

BEFORE THE
PALM BEACH COUNTY SCHOOL BOARD, FLORIDA

ARTHUR C. JOHNSON, Ph.D.)
Superintendent of Schools)
 Petitioner,)
)
vs.)
)
CARLOS A. CHAVERRA,)
 Respondent.)
_____/

PETITION FOR SUSPENSION WITHOUT PAY
AND DISMISSAL FROM EMPLOYMENT

Arthur C. Johnson, Ph.D., Superintendent of Schools of the School District of Palm Beach County, Florida, pursuant to the due process provisions of Sections 1012.33, 120.569, 120.57, 1012.22(1)(f), and 1012.27(5), Florida Statutes, files this Petition for Suspension Without Pay and Dismissal from Employment of Respondent, Carlos A. Chaverra, from the School District of Palm Beach County, Florida, for Gross Insubordination, Unsatisfactory Attendance and Failure to Call in Absences, thereby precluding Respondent from meeting the School Board's minimum standards for continuing employment in the Palm Beach County School District, constituting just cause for suspension of his employment for fifteen (15) days without pay and termination of his employment under Fla. Stat. Section 1012.22(1)(f), 1012.27(5) and 1012.40; School Board Policies 1.013 and 3.27; School Board Directive 3.27; and Article 17, Section 6 of the Collective Bargaining Agreement between the National Conference of Fireman & Oilers, Local 1227, and the School District of Palm Beach County, Florida, and states as follows:

I. JURISDICTIONAL BASIS

1. The agency is the School Board of Palm Beach County, Florida, located at:

3340 Forest Hill Boulevard
West Palm Beach, Florida 33406-5869
Attn: Board Secretary

Petitioner, Arthur C. Johnson, Ph.D., is the duly appointed Superintendent of Schools of the Palm Beach County School District, Florida.

2. The address of the Petitioner is:

Superintendent of Schools
Palm Beach County School Board
c/o JulieAnn Rico Allison, Esq.
3318 Forest Hill Boulevard, Suite C-302
West Palm Beach, Florida 33406-5813

3. Petitioner has the statutory responsibility and obligation to recommend the placement of school personnel and to require compliance and observance by all personnel of all laws, policies and directives. Pursuant to Section 1012.27(5), Florida Statutes, Petitioner has the authority to recommend to the School Board of Palm Beach County, Florida, that school district employees be dismissed from employment.
4. Respondent is a Painter in the Maintenance and Plant Operations Department in Palm Beach County School District.
5. The last known address of Respondent is 5900 South 38th St., Lake Worth, Florida.
6. Respondent was duly notified of the recommendation for suspension without pay and termination by a letter dated the _____ day of September 2005. The letter was sent via certified mail, return receipt requested, and regular U.S. mail.

II. ADMINISTRATIVE CHARGES

Petitioner, Arthur C. Johnson, Ph.D, alleges as follows:

7. Respondent is a Painter with the Maintenance and Plant Operations Department of the Palm Beach County School District.
8. On or about June 9, 2005, Respondent became the subject of a Professional Standards investigation based upon the allegation that Respondent had absented himself from work for twenty-nine (29) days in three (3) months. Upon further inquiry, Respondent claimed he had been arrested and detained, and thus unable to report to work. Respondent refused to provide documentation to substantiate his explanation or to otherwise cooperate with the investigation despite directives to the contrary.
9. At the conclusion of the investigation, the allegations of Gross Insubordination, Unsatisfactory Attendance, and Failure to Call in Absences were sustained.

III. LEGAL BASIS FOR ADMINISTRATIVE CHARGES

10. Based upon the foregoing, the basis for charges upon which the employment of non-instructional personnel may be terminated is set forth in Florida Statutes Sections 1012.22(1)(f), 1012.27(5) and 1012.40.
11. Accordingly, just cause exists for Respondent to be disciplined by way of a fifteen (15) day suspension without pay and termination of employment pursuant to Florida Statutes Sections 1012.22(1)(f), 1012.27(5) and 1012.40; School Board Policies 1.013 and 3.27; School Board Directive 3.27; and Article 17, Section 6 of the Collective Bargaining Agreement between the National Conference of Fireman & Oilers, Local 1227, and the School District of Palm Beach County, Florida.

IV DEMAND FOR RELIEF

WHEREFORE, Petitioner, Arthur C. Johnson, Ph.D., Superintendent of Schools, recommends that the School Board of Palm Beach County, Florida, suspend the Respondent without pay September 22, 2005 and terminate Respondent's employment effective upon the expiration of fifteen (15) days subsequent to the

Carlos Chaverra

September 21, 2005 Board Meeting subject only to appeal under Section 120.68, Florida Statutes, unless a timely request for administrative hearing is made within the fifteen (15) days stated herein pursuant to Sections 120.569 and 120.57, Florida Statutes, wherein Respondent will remain suspended without the payment of salary and benefits until final School Board disposition is entered subsequent to the administrative hearing proceedings.

ARTHUR C. JOHNSON, Ph.D.
SUPERINTENDENT

STATE OF FLORIDA)
) SS
COUNTY OF PALM BEACH)

The foregoing instrument was executed before me this ____ day of September 2005, by ARTHUR C. JOHNSON, Ph.D., who is personally known by me (or who has produced _____ as identification) and who took/did not take an oath.

Notary Public
State of Florida at Large

Type or Print Name of Notary
My Commission Expires: