

SEPARATION FROM EMPLOYMENT AND DISCIPLINE

This procedure applies to separations from employment, including resignation, nonrenewal, and discharge. This procedure also sets forth discipline processes that may lead to a nonrenewal or discharge. The process for the discharge or nonrenewal of an employee will depend on whether an employee is certificated, classified, or a temporary/occasional employee.

Certificated Staff: Certificated personnel must be hired by personal services contract, and discharge or nonrenewal may be initiated by the Superintendent or designee. The discharge and nonrenewal of certificated personnel shall be only for sufficient cause and in accordance with RCW 28A.310.250, 28A.310.260, 28A.405.210, 28.405.220 (provisional employees), 28A.405.300 through .310, and all other applicable laws and regulations of the state of Washington.

Classified Staff: The Superintendent or designee may discharge classified personnel for sufficient cause. A classified employee shall have access to the appropriate grievance procedures pursuant to a collective bargaining agreement or the grievance process of PSESD policy.

Non-Regular Staff: Hourly, occasional, or on-call employees are not included within the provisions above. Non-Regular employees may be discharged at the discretion of the Superintendent or designee, unless otherwise stated in a collective bargaining agreement that covers the non-regular positions. Non-Regular certificated employees may be non-renewed or discharged consistent with contractual terms and any applicable collective bargaining provisions at the discretion of the Superintendent or designee.

I. Separations from Employment

Separations from employment include resignation, nonrenewal, and discharge.

A. Resignation

1. Certificated Staff—Release from Contract

Resignations of certificated staff, as well as any classified staff under contract, will ordinarily be effective at the completion of an annual personal services contract. A certificated staff member requesting a release from a personal services contract will submit a resignation letter with such request to the Human Resources office. The merits of each request will be considered by the Superintendent or designee based upon the unique facts and circumstances. However, the needs of the educational

service district and the continuity of the educational program(s) offered to students will receive primary consideration in the decision process.

A certificated staff member may be released from a one-year personal services contract at the discretion of the Superintendent or designee under the following conditions:

- a. A release from contractual obligations may be granted to allow a staff member to accept another position prior to or during the school year, provided that a satisfactory replacement can be obtained.
- b. A release from contractual obligations may be granted in case of illness or other personal matters which make it a substantial hardship for the staff member to continue his/her employment with the educational service district.

2. Classified Staff

A classified employee who is not under a personal services contract is required to notify his/her Department Head and Human Resources in writing at least fifteen (15) calendar days in advance of a desired resignation or retirement date, unless mutually agreed otherwise. Such advance notice of resignation or retirement is critical to permit proper staff planning and to minimize the impact to students served, other staff, programs, and PSESD services. Employees are required to work their last day of employment.

B. Nonrenewal

1. Certificated Employees

The personal services contract of a certificated employee may be non-renewed at the end of the staff member's contract period by action of the Superintendent or designee. Nonrenewal may be based on the employee's unsatisfactory performance or changes in the financial circumstances and/or staffing needs of the Puget Sound Educational Service District (PSESD). Except for provisional employees, a nonrenewal for unsatisfactory performance will be preceded by a probationary period. If the certificated employee is otherwise entitled to a continuing contract under Washington law, nonrenewal must be for sufficient cause.

A provisional employee as defined in Washington law is not entitled to continuing contract and may be non-renewed at the discretion of the Superintendent or designee.

2. Failure to Evaluate: Sufficient Cause

Beginning with the 2015-16 school year, evaluation results for certificated classroom teachers, certificated principals and assistant principals must be used as one of multiple factors in making human resource and personnel decisions. Human resource decisions include but are not limited to employee assignments and reduction in force.

The failure to evaluate or supervise, or cause the evaluation or supervision, of certificated classroom teachers, certificated support personnel, or administrators in accordance with

the revised evaluation system when an evaluator has the specific duty to do so will be sufficient cause for discharge or for the nonrenewal of any such evaluator's contract.

C. Reduction in Force (RIF) of Certificated or Classified Staff

Reductions in Force (RIF) refer to reductions in staffing hours or positions due to changes in funding, programs, activities, and/or services performed by PSESD. Reductions in force are not the result of the individual performance or conduct of specific employees. When implemented, reductions in force will be guided by the mission of the PSESD as adopted by the State Board of Education. The procedures of this section shall govern reductions in staff employed by the PSESD.

