

Article IX.A.3.n. Corrective Discipline

A. Intent

This program of corrective discipline is intended to help promote and maintain a high level of acceptable performance on the part of all regular secretaries, with the ultimate goal of creating the most productive working climate for all employees, and the best possible learning environment for students.

The corrective discipline program is based on the concept that many performance problems can be corrected through the systematic use of progressive discipline, with increasingly severe penalties for repeated or serious instances of employee misconduct.

By applying the steps of corrective discipline, the District hopes to correct any patterns of unacceptable conduct on the part of regular secretaries. If, however, a regular secretary remains unable or unwilling to correct such conduct, the District has an obligation to pursue the steps required for the orderly dismissal of the individual from District employment.

The objectives of corrective discipline can be stated as follows:

- to help correct performance problems
- to help communicate what is expected
- to establish consistent standards
- to protect the District's investment in employee training
- to preserve the individual's employment when possible
- to dismiss with fairness when necessary

The corrective discipline program assumes that fair discipline of regular secretaries shall incorporate the following elements:

- good communication of rules
- consistent application of rules
- specific warning of problems
- careful investigation of facts
- chance to hear both sides of an issue
- specific evidence of wrongdoing
- level of discipline that fits the level of the infraction
- progressive discipline for minor offenses
- more serious discipline for more serious offenses

Intern, temporary, and hourly secretaries are not entitled to the provisions of this Corrective Discipline Policy. Such employees are "at will" employees and as such, have no expectation for continuing employment with the District; they are not entitled to use the grievance procedures or the orderly termination procedure to appeal a suspension or dismissal, or a decision by the District not to renew or continue their employment.

B. Grounds for Discipline

Note: Supervisors of “at will” employees may use these remediation procedures as a guide. Such use does not grant the right to grievance or other appellate provisions.

Just cause for disciplinary action, up to and including dismissal, shall include but not be limited to the following acts or omissions by a regular secretary. Such acts or omissions shall constitute misconduct under the provisions of this corrective discipline program.

- Conduct which violates any established rule, regulation, policy or directive.
- Conduct which violates any provisions of the *Memorandum of Understanding*.
- Conduct which violates the criminal law of this state or of the United States.
- Conduct which violates common established standards of morality.
- Conduct which exposes the District to censure, ridicule or reproach.
- Theft.
- Use of District property for personal gain.
- Negligent or willful damage to District property.
- Waste of District supplies or equipment.
- Dishonesty or falsification of any information supplied to the school District, including data on application forms, employment records, time and attendance records, or other information given to the District. Failure to divulge information which is vital to the District for hiring consideration or other matters.
- Unexcused absence.
- Excessive tardiness.
- Excessive absenteeism.
- Abuse of sick leave.
- Incompetence or inefficiency in the performance of duties.
- Negligence or carelessness in the performance of duties.
- Bringing an intoxicant onto school property; consuming an intoxicant on school property; or reporting for work under the influence of an intoxicant.
- Bringing a narcotic or other controlled substance onto school property; using a narcotic or other controlled substance on school property; or reporting to work under the influence of a narcotic or other controlled substance.
- Insubordination.
- Assaulting another person.
- Any violation of the District policy prohibiting sexual harassment.

C. Grounds for Immediate Suspension Pending an Investigation

Just cause for immediate suspension pending an investigation shall include, but not be limited to, the following alleged violations. These violations constitute such serious misconduct that immediate action is warranted.

- Being arrested and accused of a felony.
- Reporting for work under the influence of drugs or intoxicants.
- Possession, use, or sale of drugs or intoxicants during employment.
- Theft.
- Negligence by an employee which endangers the lives of others.
- Any violation of the District policy prohibiting sexual harassment.

- Willful damage to District or school property.
- Falsification of records or data with the intent to defraud.
- Fighting during employment.
- Insubordination.
- Assaulting another person.

D. Persons Authorized to Issue or Initiate Corrective Discipline

The Board, the Superintendent, or any administrator, or middle manager may issue or initiate corrective discipline to regular secretaries who are under their jurisdiction.

Suspensions and dismissals shall not be given without the approval of the appropriate member of the superintendency.

E. Due Process and Corrective Actions

1. Communication of Rules

Each secretary and hourly secretary shall be given a copy of the Employment Handbook for Secretaries.

Whenever rules, regulations or policies apply or are adopted which are not included in the Employment Handbook for Secretaries, copies will be given to all affected employees in memorandum form.

2. Forms of Corrective Discipline

Misconduct may be grounds for applying the following corrective disciplinary measures:

- Verbal Warning.
- Written Warning.
- A one day suspension without pay and Final Warning.
- Dismissal.

