

REGULATION

REGULATION

G-9311

AUSD10

GDQD-R

**DISCIPLINE, SUSPENSION, AND DISMISSAL
OF SUPPORT STAFF MEMBERS**

Types of Disciplinary Action

Reprimand: Official reprimands are the least severe disciplinary action and may be either oral or in writing. Written reprimands should be used for more serious offenses or deficiencies and when there is a possibility of dismissal. Reprimands must indicate to the employee the specific nature of the deficiencies and what action is required for improvement. A record of dates of prior discussions of deficiencies and specific points discussed is to be included in written reprimands.

An employee who has received a Letter of Reprimand may, within ten (10) working days of receipt, make a written appeal to the Human Resources Manager to challenge the imposition of the reprimand. The employee's written appeal shall set forth the reasons for the appeal, e.g., that the reprimand is not justified under the circumstances, was based on inaccurate information, or was unfair. The employee shall provide a copy of the written appeal to the supervisor who issued the letter of reprimand.

The employee may submit final written comments to the Human Resources Manager within five (5) working days of receiving the supervisor's response to the appeal.

The Human Resources Manager may convene a meeting to hear brief presentations from both the employee and the supervisor concerning the letter of reprimand and the employee's appeal. If the Human Resources Manager elects to convene such a meeting, notice of the meeting shall be provided to the employee and supervisor in writing no less than three (3) days in advance of the meeting.

If the Human Resources Manager determines to hold a meeting, it shall be held not less than ten (1) nor more than twenty-five (25) calendar days after receipt of the employee's final written comments or from the date on which the final written comments were due but were not filed. The meeting may be postponed or continued for good cause by the Human Resources Manager.

The employee shall have the right to be represented and assisted by a representative of the Amphitheater Education Association or any other person of the employee's choosing, including legal counsel, during the appeal and any meeting convened by the Human Resources Manager. The employee shall notify the Human Resources Manager if the employee will be represented by legal counsel not less than three (3) days in advance of any meeting at which counsel will appear.

Any meeting held by the Human Resources Manager shall be informal.

The Human Resources Manager shall issue a written decision on the employee's appeal within ten (10) working days of the Human Resources Manager's receipt of the employee's final written comments or the date of the meeting held by the Human Resources Manager, whichever is later.

The decision of the Human Resources Manager may be appealed to the Superintendent. The timelines and procedures for the consideration and determination of this second level of appeal shall be the same as those set forth above for the first level of appeal before the Human Resources Manager, except that the decision of the Superintendent on the second level of appeal shall be final.

Decisions on appeal under this regulation are not subject to grievance. Decisions on appeal shall be entered in the employee's District personnel file and delivered to the employee in person or by certified mail.

If dissatisfied with either appeal decision, the employee may submit a brief, concise, written statement rebutting or objecting to the decisions(s), which shall be placed in the employee's District personnel record.

An employee may request removal from the employee's file after two (2) years if the conduct that resulted in the reprimand has not recurred, or the reprimands do not involve inappropriate treatment of students. The employee shall file such a request with the Associate to the Superintendent in writing.

Suspension. Suspension - the temporary release of a staff member from duty without pay - is a more severe action and may be used only once for each kind of offense. Should an employee's conduct or performance warrant more than two (2) such suspensions, dismissal should be considered.

- Suspensions should be imposed in direct proportion to the significance of offenses or deficiencies. The procedure in notifying the Associate to the Superintendent prior to disciplinary action is to be followed.
- Notice of a preaction hearing must be given to the employee in writing, and a preaction hearing must be held, as outlined below. If, after the preaction hearing the Executive Director for Human Resources or designee finds that the employee's conduct or performance warrants suspension, the Associate to the Superintendent for Human Resources and Finance or designee shall give written notice of the employee's suspension to the employee, indicating the following:
 - The reason for the action.
 - Inclusive dates of suspension.
 - The employee's right to appeal.

- If a supervisor views a situation as being so severe as to deem it necessary to immediately remove the employee from the premises, the supervisor may order such removal verbally as an administrative reassignment. A written confirming notice from the Associate to the Superintendent will be delivered in person or sent by certified mail to the employee within twenty-four (24) hours. Such removal must be accompanied by, or followed within twenty-four (24) hours by, a notice of preaction hearing as outlined below. The employee shall be paid the regular salary until the decision of the Executive Director for Human Resources or designee regarding the employee's dismissal or suspension is rendered.

Disciplinary probation. A disciplinary probation period, not to exceed four months, may be imposed because of conduct or substandard performance. Reprimand and/or corrective counseling will precede such action whenever practicable.

