Personnel

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION       BP 4218(a)

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

The Superintendent or designee may take disciplinary action, including verbal warning, written warning, reassignment, suspension with or without pay and dismissal, as he/she deems appropriate and may deviate from the progressive order of disciplinary actions in light of the particular facts and circumstances involved.

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. This policy also applies to classified management and supervisory employees unless otherwise provided by law.

(cf. 4300 – Definitions)

The Superintendent or designee shall document all disciplinary actions thoroughly and accurately and shall ensure that such actions are taken in a consistent, nondiscriminatory manner.

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. inefficiency

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 duty or on District premises whether or not on duty; or being under the influence of these prohibited substances while on duty.

8. 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. 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.

9. absence without leave

10. immoral conduct

11. discourteous treatment of the public, students, or other employees

12. improper political activity

13. willful disobedience

14. misuse, theft, or destruction of district property

15. violation of district, School Board or departmental rule, policy, procedure, or violation of federal, state, or local statute, regulation, or ordinance

16. physical or mental disability, which disability precludes the employee from the proper performance of his/her essential 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

17. 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

18. unlawful discrimination, including harassment, on the basis of race, religion, creed, color, national origin, ancestry, physical or mental disability, marital status, sex, pregnancy, or age against the public, students, or other employees

19. unlawful retaliation against any other district officer or employee, 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 occurring on the job or directly related thereto.

20. 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.

Classified personnel will be bound by the same code of conduct, where applicable, as outlined in the Certified personnel “Code of Ethics and Teaching Standards,” State statute, State Regulation and/or Labor Laws. However in the case of Classified Personnel, enforcement of these standards will rest exclusively with the District through the Superintendent or designee, rather than outside agencies such as the Professional Teaching Practices Commission.

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 provide the employee with the opportunity to receive a hearing appropriate to the nature of the proposed action and shall prepare a written recommendation of personnel action for the Board. prepare a written statement of the personnel action which A copy of the recommendation shall be served upon the employee either personally or by registered or certified mail, return receipt requested, at the employee's last known address. The statement recommendation shall include:

1. A statement of the nature of the proposed personnel action (suspension without pay, demotion, reduction of pay step in class, or dismissal the disciplinary action being imposed).

2. A statement of the cause or causes for the discipline. therefore 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 identified. set forth in the recommendation.

4. A statement of the employee’s right to appeal the recommendation 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 should be removed from duty while an investigation into alleged misconduct, the employee will be placed on administrative leave with pay, dismissed and that continuation of the employee in active duty would result in an unreasonable risk of harm to students, staff, or property during the time the proceedings are pending, the Superintendent or designee after providing the employee with an opportunity for an appropriate hearing, may order the employee immediately suspended from his/her duties without pay pending further Board action.

Nothing in this policy is intended to restrict the Superintendent or designee’s authority to place an employee on administrative leave with pay pending the outcome of an investigation.

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.

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 (5) calendar days after receiving the recommendation statement of personnel action described above, file a written appeal to the Board for reconsideration of the personnel action by submitting his/her request to the Superintendent or designee. 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 (5) calendar days after receiving the statement of personnel action described above, file a written appeal to the School Board by submitting his/her request to the Superintendent. 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 School 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 an employee fails to appeal personnel action within the time specified in these rules, the employee shall be deemed to have waived his/her right to an appeal.

If the employee against whom a recommendation of 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 Superintendent or School Board for reconsideration decision, the Superintendent or designee may, with the consent of the Board, serve on the employee and file with the decision maker Board an amended or supplemental statement recommendation of personnel action.

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

SITKA SCHOOL DISTRICT
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