



CLASSIFICATION AND COMPENSATION PLAN  
FOR  
CONFIDENTIAL EXEMPT PERSONNEL

2009

Miami-Dade County Public Schools  
Giving our children the world

Office of Human Resources, Recruiting and Performance Management

Board Rule 6Gx13- 4D-1.023  
Final Reading: July 15, 2009

**School Board of Miami-Dade County, Florida**

Dr. Solomon C. Stinson, *Chair*

Dr. Marta Pérez, *Vice Chair*

Mr. Agustin J. Barrera

Mr. Renier Diaz de la Portilla

Dr. Lawrence S. Feldman

Ms. Perla Tabares Hantman

Dr. Wilbert "Tee" Holloway

Dr. Martin Karp

Ms. Ana Rivas Logan

Ms. Eboni Finley Student Advisor

Mr. Alberto M. Carvalho  
*Superintendent of Schools*

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

## TABLE OF CONTENTS

I.	Policies and Guidelines .....	1
II.	Compensation Plan .....	1
	A. Rate Determination .....	1
	B. Hours of Employment/Compensation .....	2
	C. Sick Leave Cash-In.....	5
	D. Evaluation Process .....	5
	E. Transfer/Promotion/Upgrade .....	5
	F. Voluntary/Involuntary Reassignment .....	7
	G. Compensation Upon Downward Adjustment .....	7
	H. Layoff/Recall .....	8
III.	Classification System .....	9
	A. Classification and Reclassification .....	9
	B. Job Description .....	9
	C. Job Reclassification .....	10
	D. Pay Grade Adjustment.....	11
	E. Job Vacancies .....	11
IV.	Career Ladder and Professional Growth .....	11
	A. Career Ladder.....	11
	B. Professional Growth .....	12
	C. Educational Assistance.....	13
V.	Employees Rights and Due Process .....	14
	A. Communications/Complaints .....	14
	B. Probationary Employees.....	14
	C. Due Process .....	14

VI.	Employee Benefits.....	14
A.	Employee Assistance Program.....	14
B.	Fringe Benefits Agreement.....	15
C.	Health Insurance and Flexible Benefits Coverage.....	15
D.	Life Insurance.....	16
E.	Terminal Pay.....	16
F.	Holidays and Annual (Vacation) Leave.....	16
G.	Eligibility for Holiday Pay.....	16
H.	Leaves.....	17
I.	Expenses for Travel Within Miami-Dade County.....	21
J.	Physical and Psychological Examinations and Tests.....	21
K.	Personal Property Loss Fund.....	22

APPENDIX A

	Confidential Exempt Positions.....	25
--	------------------------------------	----

## **CONFIDENTIAL EXEMPT PERSONNEL**

### **I. POLICIES AND GUIDELINES**

Confidential exempt employees of Miami-Dade County Public Schools (M-DCPS) are selected personnel who hold positions classified by the Public Employee Relations Commission as confidential exempt, and who report to managerial personnel who are exempt from the provisions of Chapter 447, Florida Statutes. The listing of confidential exempt positions is included in Appendix A.

The purpose of these guidelines is to set forth terms and working conditions for confidential exempt employees who are not affected by provisions of negotiated labor contracts. These employees are covered under the applicable provisions of the Fair Labor Standards Act (FLSA) and the U.S. Department of Labor's Rules and Regulations.

### **II. COMPENSATION PLAN**

The compensation plan for confidential exempt employees of M-DCPS is incorporated in Salary Schedule XO which shall be established annually by the School Board. Compensation of confidential exempt employees may progress with employees receiving an annual increment, as authorized by the School Board, until the maximum of that position's salary range has been reached. The effective date for salary schedule implementation shall be established by the School Board.

Confidential exempt employees shall be eligible for all fringe benefits in accordance with School Board Rules.

#### **A. Rate Determination**

##### **1. Hiring Rates**

Step one of each pay grade shall be considered the normal hiring rate for new employees. Upon written request to the Assistant Superintendent, Office of Human Resources, Recruiting and Performance Management and approved by the Superintendent, exceptions may be granted for candidates exceeding the minimum qualifications required for the position. Those meeting such qualifications may be hired at a salary step up to and including the 3<sup>rd</sup> step of the pay grade for the position being filled.

##### **2. Rehires**

A former confidential exempt employee will be rehired at the minimum of the pay grade for the new position.

B. Hours of Employment/Compensation

1. Standard Work Week

The standard work week has been established by The School Board of Miami-Dade County, Florida, as follows:

37 ½ hours - commencing immediately after midnight on Thursday and running for seven consecutive days ending on midnight the following Thursday. In offices where it is feasible and advantageous, confidential exempt employees may be authorized by the administrator in charge to work a four-day week (9½ hours per day for four work days). The adoption of such a schedule for any employee shall not be solely for the purpose of avoiding the payment of overtime.

