

300 PERSONNEL, continued

317 Disciplinary Action and Discharge

The Board of Directors shall adopt rules and regulations pertaining to disciplinary action and discharge for employees.

300 PERSONNEL, continued

- 317 Disciplinary Action and Discharge, continued
- R317.1 Corrective Discipline - Classified Personnel
- R317.1a The Board of Directors recognizes that, for many reasons, some employees may exhibit patterns of unacceptable behavior or conduct from time to time. The primary objective of the following regulations relating to corrective discipline for classified employees is to promote and maintain a high level of professional conduct expected of all staff.
- R317.1b There are four general areas of behavior or conduct which would cause the initiation of corrective discipline procedures for a classified employee. These are: neglect of duty, failure to perform duties properly, improper conduct, and insubordination.
- R317.1c Corrective Discipline Procedure
- R317.1c1 Oral Warning
- R317.1c1(a) Oral warnings will be issued by the supervisor immediately following investigation of the problem.
- R317.1c1(b) The oral warning will consist of:
- 1) statement of the problem
  - 2) opportunity for employee's explanation
  - 3) statement of the solution
  - 4) statement of the consequences if the problem is not resolved.
- R317.1c1(c) The oral warning will be documented and retained by the supervisor. Written confirmation that an oral warning has been given shall be placed in the employee's personnel file.
- R317.1c2 Written Warning
- R317.1c2(a) The written warning will be issued by the supervisor immediately following a reoccurrence of the behavior or conduct addressed in the oral warnings. The supervisor will inform the appropriate administrative assistant/assistant superintendent and Human Resources Department that a written warning is to be issued.

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- 317 Disciplinary Action and Discharge, continued
- R317.1 Corrective Discipline - Classified Personnel, continued
- R317.1c2(b) The written warning will consist of:
- 1) statement of the problem
  - 2) reference to the previous oral warning and solution
  - 3) statement of responsibility of employee to correct the problem
  - 4) statement of the consequences if the problem is not resolved
- R317.1c2(c) The employee will acknowledge receipt of the written warning by his/her signature.
- R317.1c2(d) The written warning will be placed in the employee's personnel file.
- R317.1c3 Suspension Without Pay
- R317.1c3(a) The suspension without pay will be invoked by the Superintendent upon recommendation of the Human Resources Department. The recommendation for suspension without pay will be made immediately following reoccurrence of the behavior or conduct addressed in the written warning.
- R317.1c3(b) The length of the suspension will be determined by the severity of the problem.
- R317.1c3(c) Written notice of the suspension will consist of:
- 1) statement of the problem
  - 2) reference to previous oral and written warnings and solution
  - 3) statement of responsibility of the employee to correct the problem
  - 4) length and dates of suspension

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- 317 Disciplinary Action and Discharge, continued
- R317.1 Corrective Discipline - Classified Personnel, continued
- R317.1c3(c) Written notice of the suspension, continued
- 5) statement of the consequences if the problem is not resolved
  - 6) statement of any special conditions related to the suspension.
- R317.1c3(d) The employee will acknowledge receipt of the written notice of suspension by his/her signature.
- R317.1c3(e) The written notice of the suspension will be placed in the employee's personnel file.
- R317.1d Waiver of Step or Steps in the Corrective Discipline Process
- In appropriate cases, the supervisor may recommend to the Human Resources Department and/or the Superintendent that one or more steps of the corrective discipline process be waived.

### **Amendments to R317.1 (formerly R318.1)**

318 adopted 2-21-80; renumbered 317 3-29-88

R318.1 Adopted 2-26-85; Renumbered R317.1 3-29-88

R318.1a amended 1-24-84

R318.1c1(b) renumbered R317.1c1(b) 3-29-88

R318.1c2(a) renumbered R317.1c2(a) 3-29-88

R318.1c2(d) renumbered R317.1c2(d) 3-29-88

R318.1c3(a) renumbered R317.1c3(a) 3-29-88

R318.1c3(b) renumbered R317.1c3(b) 3-29-88

R318.1c3(e) renumbered R317.1c3(e) 3-29-88

R318.1c4(a) renumbered R317.1c4(a) 3-29-88

R318.1c5(a) renumbered R317.1c5(a) 3-29-88

317 amended 3-26-91

R317.1 amended 3-26-91

R317.1a amended 3-26-91

R317.1b amended 3-26-91

R317.1c1(a) amended 3-26-91

R317.1c1(b) amended 3-29-88

R317.1c1(c) amended 3-26-91

R317.1c2(a) amended 3-29-88; 2-23-93

R317.1c2(d) amended 3-29-88

R317.1c3(a) amended 3-29-88; 3-26-91; 2-23-93

R317.1c3(b) amended 3-29-88; 3-26-91

R317.1c3(c) amended 3-26-91

R317.1c3(e) amended 3-29-88

R317.1c4 deleted 3-26-91

R317.1c4(a) amended 3-21-89; deleted 3-26-91

R317.1c4(b) amended 3-21-89; deleted 3-26-91

R317.1c5 deleted 3-26-91

R317.1c5(a) deleted 3-26-91

R317.1d adopted 3-26-91; amended 2-23-93

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317 Disciplinary Action and Discharge, continued

R317.2 Discharge - Classified Personnel

Following compliance with sections of these policies and regulations regarding evaluation and corrective disciplinary action, the Superintendent may, upon recommendation from the Human Resources Department, issue written notice of discharge for cause. Such written notice shall specify the cause or causes for discharge.

