

MIAMI DADE COLLEGE
STUDENT SERVICES DEPARTMENT / NORTH CAMPUS

MEMORANDUM

Date: March 1, 2016
To: Maria T. Collada, Director
From: Georgette Perez, Interim Dean *G. Perez*
Subject: Notice of Final Action of Termination

This memorandum serves to advise you of the College's decision to terminate your employment from the position of Director, North Campus, effective, March 15, 2016 for violation of:

College Procedure 2410: Performance Standards and Appeal Procedure for All Professional Exempt Contractual and Support Employees, Standard of Conduct/Work Rules, Section II (C):

- (k) Falsification of time cards or time sheets or other methods used to track time and attendance.
- (n) Use of official position for personal gain or personal advantage. This is considered a conflict of interest by the College (College Policy II-23: Conflict of Interest and Code of Ethics for College Employees).

On Thursday, February 18, 2016, you were placed on Administrative Leave with Pay; a copy of this notice is enclosed. You were provided with the opportunity to submit a written response to the statement of allegations, which you submitted on February 22, 2016. Upon further investigation, the College has sufficient evidence to corroborate the above allegations. The College has found that the evidence does not support your written statement and that you omitted pertinent facts. Below find the allegations, your response to each and the findings of the investigation.

Allegation: From August 2015 to the present, it is alleged that you approved payments of additional working hours to complete personal assignments for you to a Miami Dade College employee. The assignments primarily included tutoring, reading articles, writing reflection papers and/or completing tasks related to work or projects required of your Master's program studies.

Per your statement: "At one point, one of my part time employees did tutor me, this was, again, done outside office hours and off campus. No payment was made by reporting extra hours on a time sheet". ... "hours approved for payroll were either worked in the office or at home but only for Miami Dade College work. I have not mixed my professional and personal work in any way".

Findings:
Several witnesses stated that you asked a Miami Dade College employee to perform work assignments related to your Master's studies and you instructed the employee to put the additional hours worked for you on their MDC time sheet. In addition, it was discovered that you engaged more than one member of your staff to assist with your personal studies. These allegations were confirmed during the investigation as numerous emails were found containing classwork sent to and from you and several members of your staff.

It was also uncovered that per your instructions, on numerous occasions, an employee would not reflect the hours actually worked on their timesheet and falsely documented time worked. Specifically, an employee worked on December 29, 2015 and you instructed the employee to put the hours on a later payroll in January 2016. You violated MDC policy by directing an employee to falsify their timesheet.

Allegation: It appears you have authorized said employee to complete work-related projects while not physically at the College.

Per your statement: "In the past, I have had Ms. Miriam Torres assist me with editing evaluations, annual reports, brochures, power points, and tour scripts, etc.; all focused on New Student Center tasks. After verifying all agreed upon work was done, I had her report hours worked from home as if they were worked during regular office hours. Her time sheet never exceeded 25 hours per week. I was not aware of any College policy which prohibited part time employees working from home and adding these hours to a time sheet".

Findings: You allowed employees to work from home while being paid by the College. Although you stated that you were not aware that this is not College practice, please note the expectation that Part Time employees are not allowed to work from home has been shared with employees by me on numerous occasions. You failed to follow my directive.

The College's decision to terminate your employment is based on the preponderance of evidence supporting the allegations that specifically relate to unethical behavior and policy violations by using College funds to compensate an employee who worked for you on non-College related tasks and allowing employees to falsify time sheets.

Pursuant to College Procedure 2410 Performance Standards and Appeal Procedure for All Professional Exempt Contractual and Support Employees, Section III (E) (1): Other Provisions, this termination is not subject to the grievance procedure, specifically:

"Serious rule infractions, (Section C (2), Standards of Conduct) or documented actions that are timely and of a repetitive nature (Section C (1) Standards of Conduct) resulting in termination shall not be subject to this Grievance Procedure."

You may voluntarily resign from your position. Should you choose to voluntarily resign your position, you may utilize the enclosed resignation form for that purpose. Please submit your resignation to the attention of Susan Diaz, Employee Relations Officer by email at sdiaz10@mdc.edu or fax, 305-237-2928, by 4:30 p.m. on March 2, 2016. Please follow-up by mailing your original resignation. Should you elect this option, the mailing address is Miami Dade College, Division of Human Resources, Kendall Campus, 11011 S.W. 104th Street, Room 1111, Miami, Florida 33176-3393.

If you elect not to resign from your position, the College will proceed with termination of your employment, effective March 15, 2016. You will not be expected to report for work after today's meeting.

Please note the following information: Your final paycheck for the pay period of March 1, 2016 through March 15, 2016, was issued on pay date, February 26, 2016.

Questions you have regarding retirement or insurance should be directed to the Office of Compensation and Benefits at 305-237-2010.

You will receive a separate paycheck, paid within 60 days of final pay, which will contain the payment for any vacation leave balance you currently have remaining. The total amount of this payment cannot exceed thirty (30) work days or 225 hours. If the amount of this payment is \$1,000.00 or more, the College will place this money in an account for you under the College's Terminal Leave Payment program, administered through BENCOR, Incorporated. BENCOR's contact information is 1-888-258-3422 or www.bencor.com.

Advisory Regarding Retaliation

Please note that Federal law and College Policy I-21 Equal Access/Equal Opportunity, prohibit retaliation --conduct causing any interference, coercion, restraint or reprisal against a person complaining of discrimination or harassment or participating in the resolution of a complaint of discrimination, harassment or whistleblowing. This protection applies to all parties related to a complaint (i.e., complainants, respondents, witnesses). Report allegations of retaliation to the Office of EOP/ADA for review and resolution.

You may also address questions you have regarding this process to Susan Diaz Employee Relations Officer at sdiaz10@mdc.edu.

cc: Human Resources Employee File
Dr. Malou Harrison, Campus President
Susan Diaz, Employee Relations Officer

Attachments:

- College Procedure 2410: Performance Standards and Appeal Procedure for All Professional Exempt Contractual and Support Employees
- Administrative Leave with Pay Pending Investigation memo, dated February 18, 2016