

GDPD-AR Dismissal of Classified Employees

LINCOLN COUNTY SCHOOL
DISTRICT

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Dismissal of Classified Employees

Dismissal

1. Regular Classified Employees

a. Definition of a Regular Employee

The Board recognizes a regular employee as a person who has been approved by the Board to be hired in a continuing position and has satisfactorily completed a six-month probationary period. Temporary and substitute employees are defined below.

b. Cause for Dismissal of Regular Classified Employees

Recommendation for dismissal of regular classified employees is made to the Superintendent by the supervisor or Director of Human Resources, and the Superintendent may dismiss for any sufficient cause which it deems in good faith. The following actions by an employee are deemed sufficient cause:

- (1) Conviction of a felony or of a crime of moral turpitude;
- (2) Use of alcoholic beverage on duty or reporting for work under the influence of intoxicants;
- (3) Unauthorized use of drugs and/or narcotics;
- (4) Conduct detrimental to the district or personnel;
- (5) Any willful violation of Board policy;
- (6) Physical or mental incapacity;
- (7) Unauthorized absence;
- (8) Insubordination;
- (9) Incompetence, inefficiency, neglect of duty or inadequate performance;

c. Dismissal Procedure for Regular Classified Employees

If the performance of an employee is deemed as sufficient cause for dismissal by his/her immediate supervisor, the following procedures shall be implemented:

- (1) A conference between the employee, the immediate supervisor and the department head shall be held during which the supervisor shall inform the employee that dismissal is being recommended and shall advise the employee of the reason(s). The supervisor shall prepare a written statement of the reason(s) for the request for dismissal including the effective date of termination and provide the employee with a copy of the document. The original shall be forwarded to the Director of Human Resources;
- (2) The supervisor shall prepare and forward to the Director of Human Resources a written statement of the general nature of the conference,
- (3) An employee may be suspended immediately from employment with the district if the immediate supervisor and department head agree that there is demonstrable concern for the safety of life, property and/or imminent damage to the district. Such suspension shall continue until the recommendations of the supervisor are finally determined. Such suspensions shall normally be with pay.

(4) The Director of Human Resources may conduct a conference with the employee and the employee's representative if determined necessary or appropriate by the Director of Human Resources. Should such a meeting occur, the Director of Human Resources will inform the employee and representative after the conference of the recommendation. Irrespective of whether a conference is held before the Director of Human Resources, the recommendation for dismissal will ultimately be considered by the Superintendent or designee for a final determination. The Superintendent or designee will conduct a conference with the employee and the employee's representative before finalizing the decision regarding dismissal. Notification of dismissal and the reasons therefore will be given to the employee and the employee's representative.

d. Review Process for Regular Classified Employee

(1) If the employee desires to appeal the decision of the Superintendent, he/she may request a hearing before the Board. The request must be written and filed with the Board no later than 15 days following receipt of the Superintendent's decision. The hearing shall be conducted in accordance with the procedures outlined.

2. Temporary and Probationary Classified Employees

a. Definitions of Temporary and Probationary Classified Employees

(1) "Temporary Classified Employee" - An employee who, by the terms of the collective bargaining agreement is a temporary employee or is employed as a substitute to replace, on a temporary basis, a permanent employee.

(2) "Probationary Classified Employee" - An employee who has worked less than six months in the district and who is not a temporary employee.

b. Cause of Dismissal for Temporary and Probationary Classified Employees

The Board may discharge or remove any classified temporary or probationary employee of the district at any time during the temporary or probationary period for any cause deemed in good faith to be sufficient by the Board.

3. There shall be no compensation paid to an employee after the effective date of termination as determined by the District.

Hearing Procedure

Any classified employee whose employment is terminated by dismissal shall, upon written request filed with the Board within 15 days of the dismissal notice, be entitled to a hearing before the Board. The Board's decision following the hearing shall be final upon all parties.

All hearings shall be conducted pursuant to the following procedure:

1. Definition of Issues

Issues at the hearing shall be defined by the following documents:

a. Employee's Response- If the employee desires a hearing, he/she must, within 15 days following the notice of dismissal, file a written request for a hearing with the Superintendent, and shall include therein a response to the statement of reasons for the dismissal. The Superintendent shall deliver copies of the statement of reasons and written response by the employee to the Board prior to the hearing. The written response shall contain the following information:

(1) A statement that the employee requests a hearing and whether he/she prefers the hearing to be public or private;

(2) A statement indicating whether he/she wants the reasons for dismissal to be included in the records of the district;

(3) A statement denying or admitting the reasons set forth in the statement of reasons;

(4) If the reasons are admitted, a statement of why the reasons given should not be the basis for action taken against the employee;

(5) What action he/she wants the Board to take and why;

(6) A list of persons who will speak on the employee's behalf at the hearing, indicating, in general, upon what subject or issue they will speak.

2. Counsel

The employee shall have a right to the assistance of counsel, by an attorney or other person of his/her choice. Counsel shall be bound by these procedures, however, and may be denied participation in the hearing for his/her refusal to comply.

3. Hearing Procedure

a. Chairperson. The chairperson of the Board shall designate a person to be the chairperson of the hearing, who shall rule on all procedural issues which arise during the hearing. In ruling on procedural issues the hearing officer shall utilize these procedures, Board policies and, where appropriate, *Robert's Rules of Order Newly Revised*.

b. Administrative Recommendations. The superintendent and any member of his/her staff who participated in the administrative recommendation shall be present to explain the administration's position and to respond to inquiries from the Board.

c. Employee's Statement. After the administration has explained its recommendation and after the Board has concluded its questioning of the superintendent and other witnesses present presented by the administration, the employee may, himself/herself or through counsel, present witnesses and make any statement on his/her behalf.

d. Witnesses. Witnesses shall not be sworn but shall be admonished to tell the truth.

e. Reports. Written reports shall be admissible if the parties preparing the same are present for questioning by the Board.

f. Record of the Hearing. The record of the hearing shall be made by secretarial notes in summary form, unless either party desires to provide a court reporter or electronic record and shall, if a transcript is prepared, provide a copy for the other side.

g. Exclusion of Witness. Where the hearing is private, all persons who will appear as witnesses for either party shall be excluded from the room, except for the time during which their testimony is taken. This exclusion shall not apply to the superintendent, the administrator in charge of personnel or the employee or his/her counsel.

h. Summation. After all information has been presented to the Board, the administration and then the employee, himself/herself or by counsel, may briefly summarize their respective positions.

i. Board Decision. The Board shall make its decision in open session. In considering its decision, the Board may confer and meet with its counsel. The Board will direct the Superintendent or designee to communicate the Board's decision in writing to all affected parties.