

SUSPENSION/DISCIPLINARY ACTION

Baldy View Regional Occupational Program (ROP) certificated employees do not acquire any permanent status with the ROP and are thus considered "at-will" employees for no defined period. This means that the terms of employment may be changed at any time, for any reason with or without notice, with or without cause, including, but not limited to termination, demotion, promotion, transfer, compensation, benefits, duties, and location of work.

There is no agreement, express or implied, between the ROP and such employees for continuing or permanent employment. Only the Superintendent or designee by signed, written agreement has any authority to alter or modify the at-will relationship. Any such agreement must also be approved by the Baldy View Regional Occupational Program Commission.

In the ROP, where many people work together, some specific rules are necessary to establish acceptable standards of conduct, assure fair treatment of all employees, and enhance the smooth operation of the organization.

The following are examples of the type of behavior that could result in corrective action. This list is not exhaustive, but rather illustrates examples of the behavior for which employees can be disciplined, including discharge. Employees are expected to refrain from engaging in the following conduct:

1. Examples of Corrective Action Causes

In addition to any disqualifying or actionable causes otherwise provided for by statute or by policy or regulation of the ROP, each of the following constitutes cause for personnel action against an employee:

- a. Falsifying any information supplied to the ROP, including, but not limited to, information supplied on application forms, employment records or any other ROP records.
- b. Incompetency.
- c. Inefficiency.
- d. Neglect of duty; inattention to or dereliction of duty.
- e. Insubordination.
- f. Dishonesty.

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- g. Drinking alcoholic beverages while on duty or in such close time proximity thereto as to cause any detrimental effect upon the employee's performance, or upon employees associated with him/her, or the ROP.
- h. Possessing or being under the influence of a controlled substance or any alcoholic beverage at work or during work time, or furnishing a controlled substance or alcoholic beverage to a minor at any time.
- i. Conviction of a felony, conviction of any sex offense made relevant by provisions of law, or conviction of a misdemeanor which is of such a nature as to adversely affect the employee's ability to perform the duties and responsibilities of his/her position. A plea or verdict of guilty, or a conviction following a plea of nolo contendere, is deemed to be a conviction for this purpose.
- j. Absence without leave, including abandonment of position (absence of three or more consecutive workdays without contacting the immediate supervisor or the ROP).
- k. Excessive absenteeism or lateness.
- l. Abuse of any leave privileges.
- m. Immoral conduct.
- n. Discourteous treatment of the public, students or other employees.
- o. Improper political activity.
- p. Willful disobedience.
- q. Misuse or unauthorized use of ROP property.
- r. Theft or other misappropriation of property or funds belonging to the ROP, any employee of the ROP to any member of the public on ROP grounds or at a ROP activity.
- s. Violation of federal or state law, or ROP Commission or departmental rule, policy or procedure.
- t. Failure to possess or keep in effect any license, certificate or other similar requirement specified in the employee's class specification or otherwise necessary for the employee to perform the duties of the position.

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- u. Refusal to take and subscribe any oath or affirmation, which is required by law in connection with his/her employment.
- v. A physical or mental disability which precludes the employee from the proper performance of his/her duties and responsibilities as determined by competent medical authority, except as otherwise provided by a contract or by law regulating the retirement of employees.
- w. Discrimination, including harassment, on the basis of race, religious creed, color, national origin, ancestry, physical handicap, marital status, sex, age, or any other legally protected classification against the public or other employees while acting in the capacity of an ROP employee.
- x. Retaliation against any other ROP officer or employee or member of the public who, in good faith reports, discloses, divulges, or otherwise brings to the attention of any appropriate authority any information relative to an actual or suspected violation of state or federal law occurring on the job or directly related thereto.
- y. Any other failure of good behavior either during or outside of duty hours which is of such nature that it causes discredit to the ROP or his/her employment.
- z. Any violation of the employee rules of conduct or failure to follow ROP policies or any other rule, policy or directive of the ROP or any supervisor.

Except as defined in item "v" above, no personnel action shall be taken for any cause which arose before the employee became permanent, nor for any cause which arose more than two years before the date of the filing of the notice of cause unless this cause was concealed or not disclosed by the employee when it could be reasonably assumed that the employee would have disclosed the facts to the ROP.

Nothing in this administrative regulation or policy is intended to alter the at-will status of employees with the ROP.

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Process for Contesting Dismissal/Suspension/Disciplinary Action

The ROP reserves the right to discipline certificated employees as necessary when it is in the best interest of the ROP. Discipline for the purposes of this policy and administrative regulation includes suspension without pay, demotion, reduction of pay step in class, and dismissal. Any employee who disagrees with a ROP decision to dismiss/suspend/discipline under this policy and administrative regulation may appeal such action by submitting their concerns in writing, along with any evidence in support, to the Commission which may determine to review the matter based upon the written record. The Commission may, within its sole discretion, allow the appellant an opportunity to address the Commission as part of the review of the disciplinary matter.