Personnel

SUSPENSION, DEMOTION AND DISMISSAL OF CLASSIFIED EMPLOYEES

- The continued employment of permanent Classified employees is contingent upon proper performance of assigned duties and personal fitness. A permanent employee may be demoted, suspended or dismissed for cause, which shall include but not be limited to the following:
 - a. Incompetence, inefficiency, inattention to or dereliction of duty, lack of ability, or failure to perform the assigned duties in a satisfactory manner.
 - b. Insubordination, failure to obey reasonable directions or observe rules of the District, or willful and persistent violation of the provisions of the Education Code.
 - c. Conviction of any felony; conviction of a misdemeanor involving moral turpitude; dishonesty, immoral conduct, drinking or drunkenness on duty, intemperance, addiction to or use of narcotics; or fraud in obtaining employment with the school District.
 - d. Political activity during assigned hours of duty.
 - e. Persistent discourteous treatment of the public or of fellow employees or other willful failure of good conduct tending to injure the public service.
 - f. Failure to pay or make reasonable provision for the payment of just debts.
 - g. Physical or mental incapacity.
 - h. Absence from duty without leave.
 - i. Sexual harassment.
 - j. Assault and fighting among employees; threat of assault among employees; or, use of threatening or abusive language.
- 2. Procedures to be followed in the Suspension, Demotion or Dismissal of a Permanent Classified Employee:
 - a. Notification of Recommended Disciplinary Action

The case of a permanent employee who has been recommended for disciplinary action will be reviewed by the supervisor and the Superintendent/President, the Superintendent/President will prepare a written notice of said recommendation of disciplinary action and serve it upon the employee who is the

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subject of said recommendation. Attached to the notice of recommendation of disciplinary action will be a form, the signing and filing of which in the Office of the Superintendent/President by the employee to be disciplined shall constitute a demand for hearing, and a denial of all charges. The written notice of recommendation of disciplinary action shall contain the following:

- i. A statement in ordinary and concise language of specific acts and omissions upon which the disciplinary action is based, a statement of the cause for the action taken and, if it is claimed that an employee has violated a rule or regulation of the public school employer, such rule or regulation shall be set forth in said notice.
- ii. A description of the discipline which is recommended.
- iii. A statement of said employee's right to a hearing on such charges.
- iv. The time within which such hearing shall be requested.
- v. A statement that the employee may represent himself/ herself or be represented by an attorney or some other person.
- vi. A statement that the employee may offer evidence in the form of exhibits, or the testimony of witnesses, or both, and may cross-examine witnesses testifying on behalf of the Administration.

b. Request for a Hearing

A permanent employee who has been recommended for any disciplinary action under existing rules and regulations may request a hearing on such recommendation by completing and filing a form in the Office of the Superintendent/President not later than the fifth working day following the service of notice of recommended disciplinary action on the employee who is the subject of said recommendation.

c. <u>Hearing Procedure</u>

Hearing shall be conducted by a Hearing Officer. In the matter of recommended disciplinary action of a Bargaining Unit member, the Hearing Officer shall be appointed by mutual agreement between the District and the Association. In the event agreement cannot be reached, the District and the Association shall each furnish five (5) names of proposed Hearing Officers and each party shall strike names until an agreed-upon Hearing Officer is reached. In the matter of recommended disciplinary action of a Classified Supervisor or

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Manager or Confidential employee, the Hearing Officer shall be appointed by the District. The Hearing shall be conducted in accordance with all relevant provisions in the Education Code and District rules and regulations:

- i. Time of Hearing: A hearing by a Hearing Officer relating to the validity of the charges upon which the recommendation of disciplinary action was based shall be commenced not later than thirty (30) days after filing of the request for hearing.
- ii. Notice of Hearing: The employee shall be given not less than ten (10) days written notice of the date, time and place of the hearing. Such notice, sent to the last known address of the employee, shall be effective upon its deposit in the United States mail, registered, postage prepaid with receipt requested.
- iii. Conduct of the Hearing: At the time and place designated, the Hearing Officer shall hold a hearing for the purpose of determining the validity of the charges brought against the appellant employee and of the reasonableness of the recommended discipline. Such hearing shall be in closed session unless the employee requests a public hearing. In the event the employee opts for a public hearing, witnesses shall still be sequestered as in the case of a closed hearing. The employee may be present, shall have the right to be represented by counsel, present evidence and crossexamine witness(es).
- iv. Burden of Proof: The Superintendent/President shall carry the burden of proof in support of the disciplinary action. The Superintendent/President and the appellant employee may call witnesses, shall have the right of cross-examination, and may present documentary and demonstrative evidence.
- v. <u>Continuance</u>: At any time during the hearing, the Hearing Officer may order a continuance for a reasonable period of time.
- vi. Recommendation of the Hearing Officer: The written recommendation of the Hearing Officer shall state his/her findings as to the validity of the charges upon which the disciplinary action is being recommended. The recommendation shall also state the disciplinary action to be imposed, if any. The disciplinary action imposed shall not be more severe than that recommended, unless the employee is given notice of intention to impose more severe action and a continuance for five working days.

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Such notice may be given verbally at the hearing and the continuance may be waived by the employee.

- vii. The recommendation of the Hearing Officer may be appealed to the Governing Board. The Governing Board shall issue a written decision within thirty (30) days of the filing of the appeal.
- viii In the absence of any appeal, the Governing Board shall issue a final decision on the Hearing Officer's recommendation within thirty (30) days of the Hearing Officer's recommendation.

d. Suspension Pending Disciplinary Action

If the Superintendent/President deems it necessary for the good of the District that an employee be immediately suspended pending a recommendation and hearing on the disciplinary action, that employee may be suspended but his/her salary shall continue until disciplinary action is imposed by the Hearing Officer following a hearing.