

~~SUSPENSION AND TERMINATION OF CLASSIFIED EMPLOYEES~~

~~Suspension~~

~~Classified employees may be suspended for a period of up to ten days without pay for violation of District rules and procedures or other misconduct. No suspension without pay shall be imposed until the affected employee has had the opportunity to request and receive a hearing before the Board regarding the proposed suspension.~~

~~Involuntary Termination~~

~~The service of any classified employee may be terminated for any lawful reason. The Superintendent shall provide written notice to the employee of the proposed termination of his or her employment. Upon receipt of a notice of proposed termination, an employee shall have up to five working days to submit a written request for a hearing before the Board. Upon receipt of a timely request for a hearing, the Board shall schedule a hearing to occur no earlier than five working days from the date of the employee's request and prior to the effective date of the employee's termination.~~

~~If an employee does not make a timely request for a hearing, the employee's termination may become effective no sooner than five working days following receipt of notice of the proposed termination. If, in the judgment Superintendent, circumstances require the immediate removal of an employee from his or her position, the employee shall be placed on suspension with pay for a reasonable period of time to permit the employee to request and receive a hearing before the Board prior to the employee's termination. If circumstances require delay of a hearing for more than 30 days in order to accommodate the needs of the employee, the employee's suspension may be converted to a suspension without pay.~~

~~An employee whose employment is terminated for reasons unrelated to job performance shall receive at least 30 days notice of the proposed termination.~~

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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 classified employees shall be subject to personnel action (suspension without pay, demotion, reduction of pay step in class, dismissal) only for cause. The Board's determination of the sufficiency of the cause for disciplinary action shall be conclusive.

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. Drinking alcoholic beverages while on duty or in such close time proximity thereto as to cause any detrimental effect upon the employee or upon employees associated with him/her.
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 his/her 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.

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

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 of district property.
16. Violation of district, Board or departmental rule, policy, or procedure.
17. Physical or mental disability, which disability 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 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, religious creed, color, national origin, ancestry, physical handicap, marital status, sex, or age against the public or other employees while acting in the capacity of a district employee.
20. Unlawful retaliation against any other district 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 actual or suspected violation of any law of this State or the United States occurring on the job or directly related thereto.
21. 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 his/her employment.

In cases involving a personnel action, the Superintendent or designee shall prepare a written recommendation of personnel action for the Board. A copy of the recommendation 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 recommendation shall include:

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

1. A statement of the nature of the personnel action (suspension without pay, demotion, reduction of pay step in class, or dismissal).
2. A statement of the cause or causes therefor as set forth above.
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 set forth in the recommendation.
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 cases where the Superintendent or designee has determined that a permanent classified employee should be dismissed and that continuation of the employee in active duty status after a written recommendation of such personnel action has been issued would result in an unreasonable risk of harm to students, staff, or property during the time the proceedings are pending, the Superintendent or designee may order the employee immediately suspended from his/her duties without pay in conjunction with the recommendation of personnel action.

A permanent employee may, within five calendar days after receiving the recommendation of personnel action described above, file an appeal to the Board for reconsideration of the personnel action by submitting his/her request to the Superintendent or designee.

If the employee against whom a recommendation of personnel action has been filed fails to appeal within the time specified in these rules, the employee shall be deemed to have waived his/her right to request reconsideration.

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

The Board may affirm, modify or revoke the recommended personnel action.

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