

## Misconduct Based Employment Termination Checklist

The District will exercise care when deciding not to renew an employment contract. Staff should carefully screen decisions not to renew an employment contract in order to ensure that such decisions are based on lawful, legitimate, non-discriminatory and non-retaliatory criteria in order to mitigate the risk of claims of wrongful termination, discrimination or retaliation.

Before deciding to terminate an employee, complete the following steps to insure compliance with all District policies, procedures and employment law practices. Conduct a thorough investigation of the event(s) leading to termination. Collect and review all documents and interviews related to the employee's termination, including:

<b>YES</b>	<b>Not Applicable</b>	<b>Documentation</b>
		Progressive Discipline Records
		Was employee put on notice that this kind of misconduct could lead to termination?
		Training Records: List all training dates, times and content presented
		Does one person have all the information? (previous supervisors)
<b>YES</b>	<b>Not Applicable</b>	<b>Prior Notice</b>
		Employee knew behavior(s) were not acceptable
		Employee knew consequence of behavior(s) could lead to termination
<b>YES</b>	<b>Not Applicable</b>	<b>Investigation</b>
		District conducted a reasonably fair and adequate investigation before imposing discipline. Investigative Materials (attached)
		All individuals named/involved were interviewed in timely manner and documented
		Does the nature of the conduct speak for itself and warrant termination without additional training?
<b>YES</b>	<b>Not Applicable</b>	<b>Pre-Termination Procedures</b>
		Collective Bargaining Agreement
		Union Representation
		Loudermill Hearing
<b>YES</b>	<b>Not Applicable</b>	<b>Due Process</b>
		District's policies and procedures were followed.
		Can the district prove the employee was provided sufficient training or counseling?
		Has employee had an opportunity to take corrective action?
		Was a probationary period established? <ul style="list-style-type: none"> <li>● Length of probationary period. Was improvement noted?</li> </ul>
		Has the district terminated other employees who engage in substantially similar misconduct? <ul style="list-style-type: none"> <li>● List dates and types of misconduct</li> <li>● If NO, provide distinction that warrants termination in this case.</li> </ul>
		Can the District establish sufficient proof of the misconduct?
<b>YES</b>	<b>Not Applicable</b>	<b>Other</b>
		Has the employee alleged any form of discrimination, unsafe workplace, or any other unlawful conduct that could be characterized as whistle blowing? (SBP 5271)
		Are there any criminal actions completed or pending?
		Was Washington Schools Risk Management Pool notified?
		Independent Review of Grounds-Adequacy of Termination
Identify any other special circumstances:		
<b>Independent Review of Grounds for Termination</b>		
Building Administrator/Department Head:		
Director of Human Resources:		
Superintendent:		

