

PERSONNEL

Grievance Procedures for Dismissal, Suspension or Other Disciplinary Action — Non-instructional Personnel and Classified Employees; Probationary Status

Non-instructional personnel and classified employees are subject to the grievance procedures set forth in this School Board Regulation when they are recommended for dismissal, suspension or other disciplinary action. Non-instructional personnel and classified employees may be dismissed, suspended or otherwise disciplined for the following reasons: failure to satisfactorily perform assigned duties, violations of law or regulation, non-compliance with School Board policies or regulations, one or more unsatisfactory performance evaluations; conduct that reflects poorly on the School Division or undermines confidence in the employee's ability to perform duties; insubordination and failure to cooperate with regard an investigation of employee's conduct; or for other good and just cause.

A. Recommendations for Dismissal, Suspension or Other Discipline

1. Decisions regarding whether or not a matter is grievable shall be made by the School Board at the request of the School Administration or the grievant and such decision shall be made within ten (10) business days of such request. The School Board shall reach its decision only after allowing the School Administration and the grievant the opportunity to present written or oral argument regarding grievability. The decision as to whether the arguments shall be written or oral shall be in the discretion of the School Board. Substantial compliance with the grievance procedures shall not be grievable and the Superintendent or designee is authorized to make the determination whether the grievant has substantially complied with the grievance procedures. If the grievant alleges that the School Administration has failed to substantially comply with the grievance procedures, the matter will be referred to legal counsel to determine whether the School Administration has substantially complied. Legal counsel will advise the School Board regarding the alleged failure to comply and the School Board will make a determination regarding whether the failure to comply entitles the grievant to proceed to the next grievance step.
2. A copy of the written notice setting forth the reason(s) for the recommendation for dismissal, suspension or other disciplinary action shall be provided to the Chief Human Resources Officer. This notice shall also be furnished to the employee. Acting as the Superintendent's designee, the Chief Human Resources Officer or designee shall investigate and report back to the Superintendent regarding the reasons for the recommendation.
3. A non-probationary employee who is recommended for dismissal, suspension or other disciplinary action shall be afforded a hearing before the Chief Human Resources Officer or designee. Such person will not be the same person who conducted the investigation of the recommendation. The purpose of the hearing will be for the

principal/department head to explain the reason(s) for the recommendation, to present evidence supporting the recommendation and to give the employee an opportunity to respond to the allegations. A record of the hearing will be made. The record may be a video recording, a written transcript or an audio recording as determined by the School Board and conveyed to the Superintendent.

4. Following the hearing, the Chief Human Resources Officer or designee will confer with the Superintendent and render a final decision on the recommendation. The Chief Human Resources Officer shall give written notice of the action taken to the employee and the Superintendent.
5. The employee may appeal the decision of the Chief Human Resources Officer or designee within five (5) business days. The employee must set forth in writing the reasons why the employee does not support the Chief Human Resources Officer's decision and what remedy the employee seeks from the School Board. The decision of the Chief Human Resources Officer or designee, shall be final if the employee does not file a timely appeal within five (5) business days of receipt of the decision.
6. If the employee appeals the decision of the Chief Human Resources Officer or designee, the record of the hearing before the Chief Human Resources Officer as well as the decision and the documents submitted by both parties at the hearing will be transmitted to the School Board. The School Board will review the record, decision and documents submitted at the hearing and either: 1) make a final decision regarding the Chief Human Resources Officer's decision; or, at its sole discretion, 2) hold a further hearing before the School Board.
7. If the School Board elects to hold a further hearing, it will give written notice of its intent to hold a further hearing to the Division Superintendent and the employee within ten (10) business days after it receives the record or recording of the initial hearing. Such notice shall also specify the matter to be inquired into by the School Board. In the case of a hearing before the School Board, the School Board shall give the employee its written decision as soon as practicable but not more than thirty (30) days after the hearing. An employee may be dismissed, suspended or otherwise disciplined by a majority of a quorum of the School Board.
8. The School Board retains final and exclusive authority to make decisions regarding employment matters. The School Board may accept, alter or reject any decision by the Chief Human Resources Officer or designee.

B. Probationary Status Based on Discipline

Placement on probation may result in up to a 6% reduction in pay for the term of the probation. During the period of probation, the employee will not be eligible for bonuses or other increases in pay. When probation ceases, the employee may then receive such bonuses or increases he/she would have received if he/she had not been placed on

probation. The Superintendent shall inform any employee recommended for or receiving probation of these consequences.

Legal Reference:

Code of Virginia, as amended. § 22.1-79. Powers and duties.

Date of Adoption: January 11, 1986

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Revised by the Superintendent:

Reviewed/Approved:

Submitted by Human Resources: Edie Rogan _____ on 12/20/18

Legal: Initials _____ Date _____

Chief of Staff: Initials _____ Date _____

Superintendent: Initials _____ Date _____