1. Guidelines

If a program, activity, or service performed by the district must be reduced, the following considerations will guide this determination:

- a. Reductions shall be conducted in such a way as to minimize the impact on PSESD operations and/or the member districts.
- b. Reductions shall be conducted in a way that maintains health and safety standards.
- c. Priority will be given to statutorily-required programs, activities, or services and the staff that maintains such programs, activities, or services.

2. Criteria

When implementing reductions in force, PSESD will consider job-related criteria when identifying staff for such reductions. The job-related criteria used and the weight given to each factor will be determined based on the reason for the reduction in force; the needs of the affected program, activity or service; and the best interests of the PSESD. An impact analysis may be conducted prior to the final implementation of a reduction to determine whether the RIF will have a disparate impact on the diversity of the PSESDs workforce.

When identifying staff for reduction using job-related criteria, considerations may include, but are not limited to:

- a. An employee's qualifications, skills and responsibilities;
- b. An employee's education and training, including academic credentials, degrees, majors or areas of focus and the number of completed credits from accredited academic institutions;
- c. An employee's relevant experience;
- d. An employee's job performance, as determined from recent reviews or evaluations and any disciplinary actions or documented performance difficulties;
- e. The geographical location and/or school assignment of an employee;
- f. Any other relevant job-related criteria.

3. Notice

PSESD staff whose positions are eliminated as a result of a reduction in force will receive written notification of the PSESDs determination, consistent with Washington law and/or provisions of the collective bargaining agreement, when applicable.

4. Compensation Following a Change in Assignment

PSESD staff that are offered and accept a change in assignment due to a reduction in force shall be allocated a salary and other compensation consistent with the new assignment and its relative responsibilities.

D. Discharge

1. Regular Employees

The PSESD will discharge an employee (a) who demonstrates poor performance that was not remedied via a corrective action process and/or (b) for misconduct or malfeasance that constitutes sufficient cause for discharge. An unauthorized absence from work that could be characterized as job abandonment will constitute sufficient cause for discharge. An employee who is absent for three (3) consecutive days without notice or explanation to the supervisor or the department head's designee will be presumed to have abandoned his or her position.

All discharges for certificated and classified employees will occur consistent with state and federal law, as well as with the policies of the PSESD and the provisions set forth below.

2. Probationary Employees

Other than employees hired pursuant to a personal services contract, classified employees will be on a probationary status for six (6) calendar months from the date of hire. During the probationary period, an employee dismissed by the Superintendent or designee will not have the full appeal rights afforded by the policies and procedures of the PSESD. The reasons for discharge of a probationary employee will be filed with the administrator in charge of Human Resources.

A probationary employee who is issued written notice identifying the cause or causes for his or her discharge will have three (3) business days to request an informal meeting with the Superintendent or designee to present reasons why the discharge is not appropriate. If no meeting is requested during that period, the right to an informal meeting will be deemed to have been waived and the discharge will be effective immediately.

II. Corrective Action and Discipline

A. Corrective Action

PSESD shall take corrective action with an employee who demonstrates unacceptable performance, inefficiency, or incompetence in his or her position. Such corrective action will be designed to remediate the employee's performance.

Reasonable standards of performance and conduct are defined by agency policies and procedures, classification and position descriptions describing the responsibilities of each position, and the annual evaluation of each employee.

Steps for corrective action will be progressive to assist the employee in complying with the PSESD performance and conduct expectations. PSESD department administrators or an employee's designated supervisor(s) are delegated the authority and responsibility to administer corrective actions. Generally, the following steps should be taken in sequence:

1. **Coach and counseling**—This step is intended to make the employee aware of deficiencies so that the employee can take steps to correct his or her performance.
2. **Oral Reprimand/Memorandum of Expectations**—After conferring with the Human Resources Administrator, a meeting shall be convened between the employee and the employee's supervisor and/or department head. A memorandum of expectations or other documentation memorializing the discussion shall be shared with the employee. The supervisor will retain a copy of the memorandum or documentation for the supervisory file, while the original will be retained by the employee.
3. **Corrective Conference/Plan of Improvement**—After conferring with the Human Resources Administrator, a formal conference will be convened between the employee and the department head and/or the employee's designated supervisor that includes the administrator of Human Resources. A copy of the plan of improvement will be retained in the employee's personnel file, in the supervisor's file, and the original will be retained by the employee.

