

Perris Union HSD

Board Policy

Dismissal/Suspension/Disciplinary Action

BP 4218

Classified Personnel

BP 4218(a)

DISMISSAL/SUSPENSION/DISCIPLINARY ACTION

The Governing Board expects all employees to perform their jobs satisfactorily and to exhibit professional and appropriate conduct. A classified employee may be disciplined for unprofessional conduct or unsatisfactory performance in accordance with law or any applicable collective bargaining agreement, Board policy, and administrative regulation.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 4000 - Concepts and Roles)
(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 4119.21/4219.21/4319.21 - Professional Standards)
(cf. 4141/4241 - Collective Bargaining Agreement)
(cf. 4200 - Classified Personnel)

Disciplinary actions shall be based on the particular facts and circumstances involved and the severity of the employee's conduct or performance. The Superintendent or designee shall ensure that disciplinary actions are taken in a consistent, nondiscriminatory manner and are appropriately documented.

(cf. 4030 - Nondiscrimination in

~~If any provision of this policy is in conflict with the negotiated agreement with CSEA, Chapter 469, the agreement shall be followed as to all CSEA bargaining unit members.~~

~~Termination of Probationary Employment)~~

~~*(cf. 4112.6/4212.6/4312.6 - Personnel Files)*
(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)~~

Disciplinary actions may include, but are not limited to, verbal and written warnings, involuntary reassignment, demotion, suspension without pay, reduction of pay step in class, compulsory leave, and dismissal.

A probationary classified employee may be dismissed by the Superintendent or designee at any time

~~At any time prior to the expiration of the probationary period, the Governing Board may, at its discretion, dismiss a probationary classified employee from the employ of the district. A probationary employee shall not be entitled to a hearing.~~

~~Involuntary Suspension Without Pay, Demotion, Reduction of Pay Step in Class, or Dismissal of~~

Permanent Classified Employees

(cf. 4216 - Probationary/Permanent Status)

Permanent classified employees shall be subject to ~~personnel action (suspension without pay, demotion, reduction of pay step in class, dismissal)~~ disciplinary action only for cause. ~~The Governing Board's determination of~~ as specified in the ~~sufficiency of the cause~~ accompanying administrative regulation. (Education Code 45113)

Procedures for Disciplinary Proceedings

If a permanent classified employee receives a notice from the Superintendent or designee of a recommended suspension, demotion, involuntary reassignment, or dismissal, the employee may request a Board hearing on the matter.

If the employee fails to request a hearing within the time specified in the notice, the employee is deemed to have waived the right to do so, and the Board may order the recommended disciplinary action into effect immediately.

If a timely request is submitted, a hearing shall be conducted by the Board, except that, if the matter involves an allegation of egregious misconduct as defined in Education Code 44932 and involves a minor, the matter shall be referred to an administrative law judge to determine whether sufficient cause exists for disciplinary action against the employee. (Education Code 45113, 45312)

(cf. 3515.3 - District Police/Security Department)

The hearing shall be held at the earliest convenient date, taking into consideration the established schedule of the Board and the availability of legal counsel and witnesses. The employee shall be notified of the time and place of the hearing.

The hearing shall be held in closed session, unless the employee requests that the matter be heard in an open session meeting. (Government Code 54957)

(cf. 9321 - Closed Session)

The employee shall be entitled to appear personally, produce evidence, and be represented by legal counsel.

The Board may use the services of its legal counsel in ruling upon procedural questions, objections to evidence, and issues of law. The Board may review and consider the records of any prior personnel action proceedings against the employee in which a disciplinary action was ultimately sustained and any records contained in the employee's personnel files and introduced into evidence at the hearing. The Board shall not be bound by rules of evidence used in California courts. Informality in any such hearing shall not invalidate any order or decision made by the Board.

At any time ~~conclusive~~ before a matter is submitted to the Board for decision, the Superintendent or designee may, with the consent of the Board, serve on the employee and file with the Board an amended or supplemental recommendation of disciplinary action. If the amended or supplemental recommendation includes new causes or allegations, the employee shall be afforded a reasonable opportunity to prepare a defense. Any new causes or allegations shall be deemed controverted and any objections to the amended or supplemental causes or allegation may be made orally at the hearing and shall be noted on the record.

Following the hearing, the Board shall affirm, modify, or reject the disciplinary action recommended by the Superintendent or designee. The decision of the Board shall be in writing and shall contain findings of fact and the disciplinary action approved, if any. The decision of the Board shall be final.

Within 10 working days of the Board's final decision, a copy of the decision shall be delivered to the employee and/or designated representative personally or by registered mail.

In cases involving an allegation of egregious misconduct, the ruling of the administrative law judge shall be binding on the district and the employee. (Education Code 45113)

Legal Reference:

EDUCATION CODE

35161 Delegation of powers and duties

44009 Conviction of specified crimes

44010 Sex offense

44011 "Controlled substance offense" defined

44031 Personnel file

44940 Leave of absence; employee charged with mandatory or optional leave of absence offense

44940.5 Compulsory leave of absence; procedures; extension; compensation; bond or security; ~~reports~~

44990-44994 Testimony of minor witnesses at dismissal or suspension hearings

45101 Definitions (including "disciplinary action," "cause")

45109 Fixing of duties

45113 Rules and regulations for classified service in districts not incorporating the merit system

45123 Employment after conviction of sex or narcotics offense

~~45302 Demotion~~ 45124 Dismissal of sexual psychopath

45202 Transfer of accumulated sick leave and ~~removal from permanent~~ other benefits following dismissal

45240-45320 Merit system, classified ~~service~~ employees

~~45303 Additional cause for suspension or dismissal of employees in classified service~~

~~45304 Suspension for reasonable cause; filing of charges; employee charged with mandatory or optional leave of absence offense~~

CODE OF CIVIL PROCEDURE

1286.2 Grounds for vacating decision of arbitrator

GOVERNMENT CODE

11500-11529 Administrative adjudication

12900-12996 Fair Employment and Housing Act

54957 Brown Act open meeting laws; closed session

HEALTH AND SAFETY CODE

11054 Schedule I; substances included
11055 Schedule II, substances included
11056 Schedule III, substances included
11357-11361 Marijuana
11363 Peyote
11364 Opium
11370.1 Possession of controlled substances with a firearm
PENAL CODE
187 Murder
667.5 Sex offenders
830.32 Peace officers employed by district
1192.7 Violent or serious felony
11165.2-11165.6 Child abuse or neglect, definitions
VEHICLE CODE
1808.8 School bus drivers; dismissal for safety-related cause
UNITED STATES CODE, TITLE 42
12101--12213 Americans ~~With~~with Disabilities Act
COURT DECISIONS
[California School Employees Association v. Bonita Unified School District, \(2008\) No. B200141](#)
[California School Employees v. Livingston Union School District, \(2007\) 149 Cal.App 4th 391](#)
[CSEA v. Foothill Community College District, \(1975\) 52 Cal.-App. 3rd 150, 155-156, 124 Cal. Rptr 830](#)
~~(1975)~~

Policy
adopted:December

PERRIS UNION HIGH SCHOOL DISTRICT

16,

1987

revised:

Perris, California

revised:

April 25, 1990

Revised: Pending Board Adoption October 2019

March 19, 2003