



## Independent School District #38

### School Board Policies & Procedures Manual

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#### 403.1 PERSONNEL POLICY

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Adopted: January 26, 1987

Affirmed: 02/23/2022

##### A. POLICY STATEMENT

It is the policy of Independent School District No. 38 to utilize progressive discipline, when appropriate, with the goal of improving the performance or conduct of an employee. The type of discipline used in a particular case and/or the decision to impose discipline in another manner is solely within the discretion of the School District.

This Policy is subject to applicable collective bargaining agreements, individual contracts or state and federal law governing an employee's employment with the School District.

##### B. ELEMENTS OF PROGRESSIVE DISCIPLINE

###### 1. Verbal Reprimand

An oral discussion with or warning to an employee regarding a relatively minor offense. Documentation of a verbal reprimand shall include a description of the discussion/warning, date and an acknowledgment of receipt for the employee's signature. If the employee refuses to sign the acknowledgment, that fact shall be noted on the document. The documentation shall be placed in the employee's personnel file and a copy given to the employee.

###### 2. Written Reprimand

A written reprimand to an employee shall describe the offense, refer to any previous reprimands, state desired goals or outcomes, and outline further disciplinary action that may be taken if the employee's conduct or performance is not corrected. Written reprimands shall be included in an employee's personnel file, and the employee shall be provided a copy of the reprimand. Written reprimands shall include an acknowledgment of receipt for the employee's signature. If the employee refuses to sign the acknowledgment, that fact shall be noted on the documents.

### 3. Suspension

Suspension is an involuntary temporary absence from duty imposed by the School District without pay. At the time of the suspension, or as soon thereafter as possible, the employee will receive written documentation of the suspension which indicates the reason for the suspension, the length of the suspension, and an outline of subsequent disciplinary action that may be taken for further misconduct or performance problems. Documentation of suspensions shall also include an acknowledgment of receipt signed by the employee. If the employee refuses to sign the acknowledgment, that fact shall be noted on the documentation. Documentation of suspensions shall be placed in an employee's personnel file. Suspensions greater than four days shall be reviewed by the Superintendent prior to imposition of the suspension.

### 4. Dismissal

Employees may be immediately dismissed from employment for just cause. Employees shall be provided written notice of dismissal and the reasons for dismissal at least five days before School Board action, and the employee shall have the right to present a written response for submission to the School Board. This section is subject to collective bargaining agreements, statutory provisions and/or employment contracts governing the particular employee. The standard for dismissal and due process rights and procedures afforded the employee by a collective bargaining agreement, statute or employment contract shall apply if contrary to the provisions of this Policy.

## C. DISCIPLINARY PROCEDURES

1. Any incident, misconduct or performance problems that may result in disciplinary action shall be investigated in a timely manner.
2. Disciplinary action may be initiated and administered by an employee's supervisor or other School District administrators. Termination of employment is by action of the School Board. The particular due process rights, if any, afforded an employee (including any applicable grievance procedure), shall be pursuant to the collective bargaining agreement, statute or employment contract governing the particular employee.

## D. RULES OF EXPECTED CONDUCT

The following are types of expectations of employees. The list is not all inclusive; there are a variety of other legitimate expectations of employees which are not specifically listed below.

1. Employees shall arrive at work on time and remain at work during the employee's entire assigned work time.
2. Employees who are unable to report to work because of illness or another valid reason must

notify his/her supervisor as soon as possible. Whether an employee is paid during an absence from work will be governed by the applicable collective bargaining agreement or employment contract governing the employee.

3. Employees may utilize paid leave only for the purpose for which it was authorized.
4. Employees shall perform their duties in a punctual, efficient and effective manner.
5. Employees must comply with the directives of his/her supervisor or other authorized person.
6. Employees shall treat students, parents, co-workers and members of the general public with respect and courtesy.
7. Employees must comply with all School District policies and procedures.
8. Employees shall respect School District property and shall not waste property or convert School District property to his/her personal use.
9. Employees shall exercise reasonable care and consideration for the health and safety of students, staff and the property of the School District.

#### **E. VIOLATIONS SUBJECTING EMPLOYEES TO DISCIPLINE**

The following are types of conduct that may subject an employee to discipline, including dismissal. The list of conduct below is not all-inclusive; and the School District reserves the right to exercise its discretion to impose discipline for any type of misconduct or performance problems.

1. Unexcused absences, including, but not limited to, being tardy or leaving early.
2. Absence from the normal work area or route during assigned work hours.
3. Failure to follow call-in procedures or provide proper notification for absences.
4. Inappropriate verbal conduct toward staff, students or employees or inappropriate electronic communication, including on social media.
5. Wasting, destroying or misusing school property.
6. Failure or refusal to complete assigned duties or tasks in a timely manner or neglect of duty.
7. Theft of School District property or removal and/or use of School District property (i.e., tools, equipment, supplies) from the premises for personal use and/or reasons.

8. Possession, use, or being under the influence of alcohol, drugs, controlled substance or chemicals (other than prescribed by a physician) to any degree on School District property or School District sponsored functions. Such conduct is prohibited while responsible for or supervising students, whether on or off School District property.

9. Falsification of claims for wages, expense/mileage reimbursement or paid leave.

10. Procuring or providing drugs, controlled substances (including marijuana), chemicals or alcohol to any student.

11. Actual or threatened physical assault/abuse of any person on school property or on any student or employee of the School District. Sexual abuse or engaging in a sexual or romantic relationship with any student. Sexual harassment of any student or employee.

12. Violation of the rights of students or employees, including, but not limited to, discrimination based on an employee's or student's protected class. Employees must be familiar with and comply with all School District policies applicable to conduct towards students and employees, including anti-discrimination and anti-harassment policies.

13. Off-duty misconduct deemed by the School District to have a nexus to the employee's position or duties, including, but not limited to, criminal arrests, charges or convictions. 14. Failure to observe School District rules, regulations, policies and standards of the School District and/or directives of supervisors and any other act of an insubordinate nature.

#### **F. POLICY AND PROCEDURE IS NOT AN EMPLOYMENT CONTRACT**

This Policy does not create a contract of employment with the School District. It may be amended, revised or repealed at any time by the School Board, without the consent of any employees or the exclusive representative of any group of employees.