



**AGENDA
SPECIAL SCHOOL BOARD MEETING**

Monday, April 7, 2008 – 9:00 a.m.

School Board Meeting Room

500 E. Ocean Blvd.

Stuart, FL 34994

Call to Order by the Chairman and Pledge of Allegiance to the Flag of the United States

1. **Adoption of the Agenda:***
 - A. **Additions, Deletions or Amendments to the Agenda**
 - B. **Approval of the Agenda**
2. **Open to the Public:***
3. **In Re: Trameka Russ-Employee Discipline Hearing: #07/08:002:*Deana Newson**
4. **Open to the Board:***



UPCOMING MEETINGS: Unless noted otherwise, all School Board Meetings are held at 7:00 p.m. in the School Board Meeting Room, Instructional Center, 500 E. Ocean Blvd., Stuart, FL

REGULAR SCHOOL BOARD MEETINGS

April 15, 2008-7:00 p.m.
May 20, 2008-7:00 p.m.
June 17, 2008- 7:00 p.m.
School Board Meeting Room

**Joint Meeting between the School Board of Martin County,
The Martin County Board of County Commissioners, and the City of Stuart**

Wednesday, June 18, 2008- 9:00 a.m.-12:00 p.m.
John F. Armstrong Wing at the Blake Library
2351 S.E. Monterey Rd., Stuart, FL 34996

169.1 PUBLIC PARTICIPATION AT BOARD MEETINGS.

The Chair shall be guided by the following policies:

(1) **Time Limit.**-Public discussion, not to exceed one (1) hour, may be scheduled or unscheduled. The Board may, from time to time, waive certain procedural requirements to allow greater public participation in Board meetings. Any waiver, regardless of how frequently made, shall be narrowly construed and not cited or used by other parties seeking to invalidate such procedures or otherwise avoid their impact. Attendees shall register their intention to participate in the public portion of the meeting with the Board clerk.

(2) **Scheduled Appearances.** In scheduled appearances, any person or group shall be allowed fifteen (15) minutes for the purpose, provided such appearance has been placed on the agenda.

Hearing procedures for formal argument and presentation are governed by Bylaw 0169.1.

(3) **Unscheduled Appearances.** In unscheduled appearances, any person or group who has not made previous arrangements to be placed on the agenda may be heard for not more than five (5) minutes for an individual or group, provided there is time remaining in the public discussion.

(4) **Remarks Directed to the Board.** When several members of the public or several members of a group share similar opinions on the same issues, a representative, rather than all the members, should address the Board. Persons addressing the Board shall speak into a microphone and direct their remarks to the Board. Staff members shall not be expected to answer questions from the audience unless called upon by the Chair or the Superintendent.

(5) **Board Action.** Board action will not be taken on requests made during unscheduled appearances during the public discussion period until a later meeting unless the Board declares the matter to be an emergency.

*possible action #exhibit available for review +emergency item

NOTICE OF RIGHT TO JUDICIAL REVIEW

A party who is adversely affected by this Final Order is entitled to Judicial Review pursuant to Section 120.68, Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Notice of Appeal with the School Board Clerk and a second copy, accompanied by filing fees prescribed by law, with the District Court, Fourth District. The notice of appeal must be filed within 30 days of rendition of the order to be reviewed. Rendition is defined as the filing of the Final Order with the Clerk of the School Board of Martin County, Florida. The agency shall accurately and completely preserve all testimony in the proceedings, and, on the request of any party, it shall make a full or partial transcript available at no more than actual cost.

Accommodations are available for persons with special needs. Please call 219-1200 X 425 for assistance

**STATE OF FLORIDA
MARTIN COUNTY SCHOOL BOARD**

SARA A. WILCOX, Superintendent of Schools,
THE SCHOOL DISTRICT OF MARTIN COUNTY,
FLORIDA

Petitioner,

V.

TRAMEKA RUSS

Employee.

STATEMENT OF CHARGES AND PETITION TERMINATION

Petitioner, SARA A. WILCOX, as Superintendent of Schools, hereby files this Statement of Charges and Petition for Termination, and as grounds therefore alleges:

THE PARTIES

1. Dr. Sara A. Wilcox is and was at all times the duly elected Superintendent of Schools for Martin County, Florida. Her address is 500 East Ocean Boulevard, Stuart, Florida 34994.

2. The Martin County School Board (the "MCSB") is the lawful School Board of Martin County, Florida. The MCSB was established in accordance with the requirements of law and is empowered with all the rights and privileges authorized by law for school boards in the State of Florida. This includes, *inter alia*, the right to employ various personnel to carry out its duties and responsibilities.

3. The MCSB is authorized to promulgate various rules, policies and practices to govern the employment of all who work for it.

4. The MCSB is also authorized to act upon the recommendation of its Superintendent to suspend, discipline and dismiss its employees for cause. Just cause includes, but is not limited to, misconduct in office, incompetency, gross insubordination, willful neglect of duty or conviction of a crime involving moral turpitude.

5. At all material times, Trameka Russ (Ms. Russ) was and is an individual employed by the MCSB as a Cook.

6. In her employment as a Cook, Ms. Russ was bound by and legally obligated to obey all lawful rules, policies, procedures and practices of the MCSB.

SCHOOL BOARD POLICIES AND CONTRACT LANGUAGE

7. MCSB Rule 3162.02 (IV) states that "leave without pay may be granted to support staff, at the discretion of the Superintendent, not to exceed twenty (20) working days...". Such leave requests must be submitted to the Superintendent along with documentation supporting the leave request.