Such disciplinary measures shall be applied according to the terms and procedures contained in the subsequent sections of this policy, and according to any applicable provisions of the law or the Memorandum of Understanding for Secretaries.

Before any disciplinary action is determined or taken, the immediate supervisor shall conduct a careful investigation to determine the facts upon which disciplinary action might be warranted. This investigation will determine if all steps of due process have been followed including:

- Notice to the regular secretary of the rule or directive that is alleged to have been violated.
- Any record of previous discipline for similar violations.
- Opportunity for the regular secretary to respond to the allegations.

3. Verbal Warning

A verbal warning may be given to a regular secretary for misconduct.

Verbal warnings shall serve notice that the specific conduct in question is considered undesirable and needs to be corrected.

Written documentation shall be made of all verbal warnings. Such written documentation shall **not** be placed in the permanent record file, but shall be kept by the supervisor and used later, if necessary, in preparing any written warnings or other discipline which may subsequently be required.

4. Written Warning

A written warning may be issued if a previous warning or warnings fail to correct misconduct, or if the seriousness of misconduct warrants the initiation of disciplinary action at this level.

The immediate supervisor shall prepare one original of the written warning and make one copy of the original. The written warning shall be personally delivered to the regular secretary.

The regular secretary shall sign the copy of the written warning to indicate (only) that the regular secretary has received and reviewed it.

The immediate supervisor shall make a copy of the written warning that is signed by the regular secretary for his/her own file. The signed copy of the written warning shall be delivered to the Human Resources office for placement in the permanent record file.

5. One Day Suspension Without Pay

A regular secretary may be suspended one (1) day without pay if a previous written warning or warnings fail to correct misconduct, or if the seriousness of the misconduct warrants the initiation of disciplinary action at this level.

At the time that a supervisor has gathered sufficient facts to suggest that a regular secretary may have been involved in misconduct that may subject the regular secretary to suspension or termination, the supervisor shall meet with the regular secretary after having notified the regular secretary prior to the meeting that allegations of misconduct will be discussed. The regular secretary may have a representative present during the meeting. The purpose of this meeting shall be:

- to give the regular secretary the specifics of the charges;
- to review with the regular secretary the evidence on which the charges are based;
- to give the regular secretary an opportunity to explain and defend conduct;
- to seek agreement on as many pertinent facts as possible;

- to give the supervisor a chance to hear all sides, gather additional relevant information, and review the case with the Division assistant superintendent before finalizing any disciplinary action.

If the supervisor and assistant superintendent determine that a suspension is the appropriate level of disciplinary action, a letter notifying the regular secretary of the suspension without pay will be prepared by the Classified Human Resources office and signed by the Division assistant superintendent. The letter of suspension and one copy shall be personally delivered to the regular secretary, or delivered by certified mail to the regular secretary's last known address. Letters of suspension shall state the date of suspension and the reason(s) for suspension.

The regular secretary shall sign a copy of the letter of suspension to indicate (only) that the regular secretary has received and reviewed it.

The copy of the letter of suspension signed by the regular secretary shall be placed in the permanent record file.

The regular secretary may request an informal conference with the Division assistant superintendent to discuss the suspension.

The regular secretary has the right to appeal the suspension, if the regular secretary chooses to do so, by referring to step three of the "Resolution of Concerns Involving Secretaries" provisions of the Employment Handbook for Secretaries. An appeal must be filed in writing in the superintendent's office within ten working days after receiving the notice of suspension.

If the suspension is found on appeal to be unjustified, final action on the matter shall include appropriate reinstatement of lost pay.

6. Dismissal

A regular secretary may be dismissed if a previous written warning or warnings, a previous suspension or suspensions fail to correct the misconduct, or if the seriousness of the misconduct warrants the initiation of disciplinary action at this level.

Whenever possible, the supervisor shall meet with the regular secretary before a dismissal notice is issued. The supervisor shall notify the regular secretary in advance that the meeting will be to discuss allegations of misconduct. The regular secretary may have a representative present during the meeting. The purpose of this meeting shall be:

- to give the regular secretary the specifics of the charges;
- to review with the regular secretary the evidence on which the charges are based;
- to give the regular secretary an opportunity to explain and defend conduct;
- to seek agreement on as many pertinent facts as possible;

- to give the supervisor a chance to hear all sides, gather additional relevant information, and review the case with the Division assistant superintendent before finalizing any disciplinary action.

The date of dismissal shall be no sooner than fifteen calendar days following delivery of the dismissal notice.

