broward, Monroe and Collier counties at the time of their application for employment, a relocation assistance allowance of not more than fifteen thousand dollars (\$15,000). The Superintendent will advise the Board of the amount of the relocation assistance offered to the job applicant at the time that the Board considers the employment of the applicant. If approved by the Board, the relocation assistance shall be paid to the job applicant upon the District's receipt of paid invoices for expenses that are deductible by the job applicant pursuant to Internal Revenue Code Section 217 and the applicable regulations promulgated by the Internal Revenue Service pursuant to the code section.~~

The School Board of Miami-Dade County, Florida, adheres to a policy of nondiscrimination in employment and educational programs/activities and programs/activities receiving Federal financial assistance from the Department of Education, and strives affirmatively to provide equal opportunity for all as required by:

Title VI of the Civil Rights Act of 1964 - prohibits discrimination on the basis of race, color, religion, or national origin.

Title VII of the Civil Rights Act of 1964, as amended - prohibits discrimination in employment on the basis of race, color, religion, gender, or national origin.

Title IX of the Education Amendments of 1972 - prohibits discrimination on the basis of gender.

Age Discrimination in Employment Act of 1967 (ADEA), as amended - prohibits discrimination on the basis of age with respect to individuals who are at least 40.

The Equal Pay Act of 1963, as amended - prohibits sex discrimination in payment of wages to women and men performing substantially equal work in the same establishment.

Section 504 of the Rehabilitation Act of 1973 - prohibits discrimination against the disabled.

Americans with Disabilities Act of 1990 (ADA) - prohibits discrimination against individuals with disabilities in employment, public service, public accommodations and telecommunications.

The Family and Medical Leave Act of 1993 (FMLA) - requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons.

The Pregnancy Discrimination Act of 1978 - prohibits discrimination in employment on the basis of pregnancy, childbirth, or related medical conditions.

Florida Educational Equity Act (FEEA) - prohibits discrimination on the basis of race, gender, national origin, marital status, or handicap against a student or employee.

Florida Civil Rights Act of 1992 - secures for all individuals within the state freedom from discrimination because of race, color, religion, sex, national origin, age, handicap, or marital status.

School Board Rules 6Gx13- 4A-1.01, 6Gx13- 4A-1.32, and 6Gx13- 5D-1.10 - prohibit harassment and/or discrimination against a student or employee on the basis of gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, pregnancy, or disability.

Veterans are provided re-employment rights in accordance with P.L. 93-508 (Federal Law) and Section 295.07 (Florida Statutes), which stipulate categorical preferences for employment.

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