

ARTICLE 14: JUST CAUSE/DISCIPLINE OF EMPLOYEES

Intermediate Discipline

- 14.100 The District and the Association recognize that there may be incidents or situations involving an employee in which it is appropriate and necessary for the District to implement some form of discipline, including suspension. The District and the Association support the initial use of means short of disciplinary suspension to correct or respond to an employee's conduct. The following procedure is intended to establish a fair process which recognizes the right of the District to appropriately discipline employees while also recognizing the right of employees to be subject to discipline only upon a showing of just cause.
- 14.200 Progressive discipline may include but need not be limited to verbal warnings, written warnings and letters of reprimand. A unit member receiving a written warning or a letter of reprimand shall have the opportunity to respond in writing within ten (10) working days from the receipt of the written warning or letter of reprimand. The unit member's written response, if any, shall be attached to the District's written warning or letter of reprimand and become a permanent part of the warning or letter of reprimand.
- 14.300 The use of the provisions in the article are not intended to be used in lieu of the evaluation procedures set forth in Article 7 – Evaluation Procedures.
- 14.400 Nothing in the Article shall limit the District's right to institute statutory dismissal proceedings and/or institute an immediate suspension or mandatory leave of absence in accordance with Education Code Sections 44939, 44940, 44942, or any other applicable Education Code provision.
- 14.500 This Article shall not confer any rights upon temporary teachers or probationary teachers released or non-reelected pursuant to applicable provisions of the Education Code.
- 14.600 A unit member may be suspended, without pay, for up to fifteen (15) days for just cause. The principles of progressive discipline shall be applicable unless the circumstances, as determined by the District, make prior warnings unnecessary. When a unit member is to be suspended without pay, the District shall adhere to the following procedure:
- 14.610 The District shall notify the unit member in writing of any proposed suspension without pay.
- 14.620 The notice shall contain a specific statement of act(s), infraction(s), or omission(s) upon which the disciplinary action is based, the proposed length of the unpaid suspension, and a statement of any rules, regulations, or statutes the unit member is alleged to have violated.
- 14.630 The unit member shall have five (5) working days from receipt of the notice to request a meeting with a Human Resources Administrator. If the unit member does not request such a meeting, the District may schedule and impose the suspension without pay and shall provide written notice to the unit member of the imposition of unpaid suspension. If a unit member fails to request a meeting with

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a Human Resources Administrator; unit member waives the right to challenge his/her unpaid suspension through the grievance procedure.

- 14.640 If requested the unit member has the right to be represented by the Association at the meeting with a Human Resources Administrator. At the meeting with a Human Resources administrator, the unit member shall be given the opportunity to present a response to the notice and allegations contained therein.
- 14.650 A Human Resources Administrator shall inform the unit member and the Association within five (5) working days from the date of the meeting with a Human Resources Administrator as to whether or not the unit member is to be suspended without pay.
- 14.660 For a suspension of 1-10 days, the unit member who requested a meeting with a Human Resources Administrator pursuant to Article 14.630 shall be given the opportunity to appeal the suspension. The unit member may appeal the suspension by requesting a meeting with the Superintendent or designee within five (5) working days from the date of the meeting with a Human Resources Administrator. For a suspension of 1 – 10 days, the decision of the Superintendent or designee shall be final and binding.
- 14.670 A unit member who is suspended without pay for 11-15 days may appeal the decision of a Human Resources Administrator by filing a grievance pursuant to Article 8 – Grievance Procedure within five (5) working days after receipt of the decision by a Human Resources Administrator.
- 14.700 The provisions of this Article shall in no way interfere with the right of the District to remove a unit member from work location to which he/she is assigned, to reassign a unit member and/or place the unit member on paid leave.