

**From:** Preusser, James E.  
**Sent:** Thursday, August 3, 2023 10:02 AM  
**To:** 'Pridgeon, Suzanne' <[Suzanne.Pridgeon@fldoe.org](mailto:Suzanne.Pridgeon@fldoe.org)>  
**Cc:** Eggers, Mark <[Mark.Eggers@fldoe.org](mailto:Mark.Eggers@fldoe.org)>; [jmandel@fisherphillips.com](mailto:jmandel@fisherphillips.com); Palmerini, John C. <[John.Palmerini@ocps.net](mailto:John.Palmerini@ocps.net)>  
**Subject:** RE: PLEASE READ THIS MESSAGE: Performance Pay Versus Percentage Based Increases

Thank you for your response Ms. Pridgeon.


This is very helpful. Your response confirms our understanding of the statute.

Thank you.

**Jim Preusser**

Senior Executive Director  
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Orange County Public Schools  
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**From:** Pridgeon, Suzanne <[Suzanne.Pridgeon@fldoe.org](mailto:Suzanne.Pridgeon@fldoe.org)>  
**Sent:** Thursday, August 3, 2023 9:43 AM  
**To:** Preusser, James E. <[James.Preusser@ocps.net](mailto:James.Preusser@ocps.net)>  
**Cc:** Eggers, Mark <[Mark.Eggers@fldoe.org](mailto:Mark.Eggers@fldoe.org)>; [jmandel@fisherphillips.com](mailto:jmandel@fisherphillips.com); Palmerini, John C. <[John.Palmerini@ocps.net](mailto:John.Palmerini@ocps.net)>  
**Subject:** FW: PLEASE READ THIS MESSAGE: Performance Pay Versus Percentage Based Increases  
**Importance:** High

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Good morning Mr. Preusser,

As you note, Section 1012.22(1)(c)5.b., F.S., states that *“The annual salary adjustment under the performance salary schedule for an employee rated as effective must be equal to at least 50 percent and no more than 75 percent of the annual adjustment provided for a highly effective employee of the same classification.”* As you are aware, the district must be compliant with this requirement when administering salary increases. The use of dollar amounts would be the most straight-forward way to monitor salary increases for compliance with this statute. If a percentage method is used, the increases would have to be converted to dollar amounts for each teacher for comparison with the increases of other teachers to ensure compliance. As noted in your email, the use of percentages will not result in increases to an employee on the performance schedule in required amounts.

[Section 1012.22\(1\)\(c\)5.b., F.S.](#)

b. Salary adjustments.—Salary adjustments for highly effective or effective performance shall be established as follows:

(I) The annual salary adjustment under the performance salary schedule for an employee rated as highly effective must be at least 25 percent greater than the highest annual salary adjustment available to an employee of the same classification through any other salary schedule adopted by the district.

(II) The annual salary adjustment under the performance salary schedule for an employee rated as effective must be equal to at least 50 percent and no more than 75 percent of the annual adjustment provided for a highly effective employee of the same classification.

(III) A salary schedule shall not provide an annual salary adjustment for an employee who receives a rating other than highly effective or effective for the year.

Please let me know if we can assist with anything else.

Suzanne

Suzanne Pridgeon  
Deputy Commissioner  
Division of Finance and Operations  
325 W. Gaines St., Suite 1214  
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**From:** Preusser, James E.

**Sent:** Wednesday, July 26, 2023 12:27 PM

**To:** Pridgeon, Suzanne <[Suzanne.Pridgeon@fldoe.org](mailto:Suzanne.Pridgeon@fldoe.org)>; Eggers, Mark <[Mark.Eggers@fldoe.org](mailto:Mark.Eggers@fldoe.org)>

**Cc:** Mandel, Jeffrey <[jmandel@fisherphillips.com](mailto:jmandel@fisherphillips.com)>; Palmerini, John C. <[John.Palmerini@ocps.net](mailto:John.Palmerini@ocps.net)>

**Subject:** PLEASE READ THIS MESSAGE: Performance Pay Versus Percentage Based Increases

**Importance:** High

Good morning Ms. Pridgeon and Mr. Eggers.

Please review the information provided below with respect to performance pay versus percentage based increases. We need your input.

**Background:**

Since 2014, Orange County Public Schools (OCPS) has provided salary adjustments to instructional personnel as outlined in the statute below. OCPS has a performance based salary schedule for instructional personnel. We do not have a stepped based or grandfathered salary schedule for instructional personnel.

**Statute:**

The statute reads as follows:

Salary adjustments.—Salary adjustments for highly effective or effective performance shall be established as follows:

(I) The annual salary adjustment under the performance salary schedule for an employee rated as highly effective must be at least 25 percent greater than the highest annual salary adjustment available to an employee of the same classification through any other salary schedule adopted by the district.

(II) The annual salary adjustment under the performance salary schedule for an employee rated as effective must be equal to at least 50 percent and no more than 75 percent of the annual adjustment provided for a highly effective employee of the same classification.

**Issue:**

Our performance salary adjustments for instructional personnel are dollar based in order to comply with the statutory language. In our most recent bargaining session with the Orange County Classroom Teachers Association (OCCTA), the Union presented **percentage based increases** as their salary proposal indicating that both the Miami-Dade School District and Broward School District have adopted percentage based increases for their instructional staff on the performance salary schedule. OCCTA indicated at the bargaining table percentage based increases are intended to address salary compression and ensure veteran teachers receive a higher salary adjustment. We believe percentage based increases violate the aforementioned statute when an effective teacher (regardless of tenure) receives a salary adjustment greater than a highly effective teacher; thus, violating the intent and spirit of the statute. Based on the proposal presented by the Union, it is highly probable for an effective teacher to receive a salary adjustment greater than a highly effective teacher.

**Action:**

Please provide guidance on this topic as we continue to bargain with the Union in order to meet the October 1, 2023 deadline.

Thanks,

**Jim Preusser**

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