

DISCIPLINE PROCEDURES

A. Discipline is defined as action by the District against an employee for an infraction of District policies, rules, or regulations. Such action includes, but is not limited to:

1. suspension without pay;
2. demotion to a lower class in which qualified;
3. reduction of pay step within class; and/or
4. dismissal

B. Persons Authorized to Impose Personnel Action

The Superintendent/President or his designee may impose personnel action against an employee.

C. Causes for disciplinary action against a permanent employee includes, but is not limited to the following:

1. Fraud in securing or maintaining employment.
2. Neglect of duty. (i.e. failure to perform regularly assigned tasks and failure to follow approved safety precautions.)
3. Insubordination. (i.e. refusal to perform an assigned task which is legal and does not constitute a safety or health hazard to the employee.)
4. Dishonesty. (i.e. stealing, lying, fraud, theft, and falsifying record or reports.)
5. Use or possession of intoxicants or illegal drugs while on duty; or off-duty use which impedes performance.
6. Absence without leave.
7. Misuse of District property. (i.e. abusive operation of equipment, deliberate destruction or damage, unauthorized use, and removal of approved safety devices on equipment.)
8. Violation of any of the prohibitions set forth in the Education Code or the California Administrative Code, Title 5, and any

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violation of the policies or regulations of the District or provisions of the collective bargaining agreement in effect.

9. Conviction of a felony or conviction of a misdemeanor involving moral turpitude. A plea or verdict of guilty, or a conviction following a plea of nolo contendere, to a charge of a felony or any offense involving moral turpitude is deemed to be a conviction within the meaning of this section.
10. Misuse of sick leave, including excessive or patterned absenteeism or tardiness.
11. Sexual harassment or abuse of students or employees.

D. Initiation and Notification of Charges

1. The Superintendent/President may initiate discipline by filing a written action, as defined in Board Policy and Administrative Regulation 4218 and 4218.1, with the Board of Trustees against a permanent classified employee.

E. Right to Appeal

1. The employee may appeal the Recommendation for Personnel Action by filing, within five (5) calendar days after receipt, the signed official notice for a hearing.
2. Any other written document signed and appropriately filed within the specified time limit by the employee shall constitute a sufficient notice of appeal.
3. Receipt by the employee shall have been accomplished by deposit of the Recommendation for Personnel Action in the U.S. Mail (registered/certified return receipt requested), to the employees last known mailing address; in the event the return receipt is not executed.
4. A notice of appeal is filed by delivering the notice of appeal to the Superintendent/President's office during normal work hours. The appeal may be mailed to the Superintendent/President but must be received or postmarked no later than the five (5) business days stated above.

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5. If the employee does not file a notice of appeal within the time specified, the employee shall have waived the right to appeal. The Board of Trustees may move to consider the Recommendation for Personnel Action, and if found appropriate, order immediate implementation of it.

F. Employment Status Pending Appeal or Waiver

1. Any employee, against whom a Recommendation for Personnel Action has been issued, may continue performing the duties of the position pending his/her appeal or waiver.
2. However, in cases where the Superintendent/President has determined that an employee should be dismissed and that continuation of active duty after a Recommendation for Personnel Action has been issued could result in a potential risk of harm to students, employees, or District property while the proceedings are pending, he/she may order the employee immediately suspended from active duty with/without pay as defined in E. C. 88123.
3. The suspension order shall be in writing and include a statement of the reasons why suspension is necessary. Any suspension order shall be served on the employee either personally or by registered/ certified mail, return receipt requested to the employee's last known address, immediately after issuance.

G. Time Limit of Suspension

Any suspensions as a disciplinary action invoked under these rules against any employee for reasonable cause shall not exceed thirty (30) days in any one (1) incident nor accumulate more than ninety (90) calendar days in any twelve (12) month period. This section does not preclude suspension as defined in E. C. 88123.

H. Amended/Supplemental Charges

1. At any time before an employee's request for hearing is submitted to the department head, the Board of Trustees, or to a mediator for decision, the Superintendent/President may, with the consent of the department head, the Board of Trustees, or a mediator, serve on the employee and file with

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the Board of Trustees an amended or supplemental Recommendation for Personnel Action.

2. If the emended or supplemental recommendation presents new causes or allegations, the employee shall be afforded a reasonable opportunity to prepare his/her defense.

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Adopted: 5/20/91