2. Lunch and Breaks

All confidential exempt employees shall have a duty-free lunch period of one hour. Two 15-minute breaks per work day are authorized, one in each half of the work day. Confidential exempt employees on a four-day-week schedule shall be entitled to two 20-minute breaks per working day. The timing of the break shall be mutually agreed upon by the supervisor and the employee.

3. Shift Differential

Employees assigned to rotating shifts may receive additional compensation. The rate of compensation shall be 4% for the second shift and 8% for the third shift. Payment will be made only for the period of time the employee is assigned to the second or third shift.

4. Overtime Provisions

The School Board will comply with prevailing federal minimum wage standards, in accordance with the requirements of the Fair Labor Standards Act and the U.S. Department of Labor's Rules, Regulations, and Interpretive Bulletins regarding the Act.

Work in excess of 37.5 hours must be previously approved by the supervisor.

a. Overtime Compensation

Overtime (time and a half) pay/or compensatory time must be granted to all eligible employees who work over 40 hours per week in one or more positions, at one or more work locations. Specific provisions for the FLSA amendments of 1985, including M-DCPS administrative guidelines for implementation, are as follows:

1. Overtime compensation shall be paid to non-instructional personnel who work with prior approval more than 40 hours a week in:
  - (a) A full-time position;
  - (b) a full-time position plus a part-time position;
  - (c) or a combination of two or more part-time positions.
2. A full-time employee performing an additional part-time job must be paid an overtime rate for the additional job based on the weighted average of the full and part-time hourly rate as calculated by Compensation Administration.
3. A part-time employee performing an additional part-time job who works in excess of 40 hours per week shall be paid an overtime rate based upon the weighted average of the hourly rates as calculated by Compensation Administration.
4. Employees working over 37.5 hours up to and including 40 hours will be paid at the employee's hourly rate.

b. Compensatory Time

The use of compensatory time as payment for work above 37.5 hours shall be acceptable upon mutual agreement by management and the affected employee.

1. Compensatory time is accrued at a rate of one-and-one-half hours of compensatory time for each hour worked in excess of 40 hours. Employees working over 37.5 hours up to and including 40 hours will be paid at employee's hourly rate.

2. The maximum number of hours of compensatory time which an eligible M-DCPS employee may accrue is 30 hours at any given time. The Bureau/Office Head, with the Superintendent's approval, may authorize exceptions to the stated accrual cap. These hours may be any combination of straight time (from 37.5 to 40 hours) or hours of employment over 40 hours (at time and one-half).
3. Upon termination for any reason, upon assignment to a different M-DCPS position, or upon assignment to a position exempt from FLSA coverage, an eligible employee shall be paid for authorized, accrued, compensatory time, based upon his/her rate of pay in the previous position
4. Accrued compensatory time shall not be carried over into the next fiscal year. Payment for such authorized, accrued compensatory time will be made in the last pay period of the fiscal year

5. Emergency Rate

Confidential exempt personnel shall be compensated at two times their regular hourly rate of pay for hours worked during emergency periods, as designated by the Superintendent, when schools have been closed.

6. Paid Legal Holiday Rate

Confidential exempt employees shall be compensated at one and one-half times their regular hourly rate of pay for hours worked on a paid legal holiday. When, for those employees on a four-day work week, a holiday falls on a day which is not part of the employee's regular four-day work week, the holiday (equivalent to one full day of the four day schedule) shall be observed on the preceding work day, except for holidays falling on Sunday, which will be observed on the work day following the holiday, or any other day within the pay period, subject to supervisor approval. For those employees on a four-day work week, or on a five-day rotating schedule, if a holiday falls within their regular work week, the holiday (equivalent to one full day of the four day schedule or the five-day rotating schedule) shall be observed on any other work day within the current

pay period, but no later than the subsequent pay period, subject to supervisor approval.

C. Sick Leave Cash-In

Confidential exempt personnel may "cash-in" sick leave days accrued each year at 80% of value provided: (a) no more than three sick/personal leave days are used; and (b) the employee has at least 21 accrued sick leave days remaining after cash-in. Confidential exempt employees shall receive payment for cash-in of sick leave days no later than August 31st of the next fiscal year.

D. Evaluation Process

Evaluating the work performance of confidential exempt employees provides a mutual benefit for all personnel. The evaluation shall occur annually. The administrator will use the Confidential Exempt Personnel Evaluation (FM-3090) <http://forms.dadeschools.net/webpdf/3090.pdf>, a copy of which shall be placed in the personnel files.

In all instances of concern about performance, such employees shall receive a copy of the job description for the position, as well as any other requirements and/or expectations of the supervising administrator for acceptable performance in the position, if not previously provided. The employee shall be advised of the concern, given suggestions for improvement in a timely fashion, and allowed a reasonable amount of time for improvement to occur.

