

## **BP 4218 Classified Personnel - Dismissal/Suspension/Disciplinary Action**

### **Probationary Employees**

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

### **Permanent Employees**

Permanent classified employees shall be subject to suspension without pay, reduction in pay grade, or dismissal/termination only for cause. This provision shall not apply to (1) the expiration of a contract and a decision by the District not to offer another contract or, (2) a no cause termination of a contract as and to the extent provided in the contract of employment.

This policy also applies to classified management and supervisory employees unless otherwise provided by law.

*(cf. 4300 - Definitions)*

In addition to any disqualifying or actionable causes otherwise provided for by federal or state statute or regulation 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, information provided as part of an investigation, or any other school district records.
2. Incompetence.
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 on District premises whether or not on duty; or being under the influence of these prohibited substances while on duty.
8. Addiction to the use of controlled substances.
9. 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 said position. A plea or verdict of guilty, or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section. Applicants and employees must inform the Superintendent of any criminal charge or conviction so that a determination can be made by the district regarding its applicability to employment. For existing employees, reporting must occur within 48 hours of a criminal charge or conviction.
10. Absence without leave.
11. Immoral conduct.
12. Discourteous treatment of the public, students, or other employees.

13. Improper political activity.
14. Willful disobedience.
15. Misuse, theft, or damage to or destruction of district property.
16. Violation of district, Board or departmental rule, policy, procedure, or violation of federal, state, or local statute, regulation, or ordinance.
17. A physical or mental disability, which precludes the employee from the proper performance of essential duties and responsibilities as determined by competent medical authority, except as otherwise provided by a contract or by law regulating the accommodation of disabilities or the retirement of employees.
18. 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.
19. Unlawful discrimination, including harassment, on the basis of race, religion, creed, color, national origin, ancestry, physical or mental disability, marital status, sex, pregnancy, or age against a student, the public or other employees.
20. Unlawful retaliation against any other district officer or employee or 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.
21. Unsatisfactory performance.
22. Substantial noncompliance with applicable laws, regulations, policies, and written rules of the Superintendent,
23. Any other failure of good behavior either during or outside of duty hours which is of such nature that it causes discredit to the district or employee.

### **Disciplinary Procedures**

The following procedures will govern suspension without pay, reduction in pay grade, or dismissal/termination unless an applicable collective bargaining agreement provides different procedures. In such event, the collective bargaining agreement will govern and employees must utilize the negotiated grievance procedures to challenge any discipline. When initiating disciplinary action as provided for above, the employee shall be provided the following:

1. A pre-disciplinary meeting at which the employee shall be given notice of the proposed disciplinary action and a reasonable opportunity to respond. Unless circumstances dictate otherwise, the Superintendent or designee shall provide notice of the proposed disciplinary action and schedule a meeting for a reasonable period of time after the delivery of the notice to allow the employee time to prepare a response.
2. If after the pre-disciplinary meeting, the District determines there is cause for discipline, a statement of the nature of the disciplinary action. The statement shall include the reasons or causes thereof and each rule, policy, regulation, directive or standard that has been violated.
3. A statement of the employee's right to appeal the disciplinary action and the manner and time within which his/her appeal must be filed.

4. Unless determined otherwise by the Superintendent or designee, the disciplinary action (suspension without pay, reduction in pay grade, or dismissal/termination) shall take effect when the employee receives the statement of the disciplinary action.

An employee may, within five calendar days after the imposition of the disciplinary action, appeal the disciplinary decision to the Board submitting his/her appeal for a hearing in writing to the Superintendent or designee. The appeal must state the ground(s) for the appeal.

If the employee fails to appeal within the time specified in this policy, the employee shall have waived his/her right to appeal.

The employee shall be informed in writing of the time and place of the meeting at which the Board will hold a hearing . After holding an evidentiary hearing, the Board may affirm, modify or revoke the disciplinary action. The decision of the Board is final subject to appeal to Superior Court as and to the extent provided for in the Alaska Rules of Appellate Procedure.

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