

DISMISSAL, SUSPENSION & DEMOTION

For additional information on this subject please see the current employee Master Agreement with:

**CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION
TRACY CHAPTER #98**

DISMISSAL, SUSPENSION & DEMOTION

Permanent Employees

No person in the permanent classified service shall be dismissed, demoted, or suspended without pay for more than fifteen (15) working days for any one suspension without his/her voluntary consent, for disciplinary purposes (hereinafter in the Policy and Regulation referred to as “disciplinary action”), except for cause as found by the Board of Trustees (hereinafter in the policy and regulation referred to as the “Board”). Grounds for disciplinary action are set forth in regulation 4218. The procedures for effectuating said disciplinary actions are also set forth in regulation 4218.

The District shall have the right to suspend a permanent employee without pay for just cause. The maximum length of any one such suspension shall be fifteen (15) working days. There shall be no limitation on the number of times that the District may suspend an employee without pay for just cause.

Probationary Employees

Probationary employees in the classified service may be dismissed, or demoted with or without consent, at any time by the Board, with or without cause or a hearing.

The District shall have the right to suspend a probationary employee with or without pay for just cause. There shall be no limitation on the number of times that the District may suspend an employee without pay.

DISMISSAL, SUSPENSION & DEMOTION

Legal Reference:

EDUCATION CODE

- 35161 Delegation of powers and duties
- 44009 Conviction of specified crimes
- 44010 Sex offense
- 44011 “Controlled substance offense” defined
- 44940 Leave of absence; employee charged with mandatory or optional leave of absence offense
- 44940.5 Compulsory leave of absence; procedures; extension; compensation; bond or security; reports
- 45101 Definitions (including “disciplinary action,” “cause”)
- 45109 Fixing of duties
- 45113 Rules and regulations for classified service in districts not incorporating the merit system
- 45123 Employment after conviction of sex or narcotics offense
- 45302 Demotion and removal from permanent classified service
- 45303 Additional cause for suspension or dismissal of employees in classified service
- 45304 Suspension for reasonable cause; filing of charges; employee charged with mandatory or optional leave of absence offense

VEHICLE CODE

- 1808.8 Schoolbus drivers’ dismissal for safety-related cause

UNITED STATES CODE, TITLE 42

- 12101 et seq. Americans with Disabilities Act
- CSEA v. Foothill Community College District, 52 Cal. App. 3rd 150, 155-156, 124 Cal. Rptr 830 (1975) (“Conduct unbecoming an employee” too vague)

Policy Adopted:
TUSD: 10/28/97

Policy Revised:
TUSD: 2/6/01