

Office of Superintendent of Schools  
Board Meeting of August 3, 2011

July 18, 2011

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

**SUBJECT:                   REQUEST AUTHORIZATION TO INITIATE LITIGATION**

**COMMITTEE:               INNOVATION, EFFICIENCY AND GOVERNMENTAL  
                                  ENGAGEMENT**

**LINK TO STRATEGIC  
FRAMEWORK:               FINANCIAL EFFICIENCY/STABILITY**

On February 13, 2009, the United Teachers of Dade (UTD) filed a grievance alleging that the District violated the UTD contract by failing to recognize Grievant's work experience for purposes of step placement on the instructional salary schedule. The District denied the grievance and the matter was scheduled for a hearing before an arbitrator. After hearings on April, 2010 and February, 2011, the arbitrator ruled that the District violated the relevant contract provisions and ordered that the employee be placed on a higher salary step from 1998 to the present and be paid the corresponding compensation adjustment to 1998.

To protect the Board's interest, the Board Attorney seeks authorization to take all the necessary legal action to appeal and/or vacate the arbitrator's Opinion and Award. Pursuant to §1001.41(4), Florida Statutes, the School Board is authorized to "contract, sue, and be sued." Accordingly, the School Board Attorney recommends that the Board authorize the initiation of any and all necessary legal actions against the UTD to appeal and/or vacate the arbitrator's Opinion and Award.

**RECOMMENDED:**       That The School Board of Miami-Dade County, Florida, authorize the Board Attorney or his designee to initiate any and all necessary legal action(s) to appeal and/or vacate the arbitrator's Opinion and Award and to take any other appropriate action that may be deemed necessary to protect the Board's interest.

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