



Memorandum



Miami-Dade County Office of the Inspector General
A State of Florida Commission on Law Enforcement Accredited Agency
601 NW 1st Court ♦ South Tower, 22nd Floor ♦ Miami, Florida 33136
Phone: (305) 375-1946 ♦ Fax: (305) 579-2656
Visit our website at: www.miamidadeig.org

To: The Honorable Anthony Rodriguez, Chairman
and Members, Board of County Commissioners, Miami-Dade County
The Honorable Daniella Levine Cava, Mayor, Miami-Dade County

From: Felix Jimenez, Inspector General 

Date: April 8, 2025

Subject: Miami-Dade County's Tuition Refund Program

By way of this memorandum, the Office of the Inspector General (OIG) is providing this Board with information regarding our recent review of the County's Tuition Refund Program (Program) and discrepancies that we found between policies established by the Board and the Program's eligibility criteria as applied by the People and Internal Operations Department's (PIOD) Human Resources Division (HR) staff.

INTRODUCTION

The County's Tuition Refund Program was initially adopted by the Board in 1963. The Program provides that eligible employees enrolled in accredited educational institutions may be reimbursed for 50% of tuition costs for "approved" coursework. In 2007, the Board revisited the criteria of eligible coursework and provided direction to the Administration setting other program parameters.

The OIG initiated a review into program eligibility based on a complaint that we received challenging a denial by HR (after the course and associated tuition had been approved by the employee's department director), and subsequently the Appeals Board. The OIG's independent assessment of the matter identified a discrepancy regarding the applicable standard for approving coursework eligible for reimbursement.

Following OIG review, we issued a memorandum to HR detailing the results of our review, including research into the history, policy, and administrative changes of the Program, highlighting the discrepancies. Our memorandum to HR ended with several recommendations. But overall, we strongly believed that the Program needed to be re-codified from an Administrative Order (AO), which was last amended in 2003, to an Implementing Order (IO) and brought before the Board.¹ PIOD's response, while encouraging, did not address preparing an IO to submit to the Board for your action,

¹ Since the Home Rule Charter change enacting a Strong Mayor form of government, Implementing Orders (IOs) are now the vehicle to codify and implement policies enacted by the Board of County Commissioners (BCC). As such, the Tuition Refund Program, a policy of the BCC, should be codified in an IO.

amendment, or rejection. The OIG Memorandum and PIOD's response are attached for your review.

This longstanding program has been a great benefit to County employees. The Tuition Refund Program has provided approximately \$1,208,510 and \$1,338,139 in reimbursements in FY22-23 and FY23-24, respectively.² We are bringing this to your attention so that the Board can take whatever action it deems necessary to address current discrepancies in this employee benefits program.

OIG REVIEW

The OIG received a complaint regarding HR's administration of the County's Tuition Refund Program, specifically HR's application of coursework eligibility criteria as stated in AO 7-4. In reviewing the specific application for reimbursement at the root of the complaint, the OIG has identified a discrepancy regarding the applicable standard for approving coursework eligible for reimbursement.

The program provides that eligible employees enrolled in accredited educational institutions may be reimbursed for 50% of tuition costs for "approved" coursework. Tuition is the fee for instruction and lab fees only, and does not include textbooks, exams, audit fees, or any other expenses.³ All County employees are eligible for participation in the program after completion of 13 pay periods of full-time employment with the County, and employees must achieve a grade that is "C" or higher to receive the reimbursement. All employees receiving reimbursement under the Program are required to remain employed by the County for a minimum of one year following completion of the coursework.

The Program's governing AO was revised in May 1995, and again in November 2003.⁴ At that time, AO 7-4 was revised to include certification programs and on-line internet courses from accredited institutions as being eligible for reimbursement. The revision also established the current guidelines for determining coursework eligibility, which are currently posted on the Program website: "Degree and certification programs at accredited institutions which relate directly to career opportunities within Miami-Dade County are eligible for approval."

In May 2007, after a lengthy discussion, the Board adopted Resolution No. R-610-07, which directed the Administration to negotiate with the County's collective bargaining units to seek the following three changes to the Program:

² These figures were provided by PIOD. See PIOD's Response to the OIG dated February 18, 2025. Attachment 2 herein.

³ Employees receiving financial assistance including scholarships, fellowships, grants, and/or Veteran's benefits, will be eligible for a refund of 50% of tuition costs after the financial assistance has been applied to the tuition costs.

