

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. All personnel actions will be subject to standard practice for human resource investigation for employees by the appropriate personnel. Once the investigation is completed, findings of facts will be forwarded to the Superintendent of Schools. The Superintendent'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. Gross inefficiency negatively impacting job performance.
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 or the use of illegal controlled substances.

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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.
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.

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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 personnel action. A copy shall be served upon the employee either personally, electronically via district email, or by registered or certified mail, return receipt requested, at the employee's last known address. The recommendation shall include:

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 personnel action 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 may be dismissed and that continuation of the employee in active duty status before a 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 with or without pay.

A permanent employee may, within five calendar days after receiving the 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.

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If the employee against whom a 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 personnel action.

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