

Procedure: Discipline and Discharge

When employees engage in unacceptable behavior or conduct themselves in a manner that violates standards of professional practice, their employment contract, or ESD policies, procedures or expectations, discipline may be imposed up to and including discharge. The primary objective of discipline is to correct the offending behavior and promote and maintain a high level of professionalism.

Discipline and discharge of employees will be in accordance with ESD policy and this procedure.

Investigation

When an employee engages in alleged inappropriate conduct or behavior, the employee may be suspended, with pay, while the alleged misconduct is investigated.

The employee will be notified in writing that that have been suspended, with pay.

When the investigation is complete the employee may be subject to discipline or discharge, or a determination may be made that no further action is warranted.

If the investigation involves misconduct by a certificated employee and a determination is made that there is probable cause to terminate employment, the employee may continue to be suspended with pay until the actions taken to terminate the employment, as required by state law, are completed.

Discipline

There are four general areas of behavior or conduct which typically involve corrective discipline for all employees: neglect of duty, failure to perform duties properly, improper conduct, and insubordination.

When corrective discipline is imposed it will be reasonably appropriate based on the circumstances. It may include a warning, written reprimand, suspension without pay, or discharge. When it is reasonable, a progressive discipline approach will be followed. Based on the circumstances, one or more steps of the progressive discipline process may not be followed.

Oral Warning

Oral warnings may be issued by the supervisor in consultation with Human Resources for behavior or conduct that does not create significant harm, that the employee has not previously been warned for and that the supervisor believes may be corrected with a warning. The warning will be documented and placed in the employee's personnel file.

Written Warning

Written warnings may be issued by the supervisor in consultation with Human Resources after the reoccurrence of a behavior addressed previously in an oral warning, or when a supervisor concludes a written warning is an appropriate first step.

Written warnings may be issued by the supervisor in consultation with Human Resources. Written warnings will outline the problem, reference any previous remedial action taken, and describe the need for the employee to correct this issue. The employee will sign the document acknowledging receipt and it will be placed in the personnel file.

Suspension Without Pay

An employee who engages in serious or repeated misconduct may be suspended without pay. A decision to suspend an employee without pay must be approved by the Assistant Superintendent of Human Resources and the Superintendent. The length of suspension will be determined by severity of the problem.

Written notice of suspension will be provided to the employee and include statement of the problem, reference to previous correction action taken if any, and length and dates of the suspension.

The employee will acknowledge receipt of the written notice and the document will be placed in the personnel file.

Last Chance Agreement

A last chance agreement may be issued by the supervisor in consultation with Human Resources. When an employee engages in serious or repeated misconduct, in addition to or in place of suspension without pay, the employee may be offered a last chance agreement. The last chance agreement will include a statement of the problem, describe expectations going forward and inform the employee that any additional problems with behavior or conduct will result in discharge.

The employee will acknowledge receipt of the last chance agreement and the document will be placed in the personnel file.

Discharge

Administrative and classified employees are employed at will and may be discharged by the Superintendent.

Administrative and Classified

Administrative and classified employees will receive written notice of discharge that describe the reason for terminating employment, the day the termination is effective, instructions for returning ESD property, and information about benefit continuation. The written notice of discharge will be signed by the Superintendent or his/her designee and a copy of the document will be kept in the personnel file.

Certificated Employees

Certificated employees may be discharged for cause in accordance with state law. The Superintendent will issue written notice to the employee of probable cause for discharge.