

PERSONNEL— Employee Discipline, Suspension, and Dismissal of School District Employees Procedures

District #31 Bemidji Area Schools employs over 800 licensed and non-licensed staff. Although most perform their jobs well, there are times when individuals engage in **an in**appropriate behavior. The intent of the school district's disciplinary procedure is to correct the inappropriate behavior in a manner which assures due process for all employees. Under normal circumstances the process is progressive in nature. However, the disciplinary procedure may begin at any step up to and including discharge in appropriate situations.

Informal Discussion – (Conference Report)

In general, most disciplinary actions will be preceded by one or more informal discussions in an effort to resolve the problem. This can be done by conducting informal meetings with the employee in an informal setting. ~~These meetings are not documented in writing and n~~Nothing is placed in the employee's personnel file.

If the informal meeting does not work, a letter should be sent asking the employee to attend a meeting. At this meeting the supervisor will discuss the concerns with the employee and will send a letter to the employee summarizing the meeting. The employee has a right to have a representative at this meeting. Neither the letter requesting the meeting nor the letter summarizing the meeting is placed in the employee's personnel file. However, they can be used as supporting data if the inappropriate behavior continues and formal discipline is commenced. The letter summarizing the meeting should include a statement that the employee could be subject to formal discipline if the inappropriate behavior continues.

Although it is hoped that most problems can be corrected through these informal discussions, the school district reserves the right to move directly to the formal discipline at anytime, depending upon the seriousness of the behavior.

Formal Discussion

Normally the formal discipline process is progressive in nature. The first two steps are nonpunitive and are directed solely at correcting the inappropriate behavior. The next two steps are also intended to correct the behavior but they also include sanctions for the behavior. The disciplinary procedure may begin at any step up to and including discharge depending upon the severity of the situation.

Step 1. Warning

In Step 1, there is a formal conference with the supervisor outlining the nature of the problem, how it relates to the job ~~description~~ **expectations** of the employee, short term goals for improvement, time lines for future meetings, if applicable. If an employee continues to act in an inappropriate manner following informal discussions or if the employee commits an act believed

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to be more serious in nature than those that warrant only an informal discussion, a written warning will be issued. There is a formal conference with the supervisor, and time lines, if any. A letter is written, signed by both parties and a copy is placed in the employee's personnel file. Should the employee refuse to sign, this fact should be noted on the letter.

Step 2. Reprimand

Step 2 results in a formal letter of reprimand. This step contains a summary of what happened in Step 1, with emphasis upon the job ~~description~~ expectations, the nature of the problem, goals for improvement and time lines for future meetings. Again, the letter would become part of the employee's personnel file.

Step 3. Suspension

At this step an employee is suspended ~~with or~~ without pay for some period of time appropriate for the situation. At this step an emphasis should be made regarding the concerns of the supervisor, goals for improvement, and time lines for future meetings, if any. Every effort would be made to help the employee meet his/her stated goals. Again, a letter would be placed in the personnel file of the employee.

Step 4. Termination

Step 4 would result in termination of the employee after a due process hearing. Veterans have a right to an additional hearing prior to termination if requested. (Nonlicensed staff only.)

Note: Any supervisor contemplating the use of the Employee Discipline Plan with any employee, including informal discipline, must communicate with the ~~Assistant Superintendent~~ Director of Human Resources prior to commencing any communication with the employee.

Note: Employees who are subjected to employee discipline have a right to attach their account of the matter at all levels of discipline.

The Superintendent has the discretion to remove letters from the employee's personnel file when such action, in the Superintendent's judgment, would further the interests of the school district. The Superintendent's action is not considered precedent setting.