R317.2a Cause for Discharge

R317.2a1 Cause for discharge of a classified employee shall include, but not be limited to, the following:

- a) neglect of duty
- b) failure to perform duties properly
- c) incompetence
- d) insubordination
- e) conviction of a gross misdemeanor or felony
- f) malfeasance
- g) improper conduct
- h) willful violation of the ESD policies or regulations or state statutes.

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317 Disciplinary Action and Discharge, continued

R317.2 Discharge - Classified Personnel, continued

R317.2a2 Driving personnel, including school bus and delivery service drivers and any other personnel whose primary responsibility is operation of a motor vehicle, will be subject to the following additional causes for immediate dismissal:

- a) Drivers whose driving abstracts reflect failure to appear have thirty (30) days to have it removed by court action. Failure to have this done will subject the driver to dismissal.
- b) Drivers who have been convicted of or forfeit bail for 1) Vehicular Homicide, 2) Vehicular Assault, 3) Driving while Intoxicated, 4) Reckless Driving, 5) Hit and Run, or 6) Negligent Driving.
- c) Drivers who have accumulated twenty (20) or more points from convictions or bail forfeitures of traffic violations during any consecutive three (3) year period of employment with the ESD. Points on reported convictions or bail forfeitures of traffic violations:

- 10 Disobey school patrol
- 10 Disobey Signalman or Officer
- 10 Failure to stop
- 10 Failure to yield right of way
- 10 Following too close
- 10 Improper overtaking or passing
- 10 Passing stopped school bus
- 10 Speed 15-20 MPH excess
- 10 Speed too fast for conditions
- 10 Violating license restrictions
- 8 Failure to use due care
- 8 Straddling center line
- 8 improper turn
- 8 improper lane change
- 8 Drive left of center line
- 8 Drive wrong side of road

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317 Disciplinary Action and Discharge, continued

R317.2 Discharge - Classified Personnel, continued

R317.2a2 Driving Personnel, continued

- 6 Obstructed vision
- 6 Driving without lights
- 6 Impeding traffic
- 6 Disobey road sign
- 6 Speed 1-14 MPH excess
- 4 Prohibited turn
- 4 Wrong way on one-way street
- 4 Improper lane travel
- 4 Improper backing
- 4 Improper signal or failure to signal
- 4 Failure to dim headlights

d) Driving and transporting students without valid state and/or federally mandated certifications.

### **Amendments to R317.2**

R318.1a amended 2-22-83; 1-24-84

R318.1 renumber R318.2 2-26-85

R318.2 renumbered R317.2 3-29-88

R317.2 Suspension deleted 3-26-91

R317.2 (Discharge - Classified Personnel) adopted 3-26-91

R317.2a deleted 3-26-91

R317.2b deleted 3-26-91

R317.2c deleted 3-26-91

R317.2d deleted 3-26-91

R317.2 moved from R303.2b & amended 3-26-91; 2-23-93

R317.2a adopted 3-26-91

R317.2a1 renumbered from R303.2c1 3-26-91

R317.2a2 renumbered from R303.2c2 3-26-91

R317.2a2(d) adopted 2-22-05

300 PERSONNEL, continued

- 317 Disciplinary Action and Discharge, continued
- R317.3 Corrective Discipline - Certificated Personnel
- R317.3a The Board of Directors recognizes that, for many reasons, some employees may exhibit patterns of unacceptable behavior or conduct from time to time. The primary objective of the following regulations relating to corrective discipline for certificated employees is to promote and maintain the high level of professional conduct expected of all staff.
- R317.3b There are five general areas of behavior or conduct which would cause the initiation of corrective discipline procedures for a certificated employee. These are: neglect of duty, insubordination, lack of good moral character and professional fitness, unprofessional conduct, and other misconduct.
- R317.3c Corrective Discipline Procedure
- R317.3c1 Oral Warning
- R317.3c1(a) Oral warnings will be issued by the supervisor immediately following investigation of the problem
- R317.3c1(b) The oral warning will consist of:
- 1) statement of the problem
  - 2) opportunity for employee's explanation
  - 3) statement of the solution
  - 4) statement of the consequences if the problem is not resolved.
- R317.3c1(c) The oral warning will be documented and retained by the supervisor. Written confirmation that an oral warning has been given shall be placed in the employee's personnel file.
- R317.3c2 Written Warning
- R317.3c2(a) The written warning will be issued by the supervisor immediately following a reoccurrence of the behavior or conduct addressed in the oral warnings. The supervisor will inform the appropriate administrative assistant/assistant superintendent and Human Resources Department that a written warning is to be issued.

