

Article 13 – Discipline and Discharge

~~13.1 The Superintendent may dismiss, suspend without pay, reprimand, or otherwise discipline a classified employee for good cause. An employee may be suspended with pay for the period of time required to investigate and hold a hearing. In the event of flagrant misconduct of an employee which adversely affects the interest of the ESD, action by the Superintendent may be immediate.~~

~~13.2 For cases not involving employee misconduct or not involving gross or deliberate failure to carry out one's duty, a conference will be conducted with the employee by the immediate supervisor, and upon the employee's request a representative, methods of improvement will be suggested with time limits, and a written record placed in the employee's personnel file signed by both employee and supervisor, with a copy to the employee. If progress has not been made toward improvement(s) as provided above, within the time limitations set forth, the supervisor may, in writing recommend to the Superintendent that the employee be disciplined. The Superintendent may discipline the employee based on recommendations.~~

~~13.3 Any employee affected by this Article will be afforded procedural due process. The employee has the right to appeal the dismissal to a hearing by the District Board and to be accompanied by counsel. The decision of the District Board is final and binding.~~

13.1 No employee shall be disciplined without Just Cause and Progressive Discipline. The Discipline process shall consist of six (6) possible levels ranging from verbal notice/counseling to termination. Supervisors should adhere to the steps listed in the chart below once a level of discipline is utilized. However, progressive discipline is not inflexible. A supervisor is not required to utilize all six (6) levels of discipline if the situation warrants a more severe level of discipline.

<u>Progressive Discipline Steps for Classified Employees</u>	
<u>Discipline Level</u>	<u>Action</u>
<u>1</u>	<u>Verbal Notice/Counseling</u>
<u>2</u>	<u>Letter of Concern/Direction</u>
<u>3</u>	<u>Letter of reprimand</u>
<u>4</u>	<u>Suspension/Demotion</u>
<u>5</u>	<u>Last Chance Agreement</u>
<u>6</u>	<u>Termination</u>

13.2 If the problem is behavioral, there is no need to give the employee time to improve. The supervisor may require the employee to immediately cease and desist from engaging in the behavior. If the behavior is repeated, the supervisor may progress to the appropriate level of discipline.

13.3 The supervisor/administrator will notify the employee in writing of the right to an Association representative during the progressive discipline process. All information forming the basis for disciplinary action will be made available to the employee.

13.4 The District may place an employee on administrative leave with pay pending the outcome of an investigation into the employee's alleged misconduct.

13.5. Process for Written Documentation for Performance Issues

If and when performance concerns are identified, the supervisor/administrator will communicate with the employee at the earliest opportunity and discuss suggestions for performance improvement. If the concern is related to a lack of knowledge or skill, the employee may be given an opportunity to gain the knowledge/skill.

1. The supervisor/administrator shall inform the employee when poor performance is observed, state performance expectations and cite specifics on improvement goals.
2. A written communication to the employee will follow, memorializing the conversation, and the employee will be given the opportunity to correct the deficiencies.
3. To formally clarify performance expectations and provide a guide for performance improvement, a "plan of assistance" may be initiated. The plan of assistance will include:
 - a. Specific performance expectations;
 - b. Timeline expected for correction of areas of concern or deficiencies;
 - c. Timeline for feedback from supervisor/administrator discussing progress achieved or continued areas of concern;
 - d. Resources available for assistance from the District/supervisor/administrator;
 - e. Reasonable time for improvement before considering dismissal; and
 - f. Appropriate consequences, should the deficiencies not be corrected to meet position standards and expectations.
4. If performance does not improve, the District may take action up to and including dismissal.
5. Dismissal, disciplinary suspension or disciplinary demotion of a non- probationary employee will not be done without just cause.

13.6. Misconduct

Progressive discipline is not an appropriate course of action for all circumstances. There may be occurrences of misconduct where immediate formal action is warranted.

Misconduct is an intentional or willful violation of a clear rule of the District of which the employee was aware, or which is obvious, such as the prohibition on theft or dishonesty.

When incidents of misconduct are suspected, a formal investigation of the incident or occurrences will be conducted.

1. The District shall notify the employee in writing of the right to have an Association representative during this process. All information forming the basis for disciplinary action will be made available to the employee.
2. Dismissal, disciplinary suspension or disciplinary demotion of a non- probationary employee will not be done without just cause.