- The same requirement of a written notice applies as set forth above under "Reprimand." The performance evaluation form may be used to impose a period of probation. A letter to the employee that contains the information outlined above under "Suspension" will also serve to impose a disciplinary probation period.
- The imposition of a disciplinary probation period does not create an obligation on the part of the supervisor to refrain from other disciplinary action during the disciplinary probation period, including, but not limited to, demotion or dismissal. A staff member may be otherwise disciplined during or after the disciplinary probation period if there is insufficient improvement in the areas that caused the imposition of such disciplinary probation or if other cause exists for such other disciplinary action.

Demotion. Demotion is appropriate in cases of sustained substandard performance because of lack of qualifications or lack of interest if the employee is qualified for and proficient in less demanding work. The effects of demotion on compensation are covered in Policy GDBA. The requirement of written notice is the same as in the case of suspension.

Dismissal. Except for probationary employees who have not completed four (4) months with the District, who are not subject to the dismissal conditions of this regulation, if the supervisor of a staff member deems that dismissal may be necessary, then the Associate to the Superintendent will be consulted in advance in accordance with Policy GDQD.

- A notice of preaction hearing must be given to the employee in writing, and a preaction hearing must be held, as outlined below. If after the preaction hearing the Executive Director for Human Resources or designee finds that the employee's conduct or performance warrants dismissal, written notice of dismissal shall be issued to the employee, setting forth the following information:

- The effective date of the dismissal.
 - Reason(s) for the action.
 - A recap of previous unsatisfactory service, to the extent the dismissal is based upon previous conduct or performance.
 - A recap of any effort to correct the cause of dismissal.
 - A summary of the employee's appeal rights.
 - The supervisor will prepare the Separation Report.
- Delivery of notices of dismissal will be directly from the supervisor or the Executive Director for Human Resources to the staff member being dismissed. If this is not possible, delivery will be made by certified U.S. mail, "return receipt requested."
 - If certified or registered mail is used, a copy must also be sent by first class mail near or at the time the copies are sent by certified or registered mail. A note must be made as to when this was completed.
 - A copy of the notice will be provided to the Associate to the Superintendent within one (1) working day.

Appeal rights. Appeal rights under suspension, demotion, disciplinary probation, and dismissal shall be as set forth in District policy.

Preaction Hearing Procedure

If a supervisor determines that dismissal or suspension of an employee may be warranted, the supervisor shall, after consulting with the Associate to the Superintendent, inform the Executive Director for Human Resources and request such a hearing. At this time, a copy of the request will be given to the employee. If the Executive Director for Human Resources or designee determines that discipline may be warranted, a notice of preaction hearing shall be issued to the employee by the Executive Director for Human Resources or designee. The notice shall contain the following information:

- The date, time, and place of the preaction hearing to be conducted by the Executive Director for Human Resources or designee.
- The reason(s) for the contemplated dismissal or suspension.
- In the case of a suspension, the contemplated length of the suspension.

- A general explanation of the allegations supporting the supervisor's recommendation of discipline.
- A statement regarding the employee's right to a further explanation, to be provided at the preaction hearing, of the evidence causing the District to contemplate suspension or dismissal.
- A statement regarding the employee's right to respond to the allegations and evidence against him or her.
- Notification of the employee's right to representation of his or her own choice at his or her own expense.
- In the case of possible dismissal, notification that both the supervisor and employee may present the testimony of no more than three (3) witnesses at the preaction hearing.
- A statement of the employee's right to appeal if the Executive Director for Human Resources or designee issues a notice of suspension or dismissal after the preaction hearing.

The preaction hearing shall be conducted informally. If the employee is present, the Executive Director for Human Resources or designee shall inform the employee of the evidence indicating that suspension or dismissal of the employee may be warranted. The employee shall be permitted a reasonable opportunity to respond at the preaction hearing regarding such evidence and the appropriateness of any discipline. When dismissal is being contemplated, the supervisor and the employee shall have the right to present oral or written testimony of no more than three (3) witnesses.

Upon the conclusion of the preaction hearing, the Executive Director for Human Resources or designee shall, within a reasonable period of time, issue findings of fact and a recommendation to the Superintendent as to whether suspension or dismissal of the employee is warranted. To the extent practicable, within ten (10) working days of the receipt of the findings and recommendations, the Superintendent shall determine whether the employee shall be suspended or dismissed, by either concurring with or revising the recommendation. If it is determined that suspension or dismissal is warranted, a notice of dismissal or a notice of suspension shall be issued to the employee in writing in accordance with these regulations.