

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION

Definitions

Suspension means either temporary removal of an employee from his position with loss of pay as a disciplinary measure, or his removal preliminary to investigation of charges pending demotion or dismissal.

Demotion means reduction of an employee from a given class (or group) of similar positions combined with a common title to a class having a lower salary rate.

Dismissal means separation, discharge, or permanent removal of an employee from his position for cause in accordance with the provisions of the Education Code and these rules.

Just Cause

Suspension/Dismissal/Disciplinary Action

Any of the following causes may subject an employee to disciplinary action, including suspension and/or dismissal:

1. Incompetency or inefficiency in the performance of the duties of his/her position.
2. Insubordination (including, but not limited to, refusal to do properly assigned work).
3. Carelessness or negligence in the performance of duty or in the care of district property.
4. Discourteous, offensive or abusive language or conduct toward another employee, a pupil, or a member of the public.
5. Dishonesty.
6. Drinking alcoholic beverages on the job, or reporting for work while intoxicated.
7. Addiction to the use of narcotics.
8. Personal conduct unbecoming an employee of the district.
9. Engaging in political activity during assigned hours of employment or otherwise in violation of applicable regulations or policies of the Board.
10. Conviction of any crime involving moral turpitude.
11. Arrest for a sex offense as defined in the Education Code.

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12. Conviction of a narcotics offense as defined in the Education Code.
13. Repeated and unexcused absence or tardiness.
14. Abuse of leave privileges.
15. Falsifying any information supplied to the school district, such as information supplied on application forms, employment records, or other district records.
16. Persistent violation of or refusal to obey safety rules and regulations made applicable to public schools by the Board or the laws and regulations of the state.
17. Offering anything of value or offering any service in exchange for special treatment in connection with the employee's job or employment, or the accepting of anything of value or any service in exchange for granting any special treatment to another employee or to any member of the public.
18. Willful or persistent violation of the Education Code or policies or regulations of this district.
19. Any willful failure of good conduct tending to injure the public service.
20. Abandonment of position.
21. Advocacy of overthrow of federal, state, or local government by force, violence or other unlawful means.
22. Membership in the Communist Party.

Hearing

Upon receipt of an appeal from intended disciplinary action, the Board will consider the appeal, and within thirty (30) days after receipt of the appeal, shall conduct a hearing as provided by law and render judgment to affirm, modify, or revoke the action being appealed.

The employee shall have the right to appear in person on his/her own behalf, with counsel or such representation as he/she considers necessary, and be heard in his/her defense.

All hearings shall be held in closed sessions of the Board unless the appealing employee requests an open hearing on his/her written appeal.

The finding and decision of the Board on the appeal shall be final and conclusive on all parties.

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If the appeal of the employee is sustained, the Board shall order full or part of his/her compensation from the time of dismissal, suspension, demotion or other disciplinary action as it deems appropriate and shall order the employee's reinstatement.

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 *School bus drivers; dismissal for safety-related cause*

UNITED STATES CODE, TITLE 42

12101 -12213 *Americans With Disabilities Act*

COURT DECISIONS

California School Employees v. Livingston Union School District, (2007) 149 Cal.App 4th 391

CSEA v. Foothill Community College District, 52 Cal. App. 3rd 150, 155-156, 124 Cal. Rptr 830 (1975)