When it would be in the best interest of the District to remove the regular secretary from work immediately, the regular secretary may be suspended without pay for any scheduled working days between the date of the dismissal notice and the date of the dismissal.

Notice of dismissal shall be in writing, and shall be personally delivered to the regular secretary or delivered by certified mail to the regular secretary's last known address. Dismissal notices shall state the date of dismissal and the reason(s) for dismissal.

The regular secretary shall sign a copy of the dismissal notice to indicate (only) that the regular secretary has received and reviewed it.

The signed copy of the dismissal notice shall be placed in the regular secretary's permanent record file.

The regular secretary may request an informal conference with the Division assistant superintendent to discuss the dismissal.

A regular secretary has the right to appeal the dismissal pursuant to the procedures of Step Three, "Resolution of Concerns Involving Secretaries" provisions of the Employment Handbook for Secretaries. Appeals must be filed in writing in the superintendent's office within ten working days after receiving the notice of dismissal.

If the dismissal is found on appeal to be unjustified, final action on the matter shall include appropriate reinstatement of lost pay.

7. Non-Renewal of Contract

At least one month prior to issuing a notice of intent not to renew the contract of a secretary, the secretary shall be informed of the fact that continued employment is in question and the reasons therefore, and shall be given an opportunity to correct any defects which precipitated possible non-renewal.

Written notice of non-renewal shall be issued at least two months before the end of the contract term of the secretary.

Non-renewal notices shall be dated and shall contain a clear and concise statement that the secretary's contract will not be renewed, shall state the reasons and causes for such action, and shall advise the secretary that he or she may request an

informal conference with the Director of Human Resources or the Director's designee(s).

Non-renewal notices shall be served by personal delivery or by certified mail addressed to the secretary's last known address.

A secretary has the right to appeal a non-renewal pursuant to the procedures of Step Three, Resolution of Concerns in the Memorandum of Understanding. Appeals must be filed in writing in the superintendent's office within ten working days after receiving the notice of non-renewal.

F. Finality of Discipline

Written letters of warning, suspension, dismissal or any other documentation of disciplinary action shall be withdrawn from the secretary's permanent record file and destroyed by the supervisor when the secretary can demonstrate to the supervisor, or through the Resolution of Concerns process, that the documentation is not accurate, or that the discipline involved is not warranted by the facts and circumstances of the situation.

Secretaries unsuccessful in having the disciplinary material withdrawn may submit a written statement explaining their view of the matter to be included with the disciplinary letter in the permanent record file.

Records of previous discipline, which are more than four years old, may not be used in imposing current discipline unless disciplinary action has been documented in the intervening years.

G. Major and Minor Violations

Discipline shall be appropriate to the offense and to the offender. Discipline shall be applied equally and consistently to similar offenses and similarly situated offenders.

For minor offenses, discipline shall be applied progressively, from the minimum of verbal warnings throughout the range of disciplinary measures, until the maximum measure of dismissal is reached.

For serious offenses, discipline shall begin further along in the discipline scale. For certain types of very serious misconduct, immediate dismissal is justified, with no prior warnings or disciplinary suspension. In such cases a secretary may be suspended immediately pending an investigation, and dismissal will follow if the investigation shows that dismissal is justified.

In each instance the facts of the individual case shall also be evaluated for distinguishing circumstances which may justify imposing a differing degree of discipline for the same type of offense. Repeating offenders, for example, in the same or different types of offenses may justifiably receive more serious disciplinary measures than first-time offenders with no previous record of problems. It must be emphasized, however, that

when such distinctions are made, they shall be carefully recorded and preserved for future application, equally and consistently, to all like offenders.

Following are some examples of progressively serious violations and the respective levels of discipline that might justifiably be imposed. These examples illustrate the way in which more serious violations warrant progressively more serious discipline. This listing is intended merely to illustrate some of the concepts involved in the corrective discipline program. It is not a comprehensive catalogue of possible violations, nor does it try to account for all the relevant circumstances that might have a bearing on the case (see above).

	Offense	Type of Violation	Discipline
A.	First Second Third	Tardiness Tardiness Tardiness	Verbal Warning Written Warning Suspension
B.	First Second Third	Waste of District Property Insubordination Smoking in Prohibited Area	Verbal Warning Written Warning Suspension
C.	First Second Third	Damage to District Property Damage to District Property Insubordination	Written Warning Suspension Dismissal
D.	First	Theft	Dismissal
E..	First	Intoxicated at Work	Dismissal
F.	First	Immoral Conduct with Student	Dismissal