Appendix A

CRITICAL COMPONENTS OF EMPLOYEE DISCIPLINE

1. ~~All employers have a right to due process.~~
2. ~~Document, Document, Document~~
3. ~~Never place anything in an employee's personnel file unless a copy has first been given to the employee.~~
4. ~~All letters of discipline must be in the personnel file unless there is specific language in a letter removing it from the file.~~
5. ~~All employees have a right to representation.~~
6. ~~Nothing can be removed from an employee's personnel file without the permission of the Superintendent.~~
7. ~~Current job descriptions are important in many employee discipline cases.~~
8. ~~The purpose of employee discipline is to return the employee to quality performance.~~
9. ~~The school district reserves the right to begin discipline at any point of the plan from informal discussions to termination.~~
10. ~~Supervisors should give inservice to their employees regarding employee discipline.~~
11. ~~In some cases, more than one supervisor should be involved in disciplinary cases.~~
12. ~~Supervisors should familiarize themselves with Minnesota Statutes 13.41—the Status of Complaints. This is a law that allows the public to both complain and later ask about whether or not there was a satisfactory conclusion to their complaint.~~
13. ~~Employers who have a personal problem should be given an opportunity to access the Employee Assistance Program prior to discipline. Depending upon the severity of the infraction, this may not be true in all cases of employee discipline.~~

SAMPLE LETTER
CALLING EMPLOYEE TO A MEETING TO DISCUSS
AN ALLEGED INCIDENT

(DATE)

Dear (NAME):

I would like to meet with you in my office on (DAY), (DATE), at (TIME). The purpose of the meeting will be to discuss the alleged incident (STATE PLACE) which occurred on or about (DAY), (DATE), involving (SUBJECT). Since there is a possibility of (1) formal disciplinary action, and (2) material being placed in your personnel file, please be advised that in accordance with (SUBD., SECTION AND ARTICLE OF SBR FOR EMPLOYEE GROUP), dated (DATE), you have the right to be represented by the (NAME OF EXCLUSIVE REPRESENTATIVE) at this meeting. You may also waive your right to such representation.

Please be further advised that ~~in accordance with (SECTION AND ARTICLE OF SBR FOR EMPLOYEE GROUP), dated (DATE),~~ a copy of this letter will be placed in your personnel file.

Sincerely,

(YOUR NAME)
(YOUR TITLE)

SAMPLE LETTER
CONFERENCE REPORT

(DATE)

Dear (NAME):

A conference was held in my office on (DAY), (DATE), at (TIME), regarding the incident which took place on (DAY), (DATE), where it is alleged that you acted improperly while conducting a parent-teacher conference. Also in attendance at this meeting was your representative, and _____. After a thorough investigation in the matter, I find nothing so serious that it warrants employee discipline.

Neither the letter requesting the meeting nor the letter summarizing the meeting will be placed in your personnel file. However, they can be used as supporting data if the inappropriate behavior continues and formal discipline is commenced.

You are hereby advised that you need to be much more careful on how you interact with parents. If this behavior continues, you could be subject to formal discipline.

Sincerely,

(YOUR NAME)

(YOUR TITLE)

SAMPLE LETTER
PLACING EMPLOYEE OF STEP I

(DATE)

Dear (NAME):

A meeting was held on, (DAY), (DATE), at (TIME), for the purpose of discussing three written complaints regarding the manner in which you drove your bus. Each of the complainants were present and restated what they had written earlier. In summary, they were:

- A. excessive speed,
- B. carelessness in stopping and starting the bus, and
- C. using the brakes to discipline children when they were not in their seats.

Because three different citizens have observed this behavior, I am placing you on Step I of the Employee Discipline Program. Further incidents of this kind will result in your being considered for further disciplinary action.

Please be advised ~~that in accordance with (SUBD., SECTION AND ARTICLE OF SBR FOR EMPLOYEE GROUP),~~ a copy of this letter will be placed in your personnel file. You also have the right to submit, for inclusion in your personnel file, written information in response to this letter. ~~Your signature below indicates acknowledgement of having received this letter.~~

Sincerely,

(YOUR NAME)
(YOUR TITLE)

cc: (DIVISION DIRECTOR) (Never send this letter without the approval of your immediate supervisor and the Division Director.)
(ASSISTANT SUPERINTENDENT)

Receipt Acknowledged: _____
Date: _____

Note: In the first paragraph either mention other persons in attendance or that the person waived his/her right to representation.