E. Transfer/Promotion/Upgrade

1. Any permanent non-instructional employee must file an application for transfer with the Office of Human Resources, Recruiting and Performance Management before requesting a transfer. Upon completing the form, it must be sent to the Director of Non-Instructional Staffing with a copy to the immediate supervising administrator. Before being eligible to apply for a transfer or promotion, a confidential exempt employee must have successfully completed a probationary period of 60 work days in the current position.
2. Prior to receiving a promotion, the employee must have satisfactorily met all requirements for the position.
3. A confidential exempt employee who is promoted shall be considered probationary in the new position for the first 60 work days. During that time, the employee is not eligible to apply for transfer/promotion.

4. At the beginning of such probationary period, the promoted employee shall receive a copy of the job description for the position, as well as any other requirements and/or expectations of the supervising administrator for acceptable performance in the position. In all instances of concern about a promoted employee's performance, such employee shall be advised of the concern, given suggestions for improvement in a timely fashion, and allowed a reasonable amount of time for improvement to occur; in no case, however, shall such amount of time extend beyond the end of the probationary period. If a promoted employee's performance is determined by the supervising administrator to be unacceptable during the probationary period, he/she shall, without recourse, be returned to a position substantially equivalent to the one held prior to the promotion, as soon as such a position is available.
5. When an employee is promoted or assigned to a position which is classified in a higher pay grade, the employee shall be moved to the higher pay grade at the first step that provides at least a 5% increase for a promotion and at the first step that provides at least a 2% increase for a reclassification. If the salary is equal to or above the maximum of the range for the new position to which assigned, no salary shall exceed the maximum of the pay grade.
6. If a confidential exempt employee's immediate supervisor is reclassified or promoted to a higher managerial exempt pay grade that results in a higher confidential exempt pay grade, then the secretary must meet all of the requirements for the new pay grade and continue in the same capacity. The step placement of the new pay grade will be determined by the language previously set forth in E (5).
7. Once an employee who has fulfilled the requirements of the transfer provisions has been hired at another work location, the maximum time the current work location supervisor may retain the employee in the current position is ten working days, unless otherwise authorized in writing by the Assistant Superintendent, Office of Human Resources, Recruiting and Performance Management. If the employee is retained for a period longer than ten days, commencing on the eleventh day, the employee shall receive pay based upon the rate for the position to which the employee was promoted or upgraded.
8. 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. Voluntary/Involuntary Reassignment

1. When a lower grade reassignment to a confidential exempt position is at the request of the employee, his/her rate of compensation in the lower pay grade range will be reduced by one step upon a review by Compensation Administration of the duties and responsibilities of the new position provided the resultant salary does not exceed the maximum for the lower pay grade.
2. Involuntary reassignments may be recommended by the Assistant Superintendent, Office of Human Resources, Recruiting and Performance Management, reviewed by Compensation Administration, and approved by the Superintendent. Involuntary reassignments may be recommended and/or occur due to lack of funding, reorganization, realignment of the immediate supervisor to another position or location or for the effective proficiency operation of the organization. The maximum time the incumbent may be retained in the current position shall not be for more than 10 workdays, unless otherwise authorized, in writing, by the aforementioned administrator(s).

G. Compensation Upon Downward Adjustment

An employee may have his/her position adjusted downward with or without a reduction in pay, subject to the following provisions:

1. Upon demotion for unsatisfactory performance, an employee's salary shall be reduced to the same step in the lower pay grade.
2. When a position is reclassified to a lower pay grade or when the minimum or maximum rates for a class are decreased, the pay of an employee may remain unchanged from the effective date of the downward adjustment or reclassification until the end of the fiscal year provided the resultant salary does not exceed the maximum for the lower pay grade.
3. When a shortage of funds or reorganization results in a position being reclassified to a lower pay grade, the employee shall have his/her rate of compensation in the lower pay grade range set at a rate equal not to exceed the maximum of the lower pay grade.
4. If a confidential exempt employee's immediate supervisor is reclassified or demoted to a lower managerial exempt pay grade that results in a lower confidential exempt pay grade, the step placement and salary of the new pay grade will be determined by the language previously set forth in G (2) and G (3).

