

LAGUNA BEACH UNIFIED SCHOOL DISTRICT

IV.

Board Policies Covering All Represented Classified Employees

Board Policy No. 4303: DISCIPLINE

- A. Probationary employees and other non-permanent classified employees may be disciplined within the sole discretion and at the pleasure of the District. The probationary period shall be one (1) year. Probationary employees and other non-permanent classified employees are not covered by any other provision in this Board Policy.

- B. A permanent classified employee may be disciplined by the District for cause. The term "discipline" for the purpose of this Board Policy specifically does not include adverse or negative evaluations, warnings, directives and the implementation of other employment policies such as the denial of any leave. The term "discipline" for the purpose of this Board Policy shall be consistent with applicable law and is limited to any action whereby a classified employee is deprived of any classification or any incident of any classification in which he/she has permanence, including dismissal, suspension, or demotion, without the classified employee's voluntary consent, except a layoff for lack of work or lack of funds.

- C. Prior to the taking of discipline, the Superintendent or designee shall give written notice to the classified employee. This written notice of proposed disciplinary action shall be served by certified mail or personal delivery to the classified employee at least ten (10) calendar days prior to the date when discipline may be imposed. In emergency situations where it is deemed appropriate to remove the classified employee immediately, the classified employee shall not lose compensation prior to the date when discipline may commence. Loss of compensation in all cases may occur after the tenth (10th) calendar day following the date written notice was served.

- D. The written notice of proposed disciplinary action shall be served by personal delivery or by certified mail. Service by certified mail shall be deemed complete on the date of mailing. The contents of the written notice shall include at least the following:
 - 1. A statement in ordinary and concise language of the specific acts and omissions upon which the proposed disciplinary action is based. Such statement may incorporate by reference the acts and omissions described in attached memoranda or other attached documents.

 - 2. The specific disciplinary action proposed.

 - 3. The cause(s) or reason(s) for the specific disciplinary action proposed.

 - 4. A copy of the applicable rule(s) where it is claimed a violation of rule(s) took place.

 - 5. A statement that the classified employee has the right to respond to the matters raised in the written notice both orally and in writing, including the submission of affidavits, prior to the end of the ten (10) calendar days following the date the written notice was served.

6. A statement that the classified employee, upon request, is entitled to appear personally before the Superintendent or designee regarding the matters raised in the written notice prior to the end of the ten (10) calendar days following the date the written notice was served. At such meeting the classified employee shall be granted a reasonable opportunity to make any representations the classified employee believes are relevant to the case.
7. A statement that the classified employee, upon written request, is entitled to an evidentiary hearing before the Board or a hearing officer designated by the Board before any disciplinary action is final. A statement that the proposed disciplinary action may commence after the ten (10) calendar days following the date the written notice was served. A statement that no evidentiary hearing shall be held unless notice is delivered to the Superintendent or designee within ten (10) calendar days after the date the written notice of proposed disciplinary action was served.

Attached or enclosed with the written notice of proposed disciplinary action shall be a card or paper, the signing and filing of which shall constitute a demand for hearing, and a denial of all charges.

E. The term "cause" shall include, but not be limited to, the following:

- Incompetency or inefficiency in the performance of assigned duties.
- Insubordination, including the refusal to perform assigned duties or the refusal to obey a lawful directive from a supervisor.
- Carelessness or negligence in the performance of assigned duties or in the care or use of District property.
- Discourteous, offensive, or abusive conduct or language toward other employees, pupils, or the public.
- Dishonesty.
- Drinking alcoholic beverages on the job, or reporting to work while intoxicated.
- Use of controlled substances on the job, or reporting to work under the influence. The use of drugs under and consistent with the directions of a physician which does not impair the performance of a classified employee is not prohibited.
- Personal conduct unbecoming an employee of the District which may have adverse impact on the District.
- Engaging in political or union activity during assigned hours of employment unless otherwise authorized by law or another Board policy or practice.
- Conviction of any felony, or any other crime involving moral turpitude.
- Abuse of any leave or vacation.

- Falsifying any information supplied to the District, including, but not limited to, information supplied on application forms, employment records, or any other District records.
- Persistent violation or refusal to obey safety rules and regulations made applicable to public schools by the Board or by any appropriate federal, state, or local governmental agency.
- Offering of anything of value or offering any service in exchange for special treatment in connection with the classified employee's assigned duties, or the accepting of anything of value or any service in exchange for granting any special treatment to another employee or to any member of the public.
- Willful, negligent or intentional violation of any law concerning the District.
- Abandonment of position (absence without excuse or justification for five or more work days).
- Advocacy of overthrow of federal, state, or local government by force, violence or other unlawful means.
- Any other action or lack of action that is detrimental to the District.

F. An employee facing discipline as defined above may be represented by a lawful representative at a disciplinary conference or hearing held pursuant to this Policy.

G. The classified employee shall receive an evidentiary hearing on the proposed disciplinary action only if a written demand for such a hearing is delivered to the Superintendent or designee within ten (10) calendar days after service of the written notice of proposed disciplinary action. In the absence of a timely demand for a hearing, the Board may act upon the proposed disciplinary action after the time period for hearing demand has expired.

1. The hearing normally will be held before the Board, or a hearing officer designated by the Board, within forty-five (45) days of the hearing demand. The classified employee shall have a right to appear in person, with counsel or such other lawful representation as determined by the classified employee. The District will have the burden of proof and shall first present evidence. Normal procedures shall be followed; i.e., charging party presentation, defense cross-examination, defense presentation, charging party cross-examination and rebuttal evidence from each party. Hearings will be recorded at the request of either party with such expense being borne by requesting party.
2. The Board's determination of the sufficiency of the cause for disciplinary action shall be conclusive in all cases.

Legal Reference:

Education Code sections 45101, 45113, 45116, 45123

Date Policy Adopted By The Board: September 25, 2001