

ARTICLE 18 DISCIPLINARY PROCEDURE

18.1 Introduction

Any employee designated as a permanent employee shall be subject to disciplinary action for cause as prescribed by rules or regulations of the governing board, but the governing board's determination of the sufficiency of the cause for disciplinary action shall be conclusive.

No disciplinary action shall be taken for any cause which arose prior to the employee's becoming permanent, nor for any cause which arose more than two years preceding the date of filing of the notice of cause unless such cause was concealed or not disclosed by such employee when it could be reasonably assumed that the employee should have disclosed the facts to the employing district.

An employee receiving a disciplinary action shall have the right to the presence of a representative of his/her choice at all times during these proceedings.

18.2 Definitions

For the purposes of this article, the following definitions apply:

18.2.1 Progressive Discipline

"Progressive discipline" is the process of changing an employee's behavior through the application of a series of actions that become progressively more severe in nature. However, the sequence and severity of the disciplinary actions may vary depending on the seriousness of the offense and circumstances surrounding it.

18.2.2 Discipline (disciplinary action)

"Discipline (disciplinary action)" is the action or actions taken to change the behavior of employees who fail to follow established rules and regulations, or to meet job performance standards. It is a form of training designed to correct undesirable conduct and encourage the development of self-control. Excepting an action for dismissal, the paramount objective of discipline is not to punish employees by penalizing them for past violations but to change their behavior by making them responsible for their future actions. Disciplinary actions, for the purposes of hearing rights are defined as suspension, demotion, or dismissal.

18.2.3 Verbal Warning

A "verbal warning" may be given for a specific behavior that violates District policy, a failure to obey the lawful orders of a supervisor/administrator, any conduct specified under the Dismissal for Cause section of this article, or when circumstances or events occur that makes it necessary for this action to be taken. A verbal warning may be given to an employee by the employee's supervisor, department head/Vice President, or the Chief Human Resource Officer.

Verbal warnings are not punitive in nature. They are notices to an employee that he/she has violated a rule or regulation and must change his/her behavior in such a way that he/she will not violate the rule or regulation again.

18.4 Grounds for Demotion, Suspension or Dismissal:

A permanent employee may have disciplinary action taken for cause, including but not limited to, the following:

1. Incompetency or inefficiency in the performance of the duties of his/her position.
2. Insubordination, including but not limited to refusal to do assigned work.
3. Carelessness or negligence in the performance of duty, or in the care or use of District property.
4. Discourteous, offensive, or abusive conduct or language toward other employees, students, or the public.
5. Dishonesty.
6. Drinking alcoholic beverages on the job, or reporting to work while under the influence of intoxicating substances.
7. Conviction or the illegal possession of or use of narcotics.
8. Violation of the Drug Free Workplace Act of 1988.
9. Continuing illness of a disabling nature which could render the employee incapable of performing his/her required duties.
10. Personal conduct unbecoming an employee of the district.
11. Engaging in political activities during assigned hours of work.
12. Conviction of a felony or misdemeanor involving moral turpitude.
13. Repeated or unexcused absence or tardiness.
14. Abuse of any leave privileges.
15. Providing false or misleading information on application forms or examination and employment records.
16. Offering anything of value or any service or special treatment in connection with the employee's job or employment, or in acceptance of anything of value or any service in exchange for granting any special treatment to any other employee or to any members of the public.
17. Abandonment of position after three (3) consecutive days of unreported absence.
18. Advocacy of the overthrow of federal, state or local government by force, violence or other unlawful means.
19. Willful or persistent violation of the laws and regulations made applicable to the public schools by the Board of Trustees, or by any other appropriate federal, state or local government agency.