## H. Layoff/Recall

1. Unless otherwise authorized by the Superintendent of Schools or designee, layoffs in a work location shall be determined by job code and then total seniority in the system. Under the seniority determination, when employees of the same job code at the same work location have the same total system seniority, layoff will be in reverse order of seniority at the work location.
2. A recall pool shall be created and maintained for each pay grade for the duration of one year (12 months) from the time of the layoff.
3. Employees in the recall pool shall be obligated to inform the Office of Human Resources, Recruiting and Performance Management of their current contact information and address on forms to be provided by M-DCPS.
4. In the event the Office of Human Resources, Recruiting and Performance Management is unable, notwithstanding due diligence and effort, to communicate with the employee by telephone in order to inform him/her of such vacancy, then the employee in the recall pool next in line shall be contacted.
5. Employees in the recall pool, who do not accept the position offered within 24 hours of such offer, will be placed at the bottom of the United Teachers of Dade (UTD) recall list, regardless of seniority. Notification by telephone will be utilized, whenever possible, to expedite the process.
6. Any sick leave forfeited at the time of layoff shall be restored at the time of rehire.
7. Personnel who have been laid off shall be eligible to apply for advertised positions that would result in a promotion. Employees in the recall pool shall be given the same consideration for promotion as all other qualified applicants, but shall not be given preference for promotion solely because of recall pool status.

### III. CLASSIFICATION SYSTEM

#### A. Classification and Reclassification

The following actions to create a position or effect other classification changes may be authorized by the Superintendent and implemented by the Assistant Superintendent, Office of Human Resources, Recruiting, and Performance Management upon recommendation of Compensation Administration.

1. The initial classification of all positions.
2. The reclassification of any positions covered under the confidential exempt groups of employees as specified on the XO salary schedule.

#### B. Job Description

Job descriptions shall provide a description of the kind of work, the qualification requirements, and the level of responsibility for each position. While the exact duties and responsibilities of the various positions may differ, all positions allocated to a given pay grade shall be sufficiently similar in nature (e.g., tasks to be performed, level of complexity, extent of job responsibilities, and minimum qualification requirements) to warrant similar treatment for personnel purposes.

Each job description shall be composed of the following:

1. Position Title - The official title given to the classification.
2. Job Code - The official number used to identify the position.
3. Occupational Summary – Statements as to the principal elements of the classification in terms of the complexity of work responsibilities, supervision received and exercised, and other basic factors which serve to establish the general nature and level of the classification.
4. Example of Duties - Statement of typical tasks and responsibilities which may be required of the position, but are not restrictive as to duties which may be required of a specific position.

5. Physical Requirements - Statement describing the physical activities and working conditions of the position.
6. Minimum Qualifications - Statements of the type and extent of training and/or experience normally required of applicants for the classification, including academic degree level.

Job descriptions will be prepared, reviewed, and retained by Compensation Administration and the Office of Human Resources, Recruiting and Performance Management. There are four job evaluation factors used as the primary criteria for determining the assignment of a position to a pay grade through assignment of a degree and quantification for each factor; a. Knowledge and Skills b. Decisions and Responsibilities c. Working Relationships d. Working Conditions.

The Office of Human Resources, Recruiting and Performance Management shall be responsible for conducting periodic studies (no less than every 3 years) to ensure that the classification system for confidential exempt employees is current and uniform, both internally and externally.

#### C. Job Reclassification

1. A request for job reclassification may be submitted to Compensation Administration after it has been reviewed by the immediate supervising administrator. A job description and/or any other pertinent information to justify the reclassification shall accompany the request. The processing of such a request shall not be delayed, deferred, or denied. Compensation for approved reclassifications shall be effective next applicable period after the approval of the Assistant Superintendent, Office of Human Resources, Recruiting and Performance Management. Salary increases upon upward reclassification shall be adjudicated at the first step that provides at least a 2% increase in salary.
2. Any action taken by Compensation Administration in regard to the classification or reclassification of a position may be appealed to the Assistant Superintendent, Office of Human Resources, Recruiting and Performance Management, and then to the Superintendent of Schools, if appropriate.
3. Positions may not be eliminated without approval by the School Board upon recommendation of the Superintendent of Schools.

4. Any confidential exempt employee shall have the right to request a review of salary grade determination for his/her position.
5. Reclassification requests will be considered from January 1 through March 31 of each year. Reclassifications denied may not be resubmitted in the same budget period.

D. Pay Grade Adjustment

Compensation Administration, may adjust the pay grade of a job in the employee group to achieve a greater degree of equity in the grade relationship of jobs in the employee unit. In the event the pay grade of a position is so adjusted, the employee's rate of pay shall remain the same, unless the current rate of pay is less than the minimum of the new grade, in which case, the rate of pay shall be adjusted to the minimum of the new grade.

E. Job Vacancies

1. Unless otherwise authorized by the Superintendent of Schools or designee, job vacancies will be advertised in job fliers issued by the Office of Human Resources, Recruiting and Performance Management. Confidential exempt personnel will receive priority consideration for such job vacancies, provided that all established job requirements are satisfactorily met. In the event a work location supervising administrator determines that a vacancy will be filled by a qualified and eligible confidential exempt employee at the work location, the administrator is authorized to waive the requirement for advertising such vacancy.
2. Confidential exempt employees shall be notified of non-selection for a position within seven working days by the selecting administrator.

