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)