

PERSONNEL – Series 4000

4400 THE MERIT SYSTEM

4470 DISCIPLINARY ACTION, APPEAL AND HEARING PROCEDURES

4471 DISCIPLINARY ACTION

4471.3 Notice of Proposed Disciplinary Action

- A. No permanent classified employee may be subjected to disciplinary action until the employee has received a “Notice of Proposed Disciplinary Action,” and the employee has had an opportunity to respond to the charges. The exception to this Rule is in the case of action taken in accordance with Rule No. 4471.2(D).
- B. The notice of Proposed Disciplinary Action, which is the notification that disciplinary action will be recommended to the Superintendent or designee, shall contain the following information:
 - 1. The nature of the proposed action (suspension, demotion, or dismissal).
 - 2. The specific causes and sections of these Rules that the employee is accused of violating.
 - 3. The charges on which the recommendation is based.
 - 4. The proposed effective date of the disciplinary action.
 - 5. The employee's rights to see and obtain copies of all evidence and documentation to support the charges.
 - 6. The date the action will be presented to the Superintendent or designee.
 - 7. Notification that the employee is entitled to respond to the charges, either orally or in writing within five working days to the Superintendent or designee.
- C. The superintendent or designee shall notify the Director of Human Resources whether the employee chose to avail himself/herself to the right to respond or waive the right.
- D. The Superintendent or designee shall be free to act upon the initial recommendation or to take other action after considering the response of the employee.
- E. When final disciplinary action has been approved by the Superintendent or designee, the action and the charges shall be reported to the Director of Human Resources who shall, within ten days, file written charges with the Personnel Commission and give the employee a copy.

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4471.3 Notice of Proposed Disciplinary Action (Continued)

- F. The Director, Human Resources shall furnish the employee with a copy of the Notice of Disciplinary Action, charges and statement of his/her right to appeal, if any, to the Personnel Commission, including a copy of Rule No. 4472, Appeal. Such notice shall be personally delivered or transmitted by certified mail to the last known address of the employee. The Director, Human Resources shall notify the employee within ten working days after the notification of the Superintendent or designee's decision.
- G. Dismissal shall cause the removal of the employee's name from all employment lists.
- H. Failure to appeal, as provided for in Rule No. 4472, shall make the action of the Superintendent or designee final and conclusive.

Reference:

Education Code Sections 44010-44011, 45260-45261 and 45302-45307

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