#### **IV. CAREER LADDER AND PROFESSIONAL GROWTH**

A. Career Ladder

1. To encourage confidential exempt personnel to enter the teaching profession, the School Board authorizes confidential exempt employees who become certified to teach and are hired for full-time teaching positions, to be placed on the teachers' salary schedule at the first step which would provide them a salary increase.
2. The School Board recognizes that confidential exempt employees, through their service to the school district, acquire significant and valuable administrative experience and skills. Accordingly,

confidential exempt employees who meet minimum qualification requirements shall be given special consideration for advancement to an open entry-level managerial position. Confidential exempt employees shall be allowed to substitute creditable experience in related office employment for required experience in a related field.

B. Professional Growth

1. Inservice Seminars

Confidential exempt employees shall be afforded opportunities for involvement in the M-DCPS secretarial/clerical inservice seminars, courses, and/or academic programs, as well as those presented by educational or professional organizations, which would be beneficial to them in improving their professional skills. Upon proof of completion, credit will be given.

2. Training and Development (non-instructional) shall be utilized to provide programs to confidential exempt employees which would benefit their progress within Miami-Dade County Public Schools. Confidential exempt employees will be compensated at the same rate authorized for office personnel for courses taken through the M-DCPS Inservice Education Program, M-DCPS/PSP (Professional Secretary Program) and employees who take and pass the Certified Professional Secretary Examination.

3. Training and Development will be responsible for scheduling and advertising all courses within the Professional Office Personnel Development Program (POPDP). Additionally, the geographic distribution of all POPDP courses will be coordinated throughout the district to facilitate accessibility to these courses. Courses will be advertised to all work locations on an ongoing basis.

4. POPDP courses satisfactorily completed by part-time employees will not be compensated. However, course credit will be banked until such time as the employee becomes full-time.

5. Professional Secretary Program

a. The optional Professional Secretary Program (PSP) will be comprised of designated courses within the POPDP. Upon successful completion of the program, the participants will receive a certificate of completion and will be eligible for the Professional Secretary Supplement.

b. There may be collaboration between M-DCPS and other institutions (e.g., colleges, schools, universities) to offer

courses for office personnel to satisfy the requirement of the Professional Secretary Program. Any tuition, fees, etc., are the responsibility of the employee/student.

- c. College courses satisfactorily completed will be individually reviewed and considered in lieu of courses taken in the Professional Secretary Program.

C. Educational Assistance

The School Board agrees to provide tuition reimbursement to confidential exempt employees for courses completed at local accredited institutions of higher learning under the following conditions:

1. To be eligible for tuition reimbursement, courses must be part of a formal program leading to a Bachelor's or Master's degree, or must strengthen professional skills and improve effectiveness in performance of the employee's duties.
2. Prior approval by the confidential exempt employee's immediate supervisor or his/her designee is needed. Such approval shall be given when the course work is directly related to the performance of the exempt employee's assigned duties.
3. Reimbursement per employee shall not exceed 12 credits per fiscal year at \$130 per semester hour or the equivalent. Reimbursement shall occur in a timely fashion upon verification of submitted required documents and availability of funds.
4. To obtain tuition reimbursement, the employee shall submit an application to Compensation Administration, with the following attached:
  - a. The official transcript (with raised seal) indicating successful completion of the course(s) and the credits earned; and,
  - b. Verification from the college/university of the tuition paid (Form FT1).
5. Requests for tuition reimbursement must be submitted no later than three months after the completion of the term/semester during which the course was completed.

## **V. EMPLOYEES RIGHTS AND DUE PROCESS**

### **A. Communication/Complaints**

1. All administrative heads will make a conscientious effort to fully consider and understand the nature and basis of an employee complaint and resolve it within 15 working days.
2. In case the employee is not satisfied with the disposition of the complaint, the employee may appeal within 10 working days to the next level of supervision. The supervising administrator will render his/her decision within 15 working days.

### **B. Probationary Employees**

Employees who are new to the school district shall be considered probationary for the first 90 working days. During the probationary period, the employee may be terminated without recourse.

### **C. Due Process**

1. Where an administrator has determined that discipline may be appropriate for an employee, the employee shall be notified and may be accompanied at the conference by a fellow employee within the department/office/bureau or a member of the Confidential Exempt Steering Committee.
2. At the conclusion of the conference, the administrator will provide the employee with a written summation of the conference, along with the proposed disciplinary action. The employee has the right to respond in writing to the administrator's comments.
3. All confidential exempt employees are subject to annual reappointment/non-reappointment after they successfully complete their probationary period.

