

Office of School Board Attorney  
Walter J. Harvey, School Board Attorney

**SUBJECT: APPROVAL OF SETTLEMENT AGREEMENT  
LUIS ZUBIETA v. THE SCHOOL BOARD OF MIAMI-DADE COUNTY,  
FLORIDA, EEOC Charge No. 510-2010-01687**

On January 14, 2010, this employee, a Sound and Communications Technician with the school district filed a charge of discrimination with the United States Equal Employment Opportunity Commission ("EEOC") alleging violations of the Age Discrimination in Employment Act ("ADEA") and the Americans with Disabilities Act ("ADA"). The employee is currently on medical leave.

After filing his claims, and prior to the EEOC rendering a determination on the employee's charges, mediation was held before the EEOC, which has now resulted in a tentative Settlement Agreement and General Release pending Board approval. The material terms of the proposed settlement agreement include the following:

- The School Board will allow the employee to enroll in the MDCPS 2010-2011 Leave of Absence-Retirement Incentive Program until the age of sixty-five (65);
- The School Board will submit payment to the employee in the amount of \$50,000 as full and final settlement of this matter; and
- In return, the employee/charging party will withdraw and dismiss his charges filed with the EEOC and will provide the School Board with a General Release of all claims.

Upon consultation with Human Resources and the Office of Civil Rights Compliance, and with their approval, this office recommends that the Settlement Agreement be accepted in its entirety. Acceptance and approval of the Settlement Agreement, forwarded under separate cover, is in the best interests of the School Board and will obviate the need for further legal action by the School Board.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida approve the Settlement Agreement in the matter of Luis Zubieta v. The School Board of Miami-Dade County, Florida, EEOC Charge No. 510-2010-01687, and payment of \$50,000 as described herein and in accordance with the terms of the Settlement Agreement and General Release.