

DISCIPLINE, SUSPENSION AND DISMISSAL OF CLASSIFIED STAFF

The suspension and/or dismissal of classified staff members as a disciplinary matter is separate and distinct from decisions the Board makes when it needs to change the number or kinds of classified staff employed by the district. The Board reserves the right to make all employment decisions based on the needs of the district.

Classified staff employees, unless otherwise designated by contract, shall be considered "at will" employees who serve at the request of the Board and shall have only those employment rights expressly established by Board policy. Classified staff members shall be employed for such time as the district is in need of or requests the services of such employees.

The Board delegates its power to dismiss classified staff employees to the superintendent who may in turn delegate it to other appropriate personnel. All such dismissals shall be reported to the Board at its next regular meeting.

The superintendent or designee also may suspend employees from their assignments as a disciplinary measure, with or without pay.

The Board believes that regular classified staff employees should have an opportunity to correct inappropriate conduct related to their employment with the district if it is determined that the misconduct is remediable. Their immediate supervisor, upon the recommendation of the department supervisor (where appropriate) and after review by the department of human resources, will initiate the following progressive discipline procedure:

First occurrence: Written warning
Second occurrence: Final written warning and possible suspension without pay
Third occurrence: Suspension without pay and/or dismissal

Progressive discipline shall not be available when the misconduct is serious enough to warrant immediate termination of employment.

Suspension with pay is relieving an employee of all work responsibilities while continuing to pay the employee. This generally occurs when accusations or information indicate serious misconduct may have taken place necessitating immediate action pending an investigation.

Suspension without pay is relieving an employee of all work responsibilities and not paying the employee for days he or she normally would be expected to work and receive pay. This generally will occur as disciplinary action in an attempt to identify and correct inappropriate conduct as it relates to continued employment with the district.

Dismissal is an involuntary separation of employment with the district. It should not occur without the careful consideration and approval of the director of human resources.

If an employee is dismissed or resigns as a result of an allegation of unlawful behavior involving a child, including unlawful sexual behavior, which is supported by a preponderance of evidence, the superintendent is delegated the responsibility for notifying the Colorado Department of Education (CDE) as soon as possible but no later than ten (10) business days after such dismissal or resignation. The superintendent shall provide any information requested by the department concerning the circumstances of the dismissal or resignation. The district also shall notify the employee that information concerning the dismissal or resignation is being forwarded

to CDE unless such notice would conflict with the confidentiality requirements of the Child Protection Act.

If the district learns that a current employee has been convicted of, pled nolo contendere to, or received a deferred sentence or deferred prosecution for any felony or misdemeanor crime involving unlawful sexual behavior or unlawful behavior involving children, the superintendent shall immediately report this information to CDE.

The district shall not obtain consumer credit reports on a current employee unless the district is evaluating the employee for promotion, reassignment or retention. In all cases where credit reports are obtained and/or relied upon for purposes of reassigning, terminating or denying the promotion of an employee, the district shall comply with the Fair Credit Reporting Act.

Adopted February 18, 1987
Revised March 4, 1992
Revised March 2, 1994
Revised September 4, 1996
Revised May 2004
Revised February 20, 2008
Revised June 20, 2012

Legal Refs.: 15 U.S.C. 1681 et seq. (Fair Credit Reporting Act)
C.R.S. 19-3-301 et seq. (Child Protection Act of 1987)
C.R.S. 22-2-119 (duty to make inquiries prior to hiring)
C.R.S. 22-32-109.7 (specific duties regarding hiring inquiries and reporting)
C.R.S. 22-32-110 (1)(h) (power to discharge/terminate employment)
C.R.S. 22-32-126 (3) (principals recommend employment actions)

Cross Refs.: GBEB, Staff Conduct
GBK, Staff Complaints and Grievances
GD, Support/Classified Staff