## **VI. EMPLOYEE BENEFITS**

### **A. Employee Assistance Program**

The School Board recognizes that a wide range of problems not directly associated with confidential exempt employees' job functions can have an effect on his/her job performance and/or attendance.

Assistance will be available to such through the Employee Assistance Program. The Employee Assistance Program is intended to help employees and their families who are suffering from such persistent

problems as may tend to jeopardize an employee's health and continued employment. The program goal is to help individuals who develop such problems by providing for consultation, treatment, and rehabilitation to prevent their condition from progressing to a degree which will prevent them from working effectively.

Appropriate measures will be taken to insure the confidentiality of records for any employee admitted to the program, according to established guidelines and federal regulations.

Guidelines for the Employee Assistance Program, by reference, are included in School Board Rule 6Gx13- 4D-1.11.

#### Employee Rights:

Job security will not be jeopardized by referral to the Employee Assistance Program, whether the referral is considered a voluntary referral in which an employee elects to participate in the program, or a supervisory referral in which a supervisor uses adopted guidelines to refer an employee into the program.

An employee has the right to elect not to participate in the program and may discontinue participation at any time.

#### B. Fringe Benefits Agreement

All fringe benefits are subject to change annually upon approval by the School Board.

#### C. Health Insurance and Flexible Benefits Coverage

1. Benefits will be made available to all eligible full-time employees, as determined by the School Board, consisting of health insurance and a variety of selections from the flexible benefits offerings.
2. Coverage for health benefits for full-time employees begins the first day of employment. Coverage for flexible benefits begins the first of the month following the date of hire. Coverage for dependents is effective the first of the month following the first payroll deduction. Coverage for all such employees and covered dependents will expire on the last day of the last month of employment. Ten month employees who terminate or retire on the last day of school in June (and their covered dependents) will be carried forward until August 31<sup>st</sup> of the same year. Coverage for dependents must be continued until the end of the calendar year, unless a family status change occurs, pursuant to Internal Revenue Service rules.

D. Life Insurance

1. Eligible full-time employees will receive term life insurance equal to two times the employee's annual base salary effective January 1 each year, for the term of this contract. Such coverage is paid by the School Board.
2. Optional coverage is available to be purchased through payroll deduction for up to a maximum of five times the annual base salary. Proof of insurability to the satisfaction of the insurance company may be required for the optional coverage.
3. Dependent term life coverage is also made available through payroll deduction, pursuant to terms agreed to by the School Board and the contracted company.

E. Terminal Pay

Terminal pay shall be provided pursuant to School Board Rule 6Gx13-4E-1.16, Terminal Pay Employees other than Instructional or Educational Support Personnel.

F. Holidays and Annual (Vacation) Leave

Confidential exempt employees shall be granted paid legal holidays and annual leave (vacation) leave pursuant to Florida Statutes, School Board Rule 6GX13- 4E-1.18, Holiday and Annual (Vacation) Leave, and the school calendar adopted annually by the School Board.

G. Eligibility for Holiday Pay

Active Status – An employee must be in pay status (present, sick, personal, vacation, etc.) for at least one (1) day in the ten (10) day period preceding and following the holiday/recess.

On-Leave Status – If the board-approved leave effective date is prior to the holiday/recess, the employee is not entitled to holiday/recess pay. If the leave effective date is the first day after the holiday/recess, then the employee is entitled to holiday/recess pay.

Terminated Status – If the employee is not returning after the holiday/recess, he/she must be terminated effective the last work day prior to the holiday/recess, and is not entitled to holiday/recess pay.

## H. Leaves

### 1. Sick Leave

Each confidential exempt employee employed on a full-time basis shall be credited with four days of sick leave at the end of the first month of employment of each fiscal year and shall thereafter be credited for one day of sick leave for each month of employment, which shall be credited to the employee at the end of the month and which shall not be used prior to the time it is earned and credited to the employee. However, each employee shall be entitled to earn no more than one day of sick leave times the number of months of employment during the year of employment. Employees may use up to six days personal leave with pay per year provided that such days shall be charged against the employee's currently accrued sick leave; such leave is non-cumulative.

### 2. Medical Leave

Confidential exempt employees may be released from their work without penalty for up to two hours for the purpose of medical and/or dental care, with verification upon return.

### 3. Additional Sick Leave

An employee who has exhausted all of his/her sick leave or extra sick leave to which he/she is entitled shall be considered automatically on leave without pay (not to exceed 30 consecutive days) with the School Board's approval until such employee returns to work. Leave without pay for illness is considered only a protection of one's employment rights.

- a. Where such leave is in excess of ten days an employee is eligible for vacation or holiday pay (while absent) only for the number of days he/she has accrued.
- b. The preceding paragraph shall not apply to employees receiving compensation for illness or injury-in-line-of-duty.
- c. Employees whose illness requires an absence of over 30 days without pay must file an application for extended sick leave indicating the anticipated length of such absence and supported by a statement from competent medical authority. Such leave may not extend beyond three consecutive years, approved one year at a time.