300 PERSONNEL, continued

- 317 Disciplinary Action and Discharge, continued
- R317.3 Corrective Discipline - Certificated Personnel, continued
- R317.3c2(b) The written warning will consist of:
- 1) statement of the problem
  - 2) reference to the previous oral warning and solution
  - 3) statement of responsibility of employee to correct the problem
  - 4) statement of the consequences if the problem is not resolved
- R317.3c2(c) The employee will acknowledge receipt of the written warning by his/her signature.
- R317.3c2(d) The written warning will be placed in the employee's personnel file.
- R317.3c3 Suspension Without Pay or other Adverse Effect
- R317.3c3(a) Suspension without pay of a certificated employee shall be based upon recommendation by the Human Resources Department to the Superintendent. The recommendation for suspension without pay will be made upon reoccurrence of the behavior or conduct addressed in the written warning.
- R317.3c3(b) The Superintendent shall make a determination whether there exists probable cause to suspend the certificated employee without pay or to otherwise adversely affect the contract status of the certificated employee.
- R317.3c3(c) The length of any suspension without pay to be imposed on a certificated employee shall be determined by the Superintendent based on the severity of the problem.
- R317.3c3(d) Notice to the certificated employee that the Superintendent has made a determination that there exists probable cause to suspend the employee without pay or to otherwise adversely affect his/her contract shall be given to the employee pursuant to RCW 28A.310.260 and the suspension or other adverse effect action shall only be imposed consistent with the applicable statutes.

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317 Disciplinary Action and Discharge, continued

R317.3 Corrective Discipline - Certificated Personnel, continued

R317.3d Waiver of Step or Steps in the Corrective Discipline Process

In appropriate cases, the supervisor may recommend to the Human Resources Department and/or the Superintendent that one or more steps of the corrective discipline process be waived.

### **Amendments to R317.3**

R318.3 amended 2-26-85; renumbered R317.3 3-29-88

R318.3 renumbered R317.3a 3-29-88

R318.3b4 amended 2-25-86; renumbered R317.3b4 3-29-88

R317.3 adopted 3-26-91

R317.3a amended 8-28-90

R317.3c1(c) amended 3-26-91

R317.3c2(a) amended 2-23-93

R317.3c3(a) amended 2-23-93

R317.3d amended 2-23-93

300 PERSONNEL, continued

- 317 Disciplinary Action and Discharge, continued
- R317.4 Discharge - Certificated Personnel
- R317.4a Following compliance with sections of these policies and regulations regarding corrective disciplinary action, the Superintendent may, upon recommendation from the Human Resources Department, make a determination of probable cause for discharge and issue appropriate written notice to the employee of that determination, consistent with the requirements of applicable statutes. RCW 28A.310.260.
- R317.4b Cause for Discharge - Cause for discharge of certificated employees shall include, but not be limited to, the following:
- a) neglect of duty
  - b) failure to perform duties in a satisfactory manner in a year subsequent to a year in which the employee has been on probation.
  - c) insubordination
  - d) misconduct
  - e) malfeasance
  - f) willful violation of ESD policies or regulations or state statutes
  - g) lack of good moral character or personal fitness
  - h) unprofessional conduct
  - i) other conduct or circumstances identified in RCW 28A.405.470, Chapter 180-75 WAC and Chapter 180-87 WAC.

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- 317 Disciplinary Action and Discharge, continued
- R317.5 Suspension Pending Investigation
- R317.5a In the event of any employee's alleged misconduct the Super-intendent may suspend the employee, with pay, while an investigation of the situation is conducted by the Superintendent or his/her designee.
- R317.5b The duration of the suspension with pay pending investigation shall be determined by the Superintendent.
- R317.5c Notice of suspension with pay pending investigation shall be in writing.
- R317.5d Upon completion of the investigation, the Superintendent may proceed to provisions relating to probation, corrective discipline, or discharge, or may determine that no further action is necessary.
- R317.5e In the event that a determination of probable cause for discharge or suspension without pay of a certificated employee is made and notice of that determination has been issued by the Superintendent, the Superintendent may, in the best interest of the ESD, as determined by the Superintendent, continue a suspension with pay subject to the completion of discharge or suspension without pay procedures.

R317.5 renumbered from R317.2 and amended 3-26-91

R317.5b amended 3-26-91

R317.5c amended 3-26-91

R317.5d amended 3-26-91

R317.5e adopted 3-26-91

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317 Disciplinary Action and Discharge, continued

R317.6 Policies/Regulations Consistent with Statute

It is the intention of the Board of Directors of the ESD that these policies and regulations be consistent with applicable statutes. To the extent that these policies and regulations are silent as to any issue related to employment of certificated or classified employees which is more specifically addressed in applicable statutes, the statutes shall control.