⁴ See Resolution No. R-1282-03, strike through of prior AO 7-4.

- (1) The imposition of a payment cap on the amount of tuition refunds that any individual employee can receive,
- (2) The imposition of a requirement that employees who receive tuition refunds remain employed with the County for three years following completion of their coursework, or reimburse the County for all tuition paid by the County,
- (3) The imposition of a requirement that the coursework be reasonably related to the employee's career path.

While these policy pronouncements were made in 2007, in the years since, the OIG's research of the legislative record does not show that the governing AO was revised, nor was a report brought back before the Board for discussion.

The OIG's current review has found that, in contrast to the current guidelines for determining coursework eligibility, as found in AO 7-4, HR and its Tuition Refund Appeal Board (Appeal Board) have been using a different standard—requiring that the degree and certification course(s) must be related to a career path in one's current position.

CONCLUSION

Following OIG review, we issued a Memorandum to HR, which requested a response to address noted discrepancies and to draft an Implementing Order to submit to the Board for its action, amendment, or rejection, among other recommendations.

The OIG Memorandum and PIOD's response are attached for your review. In its response, PIOD has suggested making changes to the language of the current AO, reentering negotiations for successor collective bargaining agreements, and revising the current procedure for the Program (Procedure 442) to clarify the responsibility of the Tuition Refund Coordinator.

The OIG is sharing our recommendations and PIOD's responses to ensure the Board is apprised of current deficiencies in this employee benefits program so that the Board can take whatever action it deems necessary. In the meanwhile, the OIG will continue to monitor actions taken by PIOD to streamline and clarify its processes.

Attachments

cc: Carladenise Edwards, Chief Administrative Officer, Office of the Mayor
Raymond Hall, Director, People and Internal Operations Department
Ofelia Tamayo, Director, Internal Compliance Department
Yinka Majekodunmi, Commission Auditor, Office of Commission Auditor




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To: Melanie McLean, Interim Director
Department of Human Resources

From: Felix Jimenez, Inspector General 

Date: July 23, 2024

Subject: OIG Recommendations and Request for a Report Relating to the Tuition Refund Program, Ref. IG22-0007-I

INTRODUCTION

The Miami-Dade County (County) Office of the Inspector General (OIG) received a complaint regarding the Department of Human Resources (HR) and its administration of the County's Tuition Refund Program (TRP), specifically HR's application of coursework eligibility criteria as stated in Administrative Order (AO) 7-4.

In reviewing the specific application for reimbursement at the root of the complaint, the OIG has identified a discrepancy regarding the applicable standard for approving coursework eligible for reimbursement. The current AO 7-4 (last revised in 2003) allows approval of an employee participation in the TRP for "[d]egree and certification programs at accredited institutions which relate directly to career opportunities" within the County. However, HR, and the Tuition Refund Appeal Board (Appeal Board), have been using a different standard—requiring that the degree and certification course(s) must be related to a career path in one's current position. This latter standard resembles the policy change contemplated by the Board of County Commissioners (BCC) when it approved a resolution seeking changes to the TRP (see Resolution No. R-610-07, passed May 10, 2007). The resolution directed the Administration to negotiate changes to the TRP with the County's collective bargaining units. Based on the comments voiced, it was clear that the Commissioners expected to see a revised AO come back before the BCC.

Since passage of Resolution No. R-610-07, County HR has updated various guidance documents and forms on the County's TRP webpage.¹ These include a 7-page *Frequently Asked Questions* guide (revised September 2012), an *Approval to Participate in the Tuition Refund Program* form (Form 108.01.66-A revised June 2014), and a *Workflow for Approval to Participate in Tuition Refund Program* diagram (undated). It does not appear that an updated AO 7-4 was ever presented back to the BCC.

¹ [Tuition Refund Program \(miamidade.gov\)](http://TuitionRefundProgram(miamidade.gov))

The OIG strongly believes that the TRP should be codified in a new Implementing Order (IO),² as some provisions of the current AO 7-4, particularly the coursework eligibility criteria, conflict with program forms and guidance documentation posted on the TRP webpage. Moreover, other policy changes contemplated by the BCC in 2007 have not been codified in the new program documentation. This includes the requirement that an employee must remain employed by the County for three years following coursework or be subject to repaying TRP monies received. (AO 7-4 and the program documentation posted on the TRP webpage only requires a one-year requirement.) An updated Implementing Order has been long overdue.

