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Classified Personnel

BP 4218(a)

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 personnel action ([including, but not limited to, reprimand, 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.~~

[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 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. Incompetence.
3. Inefficiency.
4. Neglect of duty.
5. Insubordination.
6. Dishonesty.
7. [Possessing or c](#)~~Consuming alcoholic beverages, tobacco, and or~~ 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](#)~~or in such close time proximity thereto as to cause any detrimental effect upon the employee or upon employees and or students associated with said employee.~~

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Classified Personnel

BP 4218(b)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

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 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 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 destruction of district property.
16. Violation of district, Board or departmental rule, policy, ~~or~~ 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 assigned 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, ~~religious-religion,~~ creed, color, national origin, ancestry, physical or mental disability, marital status, gendersex, pregnancy, or age against a student, the public or other employees ~~while acting in the capacity of a district employee.~~

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Classified Personnel

BP 4218(c)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

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 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 employee.

Disciplinary Procedures

The following procedures will govern personnel action 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 appeal any discipline.

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

1. A statement of the nature of the personnel action (the disciplinary action being imposed~~suspension without pay, demotion, reduction of pay and/or step in class, or dismissal~~).
2. A statement of the cause or causes for the disciplines 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~~identified~~.
4. A statement of the employee's right to appeal the recommendation and the manner and time within which an 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.

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Classified Personnel

BP 4218(d)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION (continued)

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 and that continuation of the employee in active duty status after 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 assigned duties without pay in conjunction with the recommendation 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 recommendation statement of personnel action described above, file an 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 Board for reconsideration of the personnel action by submitting a request to the Superintendent or designee. 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 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 ~~the an~~ employee ~~against whom a recommendation of personnel action has been filed~~ fails to appeal the personnel action within the time specified in these rules, the employee shall be deemed to have waived the right to ~~request reconsideration~~ an appeal.

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

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