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August 19, 2014

**Article 19 – Discipline, Dismissal, and Performance**

**A. Dismissal and Discipline Suspension**

Employees will be made aware of all District policies and/or procedures where applicable that could cause an employee to suffer disciplinary action. No employee covered by this Agreement shall be disciplined without due process. For the purpose of this Article, discipline shall include verbal warnings, written warnings and reprimands placed in the employee's personnel file, suspension, demotion, and discharge (including suspension and discharge for performance reasons). In addition, prior to administering discipline, the District will conduct a full and fair inquiry into the facts and shall determine that there is sufficient evidence to warrant disciplinary or dismissal action. Furthermore, before administering discipline, the District will determine if the employee's service record with the District mitigates the level of discipline to be administered. In the event disciplinary action for dismissal, demotion, and suspension is taken by the District, the following steps will be implemented to afford the employee due process:

1. An employee being disciplined in accordance with these provisions shall be entitled to Association representation at such meeting, ~~except that the District shall not be required to delay any meeting under 2. a. below more than ten (10) working days nor under 2. b. below more than twenty-four (24) hours~~

Should an employee be represented by legal counsel, district level, regional or state level Association personnel, the Executive Director of Human Resources shall be notified prior to that meeting to offer the District the opportunity to determine whom they wish to have present to represent the District. Failure to so notify may result in the postponement or cancellation of the meeting.

2. **a.** In cases of misconduct a verbal conference will be held between the employee and the supervisor. At that conference, reasons which are regarded as cause for suspension or termination and specific examples of such shall be given.  
**b.** In cases of inadequate performance, ~~t~~The supervisor shall inform the employee in writing of the performance concerns and how the desired improvement is to be achieved. In such cases, a minimum of five (5) work days shall be provided for improvement before proceeding to step three.  
**b.** ~~In case of District health, safety, or security concerns, the District may move immediately to Step 3., without waiting the minimum five (5) days if there is a repeat offense after the initial warning.~~

3.—An employee whose performance is inadequate will be provided an opportunity for improvement under the following procedure:

- a. A written Plan of Assistance will be provided that
  - (i) identifies the work deficiency,
  - (ii) established s sufficient time limits for correcting the deficiency, and
  - (iii) provides suggestions for improvement,
  - (iv) may include the use of Association or peer coaching,
  - (v) provides at a minimum a mid-plan status check-in.

The Plan of Assistance will be delivered to the employee at a formal conference and shall be signed in triplicate by both the immediate supervisor and employee.

- b. Following On or before the expiration of the corrective period, the supervisor, the employee and his/her Association representative, (and other attendee(s) upon mutual prior agreement with the District) if he/she so chooses, shall meet to discuss the employee's progress or lack thereof towards the expected improvements. The supervisor will notify the employee of the decision to recommend continued employment or dismissal provided nothing will preclude a supervisor, at his/her discretion, from continuing the employee's assisted status, if, in his/her judgment, positive but less than full improvement has been shown.

~~4.3.~~ In accordance with ORS 332.544, any classified employee who has been demoted or dismissed shall be entitled to a hearing before the school board if a written request is filed with the Board within fifteen (15) calendar days of the dismissal or demotion.

B. Immediate Suspension Administrative Leave

1. ~~In the event of flagrant misconduct,~~ Tthe employee may be suspended immediately with pay from employment with the district until such charges are investigated by the Executive Director of Human Resources or his/her designee, and a decision is made to continue or to discontinue that employee's employment. If the employee is cleared of the charges, said employee shall be reinstated without loss of pay or accrued benefits.

2. If the charges are upheld, the termination day shall be the date **that the Superintendent or designee takes final action to terminate the individual's employment.** ~~of the suspension.~~ If the District determines that the charges do not warrant termination, a less severe discipline measure may be taken.
  
3. ~~Investigation and decision of charges for suspended employees shall not exceed ten (10) working days from the time of the suspension unless a specific extension is agreed upon by the Association and the District.~~