By way of this memorandum and pursuant to Section 2-1076(d)(2) of the Code of Miami-Dade County (Code), the OIG requests that HR provide a report on how it intends to update the policy that governs the TRP and address the issues and discrepancies noted herein.

BACKGROUND

The TRP was initially adopted by the BCC in 1963.³ Based on available research, we note that AO 7-4 was revised in May 1995. The course eligibility criteria in effect from May 1995 to November 2003 was that “degree programs and coursework which relate directly to promotional opportunities with Dade County will be approved.”⁴

In November 2003, AO 7-4 was revised to include certification programs and on-line internet courses from accredited institutions as being eligible for reimbursement. The revision also revised the coursework criteria to that “which relate directly to career opportunities with Miami-Dade County are eligible for approval.”⁵ The 2003 version is currently posted on the TRP website.

On May 10, 2007, the BCC adopted Resolution No. R-610-07, which articulated three policy changes to the TRP.⁶ The OIG reviewed the BCC’s discussion on the item.

² Since the Home Rule Charter change enacting a Strong Mayor form of government, Implementing Orders (IOs) are now the vehicle to codify and implement policies enacted by the BCC. As such, the Tuition Refund Program, a policy of the BCC, should be codified in an IO.

³ As stated in the Policy Section of AO 7-4.

⁴ See Resolution No. R-1282-03, strike through of prior AO 7-4.

⁵ *Ibid.*

⁶ We note that this was a commissioner-sponsored item, which originally had only two policy changes. At the Budget and Finance Committee, the item was amended to include a third policy change—to limit the tuition reimbursement to courses that had a direct benefit to the County in the individual’s career path. The original sponsor was amenable to the amendment and the Committee Alternate item was ultimately approved by the full BCC.

Shortly after opening discussion on the resolution, the then Vice-Chairwoman explained part of her rationale for presenting the item. She explained that under the old criteria, the eligible courses had to be related to one's career path, but that was currently not the case (describing the change made in the 2003 AO revision). As the discussion progressed, the then HR Director⁷ explained that the current AO 7-4 had changed the criteria from specific to one's individual job, to any career in the County.

In response to a commissioner's question about whether anyone was being turned down for reimbursement, the HR Director stated, "If we find that someone is pursuing a course that isn't logical to some career in the County, they've been turned down."

The BCC discussed various scenarios in which employees would be eligible for a wide array of courses because the position existed within the County, including an example of someone in law enforcement being eligible for culinary courses because the County prepares meals at corrections facilities. After a lengthy discussion among commissioners and explanations by the Administration, the BCC approved the resolution directing the Administration to negotiate with the County's collective bargaining units to seek the following three changes to the TRP:

- (1) The imposition of a payment cap on the amount of tuition refunds that any individual employee can receive
- (2) The imposition of a requirement that employees who receive tuition refunds either remain employed with the County for three years following completion of their coursework or reimburse the County for all tuition paid by the County
- (3) The imposition of a requirement that the coursework be reasonably related to the employee's career path

It was clear from the discussion that the BCC expected that a revised AO (or IO) be brought back before the BCC. The OIG's research of the legislative record does not show that a revised AO (or IO) was ever presented to the BCC.

Separately, in a memorandum dated June 11, 2007, (one month after passage of Resolution No. R-610-07) from the ERD director to department directors, introducing changes to the TRP with accompanying new forms, it states:

There are additional changes to the eligibility criteria and benefit policy that the County Manager has determined necessary. These changes have been

⁷ The County's Human Resources Department was formerly known as the Employee Relations Department (ERD).

presented to the bargaining units for their review. ERD will apprise you of the ongoing status of these proposed changes.

These additional changes appear to be the policy pronouncements contained in Resolution No. R-610-07. The OIG has not located subsequently issued guidance on these additional changes aside from the aforementioned *Frequently Asked Questions* revised in 2012 and other forms posted on the TRP website.

OIG REVIEW

The specific complaint received by the OIG relates to a Miami-Dade County police officer who applied to receive reimbursement for a helicopter pilot's licensing certification. Within the application, under the field "Title of Degree/Certificate," the applicant entered "Federal Commercial Pilots License." The complainant's request was approved by his Department Director but denied by the Tuition Coordinator on October 27, 2021. The written explanation stated that the TRP does not apply to licenses and the coursework must be related to the employee's current position or support a logical career path.