8. Florida State Statute § 1012.67, Absence Without Leave, states, "Any district school board employee who is willfully absent from duty without leave shall forfeit compensation for the time of such absence, and his or her employment shall be subject to termination by the district school board.

9. MCSB Rule 3173(A) states that "Each employee shall maintain a standard of care for the supervision, control, and protection of students commensurate with their assigned duties and responsibilities at any location on campus or during school-sponsored activities".

10. Article 6 of the contract between the MCSB and AFSCME Local 597 provides "[T]he grounds for immediate suspension or dismissal shall include but not be limited to...willful neglect of duty, misconduct in office" or in the alternative, "gross insubordination".

THE FACTS WARRANTING DISCIPLINE

11. Ms. Russ is and was employed as a Cook for the Martin County School District effective August 12, 2002, and was subject to the aforementioned state statute, School Board Rules and Contract provision.

12. From November 2007 to January 2008, Ms. Russ began to repeatedly show up late for work, would leave for doctor appointments with no prior notice, would leave work early with no prior notice or would call in sick to work when she had exceeded her authorized sick leave.

13. Ms. Russ was verbally counseled numerous times by Food Service Manager Guy Tann and Assistant Principal Marty Moon about her tardy arrivals to work and being absent without leave. A written record of conversation reflects that Ms. Russ was made aware of the necessity of being at work when scheduled, that she had exceeded her authorized sick and personal leave to date and any further request for leave must be pre-approved by the Superintendent.

14. On January 28, 2008, Labor/Employment Representatives Helene Baxter and Kim Sabol met with Ms. Russ to verbally counsel her about her continued pattern of tardiness and absences without authorization. Ms. Russ was told that any further violations would result in discipline and could ultimately result in termination.

15. On January 29, 2008, Ms. Russ was twenty-five (25) minutes later to work.

16. On January 29, 2008, Mr. Tann prepared a letter of reprimand to Ms. Russ for violation of MCSB Rule 3162.02 and for excessive tardiness. Ms. Russ was directed that she must report to work on time and was not permitted to take any leave without prior approval in accordance with MCSB Rule 3162.02. Ms. Russ was again informed that continued tardiness would result in future disciplinary action, up to and including termination.

17. Ms. Russ acknowledged receipt of this written reprimand by her signature on January 29, 2008.

18. Subsequently, Ms. Russ has been absent without approved leave on February 7, 2008 and February 8, 2008, and left fifteen (15) minutes early without authorization on February 6, 2008. She has been tardy as follows:

- February 20, 2008 4 hours 15 minutes late
- February 21, 2008 1 hour 20 minutes late

19. On February 21, 2008, Ms. Russ was again verbally counseled by Mr. Tann about her tardiness to work. A written record of conversation reflects that Ms. Russ was once again made aware of the necessity of being at work when scheduled.

20. Since her discussions with Mr. Tann on February 21, 2008, Ms. Russ has been late as follows:

- March 4, 2008 thirty (30) minutes late
- March 6, 2008 1 hour 30 minutes late
- March 10, 2008 1 hour 30 minutes late

In addition, Ms. Russ missed work on March 5, 2008. She has exhausted all of her leave and did not make a request to the Superintendent prior to taking the leave as required by MCSB Rule 3162.02.

21. On March 10, 2008, Labor/Employment Representative Ms. Baxter and Recruiter Cindy Smith met with Ms. Russ to give her notice that the District was moving to suspend her without pay for excessive tardiness and unauthorized absences. Ms. Russ was given a Statement of Charges and Petition for Suspension Without Pay for Three (3) Days. She was notified that the hearing on the Statement of Charges was scheduled for March 19, 2008. Ms. Baxter explained to Ms. Russ that the Statement of Charges included misconduct up to and including March 4, 2008, and that any further instances of unapproved absences or tardiness would result in a recommendation that she be terminated.

22. Since that meeting, Ms. Russ has been late as follows:

- March 11, 2008 1 hour and 40 minutes late
- March 12, 2008 1 hour and 35 minutes late

- March 13, 2008 1 hour 45 minutes late
- March 17, 2008 1 hour 30 minutes late
- March 18, 2008 1 hour 45 minutes late
- March 19, 2008 1 hour 45 minutes late

Ms. Russ also left work early 1 hour 30 minutes on March 18, 2008, to go to a job interview, and missed work on March 14, 2008. She has exhausted all of her leave and did not make a request to the Superintendent prior to taking the leave as required by MCSB Rule 3162.02.

23. In addition to the above, Ms. Russ either calls minutes before the start of her shift to notify her supervisor that she is going to be late or she gives no notice prior to being late. On many occasions, she gives no indication of when she is going to arrive to work, leaving her supervisor without the ability to schedule appropriate staffing for the day.

JUST CAUSE FOR TERMINATION

24. The aforesaid acts of Ms. Russ, as set forth in this petition, constitute misconduct in duty, willful neglect of duty, gross insubordination, and a violation of the Rules, Policies and Regulations of the MCSB.

25. The aforesaid acts of Ms. Russ, as outlined in this Petition, constitute just cause for termination.

WHEREFORE, Petitioner, Sara A. Wilcox, Superintendent of Martin County Schools, Martin County, Florida, requests the School Board terminate Ms. Russ from her position with the District.

Respectfully submitted,

BY: Sara A. Wilcox
 Dr. Sara A. Wilcox
 Superintendent of Schools

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished to Trameka Russ, *via* hand delivery, this 19th day of March, 2008.

Helene Baxter
 Helene Baxter
 Labor/Employment Representative