B. Discipline

PSESD shall impose discipline on an employee who is determined to have violated the policies and procedures of the educational service district, to have violated provisions of state or federal law, or to have abandoned generally recognized professional standards of conduct. Supervisors shall consider the PSESD policies and procedures, past customary practices and protocols, the agency's commitment to racial equity, and Principles That Guide Our Culture to ensure that employees are treated in a fair, equitable, and consistent manner.

Conduct that may result in discipline includes, but is not limited to, the following:

- Neglect of duty
- Insubordination
- A charge involving criminal conduct
- Malfeasance (i.e. illegal or dishonest activity)

- Drug/Alcohol abuse, or Drug/Alcohol use that affects job performance
- Excessive absenteeism/tardiness
- Misappropriation or misuse of district property
- Willful violation of the policies, rules, and regulations of the PSESD
- Acts of Unprofessional Conduct as defined in WAC 181-87
- Misconduct or gross misconduct as defined by RCW 50.04.294.

When appropriate, steps for discipline will be progressive to reinforce conduct expectations. However, the nature of the misconduct, the seriousness of the matter, or other aggravating facts and circumstances may justify an immediate resort to a more serious level of discipline. The appropriate level of discipline for instances of misconduct in any particular case will be in the professional discretion and judgment of the Superintendent or designee.

The following disciplinary actions can be authorized only by the Superintendent or designee upon the recommendation of the employee's department or program administrator. It is the responsibility of the department or program administrator to provide appropriate documentation to support the recommended action. The following are disciplinary actions that may be considered:

1. **A Letter of Direction and/or Letter of Reprimand**—After conferring with the Human Resources Administrator, a formal conference will be convened that includes the employee, the employee's department head or the employee's designated supervisor, and the Human Resources Administrator. Documentation supporting the concerns will be provided at the conference. At the conclusion of the conference, a determination will be made whether a Letter of Direction and/or Letter of Reprimand are appropriate and will be issued.

A Letter of Direction and/or Letter of Reprimand documents the agency's concerns relative to the employee's conduct and provides directives governing the employee's future conduct. A copy of the Letter of Direction and/or Letter of Reprimand will be placed in the employee's personnel file. A copy will also be retained by the employee and the employee's supervisor.

2. **Suspension without Pay**—This is the temporary enforced absence from the work site without compensation. The specific charges, notice of action, and duration of the action must be provided to the employee in writing prior to when the suspension becomes effective. A suspension without pay for a certificated employee reflects an adverse impact on the employee's contract that must occur consistent with state law or collective bargaining provisions.
3. **Discharge**—A written notice of the specific charges warranting discharge, a notice of the intended discharge, and a date and time for a pre-determination meeting must be provided in writing to the employee by the administrator of Human Resources. No discharge shall occur without the opportunity for a pre-determination meeting. The discharge decision must be based only on the reasons stated in the written notice provided to the employee. The employee will be given the opportunity at the pre-

determination meeting to respond to the specified charges and the intended action. After the meeting, the Superintendent will issue a determination whether probable cause supports the discharge. The discharge for both certificated and classified employees will be consistent with provisions of state law.

C. Administrative Leave

An employee may be placed on administrative leave pending the results of an investigation or disciplinary action where the Superintendent or designee believes the mission of the educational service district or the safety of students or employees requires that the employee be removed from work duties pending the outcome of the investigation or disciplinary action. Administrative leave will be with pay unless otherwise stated in a collective bargaining provision.

In the event of physical violence or other acts which make an employee's continued presence on the job inadvisable, the Superintendent or designee may instruct the employee to immediately leave the work facility and remain away from the work site until further notice from the Human Resources Administrator. Only in the event that it is not reasonable or possible to contact the Superintendent or a designee, a department head is authorized to take such action. The Human Resources Administrator must be notified immediately of an employee placed on administrative leave and will initiate steps must to formalize and document this action.