4. Use of Sick Leave by Family Member

Pursuant to School Board Rule 6Gx13- 4E-1.01, Absences and Leaves, a district employee may authorize his or her spouse, child, parent, or sibling who is also a district employee to use sick leave that has accrued to the authorizing employee. The recipient may not use the donated sick leave until all of his or her sick leave has been depleted, excluding sick leave from a sick leave pool, if the recipient participates in a sick leave pool. Donated sick leave shall have no terminal value for purposes of Section VI., E, above.

5. Parental Leave

A parental leave of absence with pay, if applicable, or without pay, shall be granted to an employee for the purpose of childbearing and/or parenting as follows:

- a. An employee who is pregnant shall be entitled upon request to a leave to begin at any time between the commencement of her pregnancy and one year after a child is born to her.
  - 1) The employee shall notify her immediate supervisor, in writing, of her desires to take such leave and, except in a case of emergency, shall give such notice at least 30 days prior to the date on which her leave is to begin. She shall include with such notice either a health care provider's statement certifying her pregnancy or a copy of the birth certificate of her child, whichever is applicable.
  - 2) An employee who is pregnant may continue active employment as late in her pregnancy as she desires provided she is able to properly perform her required functions as certified by her health care provider.
  - 3) All or any portion of a leave taken because of a medical disability connected with or resulting from pregnancy may, at the employee's option, be charged to her available sick leave.
- b. A male employee shall notify his supervisor, in writing, of his desire to take parental leave to begin at any time between the birth of his child, and one year thereafter. Except in cases of emergency, such notice is to be given at least 30 days prior to the day on which the leave is to begin.

- c. An employee adopting an infant child (i.e., one year of age or less) shall be entitled upon request to a leave to commence at any time during the first year after receiving de facto custody of said infant child, or prior to receiving such custody, if necessary, in order to fulfill the requirements for adoption.
- d. An employee who is granted a parental leave of absence, pursuant to the above, shall have the following re-employment rights:
  - 1) When an employee notifies the supervisor or the Assistant Superintendent, Office of Human Resources, Recruiting and Performance Management of the desire to return to active employment after parental leave, except for early return, he/she shall be assigned to the same position held at the time the leave commenced.
  - 2) If that position is no longer in existence, the employee shall be assigned to a substantially equivalent position.
- e. An employee on parental leave may elect to use any accrued vacation (annual leave), personal leave with pay, and/or sick leave before entering leave-without-pay status.
- f. While the employee is on parental leave-without-pay status, the School Board will continue to provide liability, health, and life benefits on the same basis as would have been provided had the employee remained at work. The School Board will also continue appropriate contributions to the IRS Section 125 Cafeteria Plan. The employee may continue to make contributions to those compensation or employment benefit plans which permit continuation of such contributions.
- g. Failure of an employee to respond to the official Letter of Intent from the Office of Human Resources, Recruiting and Performance Management or to return to work immediately following the expiration of parental leave shall be deemed willful neglect of duty.

## 6. Personal Leave Without Pay

- a. Leave of absence, without pay, may be approved for personal reasons for full-time regular employees. Such a leave may be approved by the Superintendent or designee for a period not to exceed 30 consecutive work days. Leave for a longer period, not

to exceed two years (approved one year at a time), requires School Board approval except for leave granted in accordance with the provisions of the Worker's Compensation Law.

- b. Employment rights shall be protected. If the duration of the leave is 12 months or less, the employee shall be returned to the same position held prior to the commencement of the leave. If the position no longer exists or if the duration of the leave is longer than 12 months, the employee shall be assigned to a position of like status. In the event no position of like status is available, the employee shall be laid-off and placed in the recall pool.
- c. Unless the employee has notified the Office of Human Resources, Recruiting and Performance Management requesting an extension of leave, and has received approval from the Office of Human Resources, Recruiting and Performance Management for such extension, failure to return at the expiration of such leave shall be deemed termination of employment with M-DCPS.
- d. Any employee on leave may make contributions to those compensation or employee benefit plans which permit or provide for the continuation of such contribution.
- e. Employees may not request personal leave without pay until they have completed at least three years of continuous full-time employment with Miami-Dade County Public Schools.
- f. School Board-paid fringe benefits will be authorized for a maximum of one year for each personal leave without pay granted. Employees will have the option to purchase fringe benefits at a group rate for the second consecutive year of a School Board-approved personal leave without pay.