The applicant renewed his request to participate in the TRP the following year. Under Title of Degree/Coursework, the applicant entered: FAA Airman's Pilot Certification. The applicant provided a one-page supplement that explained that obtaining the pilots certification would make him a more desirable candidate for a position in MDPD's Aviation Unit and that this request is no different than his obtaining a master's degree in public administration. He surmised that "[t]his request is no different as this training will increase my ability to obtain the skills, proficiency, and experience to move laterally into a viable assignment and position that exists within the Miami-Dade Police Department and is obtainable and is therefore, a part of a logical career path."

Again, the request was approved by his Department Director but denied by the Tuition Refund Coordinator. The explanation read:

Given that there are no job classifications within MDPD which require this certification--including the applicant's current classification--it does not seem that this certification program "relate[s] directly" to his current position or a "logical career path." In addition, it appears that the Aviation Unit--which is the only unit in MDPD in which an employee might reasonably need the certification sought here--provides their own training & certification for employees who join the unit.

The OIG spoke with the TRP's Tuition Coordinator regarding the complainant's application. The Tuition Coordinator opined that BCC Resolution No. R-610-07 changed the standard for coursework approval by requiring that the coursework be tied to an employee's career path. He also noted that only after the passage of the BCC resolution

was HR more active in reviewing the applications for quality assurance and coursework eligibility.

The applicant appealed the Tuition Refund Coordinator's decision. On September 8, 2022, after hearing arguments from the applicant's attorney and substantial discussion on the criteria and past precedent set by the Appeal Board, the denial was upheld by a 2 to 1 decision. A significant issue in the deliberations involved promotional opportunities versus lateral transfers, i.e., whether a police pilot position in the Aviation Unit is a promotion or a lateral assignment. Another issue debated among the Appeal Board members involved the requirement—or lack thereof—for applying for a position in the Aviation Unit. It was acknowledged that having a pilot certification/license is not a requirement, but it may make the applicant a more desirable candidate. A lieutenant in the MDPD Aviation Unit testified that of the last 15 people who have come through the unit, ten did not have a pilot certification. Having a pilot certification has not been a requirement for several years. The applicant's attorney argued that regardless of MDPD's training program for new pilots, if the employee meets the criteria, he should be approved for tuition refund. Towards the end of the deliberations, one Appeal Board member acknowledged the difficulty with applying past precedent and interpreting the BCC's intent in addressing the problems that existed in the past. The Appeal Board member unequivocally stated that we need to make sure that the AO gets updated, which would certainly help clarify things for everyone. To the OIG's knowledge, there has been no progress made towards amending AO 7-4.

OIG REQUEST FOR A REPORT ON THE TUITION REFUND PROGRAM

In its Human Resources Business Plan (Revised) for Fiscal Years 2023 and 2024, HR indicated that further promoting the County's Tuition Refund Program was one of its priority initiatives of recruitment, testing, and career development. In support of this initiative and due to the discrepancies noted by the OIG, pursuant to Section 2-1076(d)(2) of the Code of Miami-Dade County, the OIG requests that HR provide us with a report on how it intends to address the discrepancies and draft an Implementing Order to submit to the BCC for its action, amendment, or rejection. We strongly suggest that HR consider and propose:

1. Establishing a single and uniform standard for the approval of coursework whether it be related to a career in the County as under the current AO 7-4 or requiring it be reasonably related to the employee's career path in line with BCC Resolution No. R-610-07, or another standard.
2. Updating the program controls from AO 7-4 to incorporate the revisions suggested in BCC Resolution No. R-610-07, including:

- a) The imposition of a payment cap on the amount of tuition refunds that any individual employee can receive, and
 - b) A requirement that employees who receive tuition refunds from the County either remain employed with the County for a period of up to, but not exceeding, three (3) years following completion of their coursework or reimburse the County for all tuition paid by the County.
3. Clarifying program procedures relating to the authority of department directors to approve coursework, the responsibility of the Tuition Refund Coordinator for program oversight, and the composition of the Appeal Board and its standards for review.

