BP-4218 (a)

CLASSIFIED EMPLOYEE DISMISSAL/SUSPENSION/DISCIPLINARY ACTION

Probationary Employees

At any time prior to the expiration of the probationary period, the Superintendent or designee may, at his/her discretion, dismiss a probationary classified employee from district employment. A probationary employee shall not be entitled to a hearing.

Permanent Employees

Permanent employees shall be subject to personnel action (including but not limited to, reprimand, suspension without pay, demotion, reduction of pay step in class, dismissal) only for cause. This policy also applies to classified management and supervisory employees unless otherwise provided by law.

In addition to any disqualifying or actionable causes otherwise provided for by statute or by policy or regulation of this district, each of the following constitutes cause for personnel action against a permanent classified employee:

1. Falsifying any information supplied to the school district, including, but not limited to information supplied on application forms, employment records, or any other school district records
2. Incompetency
3. Inefficiency
4. Neglect of Duty
5. Insubordination
6. Dishonesty
7. Possessing or consuming alcohol, tobacco, controlled substances, including marijuana, or other illegal drugs or synthetic drugs while on duty or on District premises whether or not on duty; or being under the influence of these prohibited substances while on duty
8. 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 contender is deemed to be a conviction within the meaning of this section. Applicants and employees must inform the Superintendent of any conviction so that a determination can be made by the district regarding its applicability to employment. For existing employees, reporting must occur withing 48 hours of conviction.
9. Absence without leave
10. Immoral conduct

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11. Discourteous treatment of the public, students, or other employees
12. Improper political activity
13. Willful disobedience
14. Misuse, theft, or destruction of district property
15. Violation of district, School Board, or departmental rule, policy procedure, or violation of federal, state, or local statute, regulation, or ordinance.
16. Physical or mental disability, which disability precludes the employee from the proper performance of his/her essential duties and responsibilities as determined by competent medical authority, except as otherwise provided by a contract of by law regulating the accommodation of disabilities or the retirement of employees
17. Failure to possess or keep in effect any license, certificate, or other similar requirement specified in employees' class specification or otherwise necessary for the employee to perform the duties of the position
18. Unlawful discrimination, including harassment, based on race, religion, creed, color, national origin, ancestry, physical or mental disability, marital status, sex, pregnancy, or age against the public, students, or other employees
19. Unlawful retaliation against any other district officer or employee, student, or member of the public who, in good faith, reports, assists, discloses, divulges, or otherwise brings to the attention of any appropriate authority, whether an outside person, agency, or school district official, any information relative to actual or suspected violation of any law or district policy or procedure occurring on the job or directly related thereto
20. Any other failure of good behavior either during or outside of duty hours which is of such nature that it caused discredit to the district or his/her employment

Disciplinary Procedures

The following procedures will govern personnel action.

In cases involving a personnel action the Superintendent or designee shall prepare a written statement of the personnel action which shall be served upon the employee either personally or by registered or certified mail, return receipt requested, at the employee's last known address. The statement shall include:

1. A statement of the nature of the personnel action (the disciplinary action being imposed).
2. A statement of the cause or causes for discipline.
3. A statement of the specific acts or omissions upon which the causes are based. If violation of rule, policy, or regulation of the district is alleged, the rule, policy, or regulation violated shall be identified..

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4. A statement of the employee's right to appeal the recommendation and the manner and time within which his/her appeal must be filed.

In the event the Superintendent or designee determines that an employee should be removed from duty while an investigation into alleged misconduct is conducted, the employee will be placed on administrative leave with pay.

In cases where the Superintendent or designee has determined that a permanent classified employee should be dismissed, termination of employment will be effective upon delivery to the employee of the statement of personnel action.

For all discipline short of dismissal, demotion in a reduction in pay, or unpaid suspension of five (5) or more days, a permanent employee may, within five calendar days after receiving the statement of personnel action described above, file a written appeal to the Superintendent. If the Superintendent did not decide the original discipline, the Superintendent shall hear and decide the appeal. Otherwise, the Superintendent will appoint another district administrator to hear and decide the appeal. The appeal may be conducted without a hearing, based upon a review of the personnel action and the written appeal. At the Superintendent or designee's sole discretion, an informal hearing may be held if determined to be necessary to inform the decision maker. The decision on appeal is final.

A permanent employee who has been dismissed, demoted with a reduction in pay, or placed on unpaid suspension of five (5) or more days, may within five calendar days after receiving the statement of personnel action described above, file a written appeal to the School Board by submitting his/her request to the Superintendent. The appeal may include a formal hearing before the School Board, in the event this is requested by the employee. If not, the appeal may be conducted without a hearing, based on the School Board's review of the statement of the personnel action and the written appeal. The School Board shall determine the procedures for the hearing, giving the employee advanced notice of the procedures. The decision of the School Board is final.

If an employee fails to appeal personnel action within the time specified in these rules, the employee shall be deemed to have waived his/her right to an appeal.

At any time before an employee's appeal is finally submitted to the Superintendent or School Board for decision, the Superintendent or designee may serve on the employee and file with the decision make an amended or supplemental statement of personnel action.

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The Superintendent, designee, or School Board who is hearing an appeal may affirm, modify, or revoke the personnel action.

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