



SCHOOL BOARD OF POLK COUNTY

P.O. BOX 391
BARTOW, FLORIDA 33831

1915 SOUTH FLORAL AVENUE
BARTOW, FLORIDA 33830

(863) 534-0781 • FAX (863) 534-0737

September 1, 2010

Board Members

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KAY FIELDS
DISTRICT 5

FRANK J. O'REILLY
DISTRICT 1

LORI CUNNINGHAM
DISTRICT 2

HAZEL SELLERS
DISTRICT 3

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DISTRICT 4

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DISTRICT 6

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DISTRICT 7

C. WESLEY BRIDGES, II
General Counsel

Administration

GAIL F. MCKINZIE, Ph.D.
Superintendent

HRS #11-002

Contact: José Farinas
Director of Employee Relations
534-0731 / 51529

MEMORANDUM

TO: Principals, Assistant Principals, and Principals' Secretaries

**FROM: Ron Ciranna, J.D., Assistant Superintendent
Human Resource Services**

José Farinas, SPHR, Director of Employee Relations

**SUBJECT: Dismissal of First Year (Initial Hire) Annual Contract
Instructional Employee within Their 97-Day Probationary
Period**

Florida Statute 1012.33 (3)(a) 4. entitled "Contracts with Instructional Staff, Supervisors and Principals," states:

"For any person newly employed as a member of the instructional staff after June 30, 1997, the initial annual contract shall include a 97-day probationary period during which time the employee's contract may be terminated without cause or the employee may resign without breach of contract."

This language only applies to first year annual contract instructional employees (initial employment with Polk County Schools).

Be advised that you have the authority to implement this provision for any new instructional employee (first year with Polk County Schools) at your school/worksite. **The principal must meet with the employee being released in order to notify him/her of the decision.** The employee may have a union representative present if one is available at the time of the meeting. Remember that this is not a disciplinary meeting.

You are not required to share any reason with the employee beyond your assertion that per Florida Statute 1012.33 he or she is being dismissed during his or her probationary period (first 97-days of initial employment with Polk County Schools). Please remember that should you find yourself in a legal setting where you are required to justify why an employee was released, you must be able to produce documented reasons that are legally defensible.

HRS Memo #11-002

September 1, 2010

Monitoring the initial date of hire and the 97th day of work is the responsibility of the hiring principal/supervisor. Days are contracted work days, not calendar days. The School Board must vote on said dismissal prior to the 97th day at its January 14, 2011 meeting.

If the employee's first contract day was August 16, 2010 (first Teacher work day according to the District Calendar), then the 75th day will be December 1, 2010 and the 97th day will be January 13, 2011.

Therefore, the principal/supervisor must submit an electronic Personnel Action Form (e-PAF) as well as a completed "Dismissal of Instructional Employee During 97-Day Probationary Period" form (see attachment) via fax (534-0737) or courier, to Cynthia Sprouse, Personnel Assistant in the Employee Relations Department of the Human Resource Services Division, prior to the conclusion of the employee's 75th contract day (December 1).

Please note that this is a firm deadline; therefore, do not put the form in the courier on the 75th day and expect that it will be processed.

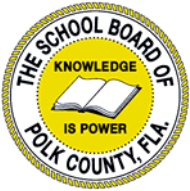
Note: The school/worksites payroll secretary is responsible for entering Absence Code OI52 "Leave Without Pay" in SAP HR-CATS for every day not worked by the employee before the School Board's approval of the employee's 97-Day Probationary Period termination.

If you have any questions concerning these issues, please contact José Farinas, Director of Employee Relations. We appreciate your cooperation in this matter.

Attachment: Dismissal of Instructional Employee During Initial 97-Day Probationary Period Form

c: Dr. Gail F. McKinzie
Dr. Sherrie Nickell
Dr. Bruce Tonjes
Senior Directors
Directors
Human Resource Services

Note: All HRS Memos are available in Outlook>Public Folders>All Public Folders>Human Resource Services> HRS Memos or www.polk-fl.net - Keyword: HR Memos



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GAIL F. MCKINZIE, Ph.D.
Superintendent

TO: Ron Ciranna, J.D.
Assistant Superintendent, Human Resource Services

FROM: _____
Principal/District Supervisor

School/Department

**SUBJECT: DISMISSAL OF INSTRUCTIONAL EMPLOYEE
DURING INITIAL 97-DAY PROBATIONARY PERIOD**

I recommend the dismissal of _____, SAP ID# _____, who is within the first 97 workdays of his/her probationary period as an Initial Annual Contract Instructional Employee. I have met with the Instructional Employee and informed him/her of my recommendation.

Florida Statute 1012.33 (3)(a) 4. entitled "Contracts with Instructional Staff, Supervisors and Principals," states:

"For any person newly employed as a member of the instructional staff after June 30, 1997, the initial annual contract shall include a 97-day probationary period during which time the employee's contract may be terminated without cause or the employee may resign without breach of contract."

As an Initial Annual Contract Instructional Employee, the individual below is aware that he/she may reapply for other vacancies within the District.

Date

Principal/Supervisor Signature

The Instructional Employee being dismissed has either signed this document, or a Witness has signed indicating that the employee declined an opportunity to sign.

Initial Annual Contract
Instructional Employee Signature

Witness (Signature and Title)

c: Insert name, Senior Director
José Farinas, Director of Employee Relations