We request that you provide us with an update on your progress in 90 days, on or before October 21, 2024. Included in the response, please advise of any requirements to negotiate with the County's collective bargaining units, and if required, progress made. Your timely response is much appreciated. Thank you for your cooperation regarding this request.

cc: Carladenise Edwards, Chief Administrative Officer, Office of the Mayor
Virginia Washington, Division Director, Human Resources Department
Andrew Mullings, Tuition Refund Coordinator, Human Resources Department

Memorandum



Date: February 18, 2025

To: Felix Jimenez, Inspector General
Office of the Inspector General

From: Raymond Hall, Director *RHH*
People and Internal Operations Department

Subject: Status Report – OIG Recommendations and Report Related to the Tuition Refund Program, Ref. IG22-007-I

This memorandum is in response to the Miami-Dade County (County) Office of Inspector General's (OIG) Report identifying a discrepancy regarding the applicable standard for approving coursework eligible for reimbursement, Ref. IG22-0007-I. For historical purposes, the chart below provides the number of employees who have availed themselves of the benefit and the value of the reimbursements.

Fiscal year	No. of Employees	Tuition Refund Payments
2023	512	\$1,208,510
2024	562	\$1,338,139
2025 (Through 11/2024)	159	\$208,926

The People and Internal Operations Department's (PIOD) Human Resources Division (HR) sought guidance from the County Attorney's Office (CAO) to ensure that HR's responses to the OIG's suggestions complied with the administration of the program.

As a point of historical reference, Resolution R-610-07, which was adopted by the Board of County Commissioners (Board) on May 8, 2007, included the following changes which required negotiations with the unions:

- 1) The imposition of a payment cap on the amount of tuition refunds that any individual employee can receive either per credit-hour, calendar year or other criteria as appropriate to ensure fiscal discipline of the program; and
- 2) The imposition of a requirement that employees who receive tuition refunds from the County to either remain employed with the County for a period of up to, but not exceeding three (3) years following completion of coursework and should the employee separate from the County before the defined period expires, the employee shall reimburse the County for all tuition paid by the County within that period of time; and
- 3) The course must be reasonably related to the employee's career path.

As directed by the Board, HR met with union representatives to discuss the proposed changes. Input and agreement from the union was required since the Tuition Refund Program is an established employee benefit that cannot be changed without the union's concurrence. During discussions with union representatives, the proposed changes were not well-received nor supported as they were perceived as a reduction in employee benefits, therefore none of the recommendations were successfully negotiated at that time. The current Administration concurs with the OIG and will explore re-opening this for future consideration.

OIG Suggestion #1:

Establishing a single and uniform standard for the approval of coursework whether it be related to a career in the County as under the current Administrative Order 7-4 (AO 7-4) or requiring it be reasonably related to the employee's career path in line with Resolution No. R-610-07, or another standard.

HR's Response:

To clarify the interpretation of AO 7-4, Eligibility of Coursework, subsection (a) which states, "Degree and certification at accredited institutions which relate directly to career opportunities within Miami-Dade County are eligible for approval", HR will update the verbiage to read:

"Degree and certification programs at accredited institutions that directly improve employee performance in their current positions and prepare them for increased opportunities within Miami-Dade County are eligible for approval".

OIG Suggestion #2:

Updating the program controls from AO 7-4 to incorporate the revisions suggested in Resolution No. R-610-07, including:

- a) The imposition of a payment cap on the amount of tuition refunds that any individual employee can receive, and
- b) A requirement that employees who receive tuition refunds from the County either remain employed with the County for a period of up to, but not exceeding, three (3) years following completion of their coursework or reimburse the County for all tuition paid by the County.

HR's Response:

These changes would require union concurrence as this is a long-standing, prevailing benefit and must be addressed through collective bargaining. This will be included in the negotiations for successor collective bargaining agreements.

OIG Suggestion #3:

Clarifying program procedures relating to the authority of department directors to approve coursework, the responsibility of the Tuition Refund Coordinator for program oversight, and the composition of the Appeal Board and its standards for review.

HR's Response:

HR is revising the current procedure for Tuition Refund Program (Procedure 442) to clarify the responsibility of the Tuition Refund Coordinator within HR who is responsible for program administration. Upon finalization, HR will post on the County Procedures website, managed by the Office of Management and Budget.

Should you need further information, please contact Raymond Hall, Director, People and Internal Operations Department (PIOD), at 305-375-1113.

- c: Carladenise Edwards, Chief Administrative Officer
Theresa Therilus, Deputy Director, PIOD
Virginia Washington, HR Division Director, PIOD