## 7. Extended Professional Leave

Full-time employees may be granted extended professional leave to study without pay for up to two years. Such leave will be applied for one year at a time with documentation showing that the employee is a full-time student at a college or university. An employee may also be granted extended professional leave to engage in activities for which no college credit is granted provided it is determined by the Superintendent of Schools or designee that these activities will enhance the employee's professional competence. Any employee on such leave, except those approved for full-time employment, will be entitled to School Board-paid fringe benefits.

## 8. Leave Limitations

The following overall limitations shall apply to any combination of leaves, regardless of category.

- a. The number of calendar years granted for any single period of continuous leave of absence without pay, with the exception of extended military leave, shall not exceed the number of creditable years earned with M-DCPS immediately preceding the leave request, up to a maximum of three (3) years.

## 9. Release Time

Release time for a designated confidential exempt employee may be granted to attend School Board meetings that relate to confidential exempt issues.

### I. Expenses for Travel Within Miami-Dade County

Confidential exempt employees who are required to travel within the county on special assignments shall be reimbursed for travel in a privately-owned vehicle on the basis of the maximum amount prescribed by law for distances actually traveled on official business as established in School Board Rule 6Gx13- 4C-1.07, Travel Expenses-School Board Members, Superintendent of Schools, Employees and other Authorized Persons, and the Travel Policies and Procedures Manual (<http://ehandbooks.dadeschools.net/policies/100.pdf>), which is incorporated by reference in this rule.

### J. Physical and Psychological Examinations and Tests

The choice of examining medical specialists from among state-licensed physicians, psychologists, or psychiatrists shall be made by the employee from a list provided by the employer. No employee shall be compelled to submit to any test or examination without a written statement of the need for such examination.

The cost of all physical, psychological, or psychiatric tests or examinations taken at the request or direction of the Superintendent or his designee, except those examinations or tests which are prerequisites of initial employment, shall be borne by the School Board.

A confidential exempt employee shall have the right to seek an additional opinion or judgment from among state-licensed physicians, psychologists, or psychiatrists of the employee's choosing. The cost shall be borne by the employee. When the option is exercised, the additional opinion shall be attached to any other medical opinions under consideration.

K. Personal Property Loss Fund

1. The School Board of Miami-Dade County, Florida agrees to establish and maintain a Personal Property Loss Fund of \$3,000 for confidential exempt employees. The fund is to be used for the purpose of reimbursement for theft or vandalism. Guidelines for utilization of the fund shall be developed and administered by and shall be in compliance with School Board rules governing such expenditures of funds. Loss or damage to personal property, exclusive of personal vehicle damage, during the regular working day are to be covered.
2. Maximum reimbursement per claim shall be \$200. Reimbursement will not be provided for any loss already covered by a claimant's personal insurance policy. No reimbursement shall be provided for claims under \$25. Claimants shall be required to submit a Personal Loss Fund Claim Form (FM-5364) to Risk and Benefits Management. If the claim is deemed eligible for consideration, the claimant will then submit a sales receipt and security report. If a sales receipt or other acceptable proof of ownership is not available, the claimant shall submit a notarized list of the stolen or damaged items with documentation of replacement cost prices. Claims will be paid on an actual cash value bases, up to the \$200 limit per incident.
3. When multiple items are damaged or stolen in a single incident, only one claim may be submitted for all such items. Coverage shall be limited to losses due to theft or damage which are incurred during the claimant's course of employment. No coverage shall be provided for losses resulting from a claimant's negligence. Theft of money is not covered.

# **A P P E N D I X**



## CONFIDENTIAL EXEMPT POSITIONS

JOB CODE	JOB TITLE	PAY GRADE
4041	Executive Secretary to Superintendent	M
4042	Executive Assistant to Deputy Superintendent of Schools	L
4043	Recording Secretary to School Board	M
4044	Administrative Secretary III	J
4045	Recording Secretary/Historian	M
4048	Administrative Secretary to School Board	M
4049	Clerk of The School Board	M
4330	School Board Receptionist	D
4377	District Communications Management (DCOM) Specialist	E
4378	Senior District Communications Management (DCOM) Specialist	J
4532	Executive Secretary II	F
4534	Executive Secretary I	D
4539	Budget Specialist	K
4541	Legal Assistant	L
4542	Legal Secretary	L
4546	Senior Word Processing Operator	E
4548	Office Manager	H
4552	Administrative Secretary I	G
4553	Financial Aide	G
4554	Administrative Secretary II	H
4557	Payroll Control Specialist	H
4559	Police Support Specialist	D
4560	Administrative Aide IV	K
4561	Records Specialist	K
4562	Clerical Testing Manager	H
4563	Textbook Inventory Analyst	J
4566	Translations Specialist	H
4567	Police Communications Dispatcher	G
4568	Senior Budget Specialist	L
4569	Paralegal	M
4570	Citizen Information Center Aide	K
4653	Employee Services Secretary	G
4857	Senior Property Auditor	J



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.*

Revised 5/9/03