SAMPLE LETTER
LETTER OF REPRIMAND

(DATE)

LETTER OF REPRIMAND

Dear (NAME):

As a result of information received by me from two members of the Board of Education, on (DATE), a conference was held in my office regarding an alleged violation by you, of the provision of SBR 600-20-1 (copy attached). In addition to yourself, also in attendance at this meeting were the following:

(INSERT NAMES)

During the conference, you indicated that a cabinet had been constructed in the shop of the high school by you and some of your students for (NAME), a resident of the school district. You indicated that the wood for the construction of this cabinet had been purchased by you.

It was also indicated that last spring a cabinet was constructed for (NAME) in the shop. In return for the construction of one or more of these items, you have or will receive ____ from (NAME).

Based upon these facts, it is my opinion that you violated the provisions of SBR 600-20-1, which states, "Faculty members...shall not use school equipment or facilities during school hours or after school hours for personal gain or convenience." Therefore, you are to consider this as a formal letter of reprimand; and be advised ~~that in accordance with the provisions of (SUBD., SECTION AND ARTICLE FOR EMPLOYEE GROUP), dated (DATE),~~ a copy of this letter shall be placed in your personnel file.

Be further advised that any future violation by you of the provisions of Board of Education policies, rules, or regulations may result in further disciplinary action being taken against you. ~~Your signature below indicates acknowledgement of receiving this letter.~~

Signed,

(YOUR NAME)

(YOUR TITLE)

cc: (DIVISION DIRECTOR)
(ASSISTANT SUPERINTENDENT)

~~Receipt Acknowledged:~~ _____

~~Date:~~ _____

SAMPLE LETTER
PLACING EMPLOYEE ON STEP III

(DATE)

SUSPENSION

Dear (NAME):

On (DAY), (DATE) at (TIME), a formal conference was held to discuss your alleged misuse of sick leave. John Jones, your union present, was also present at this meeting.

On (DAY), (DATE), you turned in a signed sick leave request for (DATE) in which you stated a back injury as the reason for your absence. By your own admission, you were shingling a garage roof on both of these days when you said you were ill.

Because you have used sick leave for reasons other than the approved reasons in your contract, and because you have already been placed on Step II of the formal discipline process, you are hereby notified that you are being suspended for two weeks, without salary, for the period beginning (DAY), (DATE) through (DAY), (DATE). Further, you are hereby notified that according to your master agreement dated (DATE), you will be required to submit a medical excuse with all future sick leave requests. Thirdly, because you were shingling a garage roof on days in which you used sick leave, you will receive a deduction of salary for (LIST DATES).

Please be advised that a copy of this letter will be placed in your personnel file. You have the right to include a rebuttal to this letter if you wish. Be further advised that any future violation by you of the provisions of the Board of Education policies, rules, or regulations may result in your termination as an employee of ~~School District No. 31~~ Bemidji Area Schools.

~~Your signature below acknowledges receipt of this letter.~~

Signed,

(YOUR NAME)

(YOUR TITLE)

cc: (IMMEDIATE SUPERVISOR)
(DIVISION DIRECTOR)
(SUPERINTENDENT)

Receipt Acknowledged: _____

Date: _____

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SAMPLE LETTER
TERMINATION

(DATE)

Dear (NAME):

On (DAY), (DATE), I met with (NAME/S) and you to discuss the contents of a letter sent to you on (DATE). You came alone to this meeting having waived your right to representation.

According to this letter you did not arrive to work on (DATE) until 8:35 a.m. Your starting time is 8:00 a.m. This was followed by being late to work on (DATE) and (DATE).

As indicated in the letter, you have previously been disciplined for being late to work. In fact, you have been late so many times that you have been placed on Steps I, II and III of our Employee Discipline Program. Step III resulted in your being suspended without salary for one week.

The meeting today was for the purpose of determining whether or not you should be terminated from your position. After hearing your testimony and reading the evidence from previous Steps, I am terminating your employment with the school district effective at the end of the work day on (DATE).

A copy of this letter will be placed in your personnel file. ~~Your signature below indicates acknowledgement of having received the letter.~~

Sincerely,

(YOUR NAME)
(YOUR TITLE)

~~Receipt Acknowledge: _____
Date: _____~~

Note: Important! If this employee has veteran status, another letter would be required before this letter to give the employee sixty (60) days in which to request a veteran's preference hearing. This is for non-licensed employees only.

