

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 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, ~~or step in class~~, dismissal/termination of employment) only for cause. This provision shall not apply to (1) the expiration of a contract and decision by the District not to offer another contract or (2) the no cause termination of a contract as and to the extent provided in an individual employment contract. This policy does apply to classified management and supervisory employees unless otherwise provided by law.

~~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 federal or state statute or regulation or by policy or regulation of this District, each of the following constitutes cause for personnel action against a permanent 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. Possessing or consuming alcohol, tobacco, controlled substances including marijuana or other illegal drugs or synthetic drugs while on District premises whether or not on duty or being under the influence of these prohibited substances while on duty. 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 them.
8. Addiction to ~~or~~ the use of ~~illegal~~ 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 their 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 must inform the Superintendent of any criminal charge or conviction so that a determination can be made by the District regarding its applicability. For existing employees, reporting to the District must occur within 48 hours of a criminal charge or 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 damage to or destruction of district property.
16. Violation of district, Board or departmental rule, policy, or procedure or violation of a federal, state, or local statute, regulation or ordinance.
17. A~~p~~Physical or mental disability, which disability precludes the employee from the proper performance of their 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, job description or contract or ~~or~~ otherwise necessary for the employee to perform the duties of the position.

19. Unlawful discrimination, including harassment, on the basis of race, religion, ~~us~~ creed, color, national origin, ancestry, physical or mental disability ~~handicap~~, marital status, sex, pregnancy, or age against a student, a member of 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, whether an outside person, agency, or school district official, any information relative to actual or suspected violation of any law or District policy of this State or ~~the United States~~ occurring on the job or directly related thereto.

21. Unsatisfactory performance.

22. Substantial noncompliance with applicable law, regulations, policies and written rules of the Superintendent.

23. 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 the individual's employment.

Disciplinary Procedures

The following procedures govern suspension without pay, reduction in pay, or dismissal/termination unless an applicable collective bargaining agreement provides different procedures (in which case that agreement will govern and the employee must utilize the negotiated grievance procedure to challenge any discipline) or other specific procedures are explicitly provided in an individual employee's written contract for employment.

When initiating disciplinary action as provided for above, the District shall provide the employee:

1. A predisciplinary meeting at which the employee shall be given notice of the proposed disciplinary action and a reasonable opportunity to respond. Unless

circumstances dictate otherwise, the Superintendent or designee shall provide the employee with written notice of the proposed disciplinary action and schedule a meeting to occur a reasonable amount of time after delivery of the notice in order to allow the employee time to prepare a response.

2. If after a predisciplinary meeting the District determines that there is cause, the employee shall be provided a statement of the discipline. This statement shall include the nature of the discipline and state the reasons or causes therefore, identifying the rule, policy, regulation, directive or standard that has been violated. The statement shall also provide the employee with notice ~~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 their appeal must be filed.

Unless otherwise determined by the Superintendent or designee, disciplinary action shall take effect when the employee receives the statement of discipline.

~~In cases where the Superintendent or designee has determined that a permanent 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 their duties with or without pay. A permanent classified employee may, within five calendar days after imposition of the disciplinary action, appeal the disciplinary decision to the School Board by submitting a written appeal for a hearing to the Superintendent or designee. The appeal must state the grounds for appeal. An employee who does not timely submit a written appeal waives the right to appeal.~~

~~receiving the personnel action described above, file an appeal to the Board for reconsideration of the personnel action by submitting their request to the Superintendent or designee.~~

~~An employee who has been subject to discipline in accordance with this policy and has timely filed a written appeal shall be informed in writing of the time and place of the meeting at which the Board will hold a hearing. After holding an evidentiary hearing, the 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 their 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. The decision of the Board is final, subject to appeal to Superior Court as and to the extent provided by the Alaska Rules of Appellate Procedure.~~