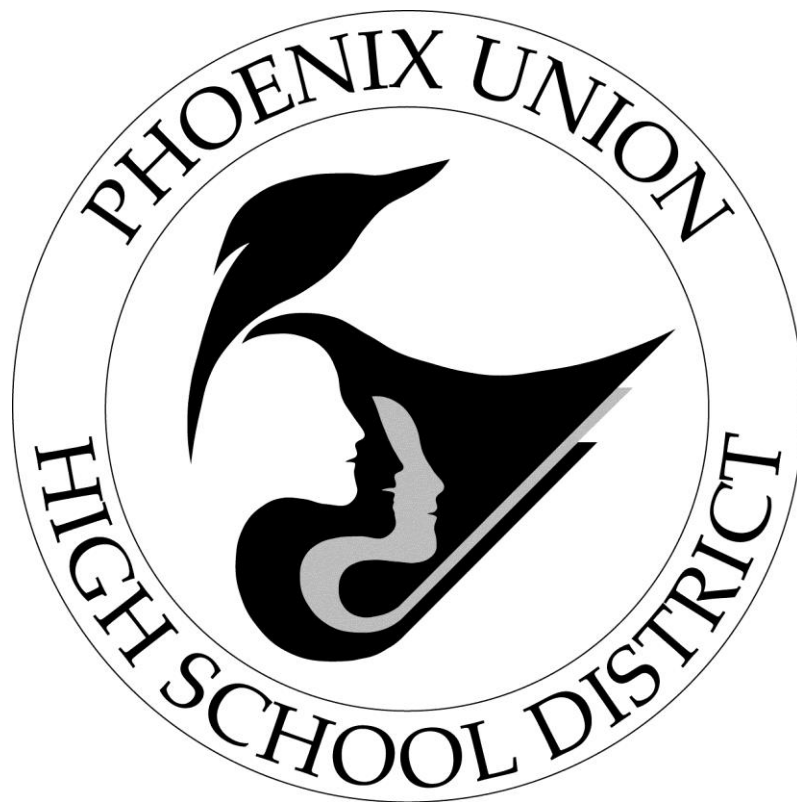


CERTIFIED EMPLOYEE DISCIPLINE

(REGULATION GCQF-R)



*Preparing Every
Student for Success in
College, Career and Life*

**Adopted by Governing Board on May 11, 2006
Revised September 2, 2010**

CERTIFIED EMPLOYEE DISCIPLINE HANDBOOK**SECTION I****FOREWARD**

This document addresses corrective action, discipline and termination of all certified employees. The Governing Board of the Phoenix Union High School District recognizes that all District employees should have the opportunity for success in the performance of their duties during the course of their employment. To achieve this success, it is the obligation of all employees to follow acceptable patterns of behavior and conduct that will result in accomplishing the primary objective of the Phoenix Union High School District, providing students the best possible educational program.

It is the intent of the District that all the legal citations referenced in this document shall apply equally to all certified employees.

This regulation establishes or summarizes the applicable procedure for certain types of corrective action and discipline that may be taken against an employee. This regulation is not intended to restrict or eliminate the broad discretion traditionally afforded to supervising administrators to determine whether corrective action or discipline is appropriate. Pursuant to Board policy not all administrative actions regarding a certified employee are considered "discipline," even though they may involve alleged or possible violations by the certified employee. This regulation only addresses specific corrective action and discipline and has no application to any of the following:

- The certified employee evaluation procedure or the resulting evaluations as they pertain to the adequacy of the certified employee's job performance.
- Letters or memorandums directed to a certified employee containing directives or instructions for future conduct, including letters of direction, non-renewal, and civil and/or criminal sanctions.
- Counseling of a certified employee concerning expectations of future conduct, including informal consultations and counseling.
- The discretion of the Superintendent to placing certified employees on administrative leave with pay or reassignments during investigation.

This regulation is intended to be implemented in conjunction and consistent with Board policy G-6100 GCQF. In the event of any conflict between this regulation and Board policy or Arizona Revised Statutes, the Board policy or Statute will govern.

NEGOTIATED RESOLUTION

The authorized disciplining authority and certified employee (the “parties”) are encouraged to work toward a negotiated resolution of any potential, proposed or anticipated disciplinary action. Resolutions of proposed suspensions or terminations will be negotiated between the Director of Certified Personnel or Assistant Superintendent and certified employee. The negotiation will be conducted in good faith and without undue delay. No party is required to negotiate and either party to the negotiations may chose to stop negotiations, refuse to negotiate and/or reinstate negotiations. An employee shall have three days to accept or decline a negotiated resolution from the date it is offered. If the employee does not accept the offered resolution within the three days, the applicable procedures as set forth in this Handbook, Arizona Revised Statutes, or Board Policy will proceed. Unless a violation of policy has occurred, such as no representation or false statements of evidence come to light a negotiated resolution is binding upon both parties and may not be reopened for further discussion.

**SECTION II
PURPOSE**

- Establish the just cause standard for any disciplinary action taken against an employee by the district.
- Identify the types of disciplinary actions allowed under the procedure.
- Establish that discipline arising from the same employee actions will be progressive.
- Establish the specific procedures that must be followed in disciplining an employee.
- Establish that disciplinary action be appealed through the levels of appeal in this document.

Establish the condition that must be present for a dispute to be resolved through the appeal grievance procedure that may arise due to the use of this document

SECTION III

**COMPLIANCE WITH RULES, REGULATIONS, POLICIES,
PROCEDURES AND STATUTES**

It is both the employee’s and the District’s responsibility to be aware of and comply with the Districts rules, regulations, policies, procedures, and State and Federal Statutes and regulations promulgated by Federal and State agencies which apply to their respective assignments.

Administrators are responsible for notifying all concerned of current rules, regulations, policies, procedures, and statutes and changes therein that pertain to the employee’s assignment. Failure to abide by said rules, regulations, policies, procedures, and statutes will result in corrective action or discipline being administered to the employee.

SECTION IV**AUTHORIZATION TO DISCIPLINE****A. CERTIFIED EMPLOYEES**

The Superintendent, Assistant Superintendent for Human Resources, Director of Certified Personnel, and Principals have authority to take corrective action, discipline or recommend discipline. Otherwise known in this document as “authorized disciplining authority.”

SECTION V**DUE PROCESS****A. JUST CAUSE**

No disciplinary action may be taken against an employee unless just cause for discipline has been established through the process described in this Policy. In the event that discipline is administered due to inadequate work performance, just cause must also be established through the process described in the employee evaluation process.

B. REPRESENTATION

1. The employee subject to discipline shall have the right to have a representative of their choice at all meetings, hearings, and proceedings concerning disciplinary action against the employee.
2. An employee may bring a representative to a meeting with anyone in a supervisory role with the exception of instances where federal and state law may be violated.

C. VIOLATION OF PROCEDURE

A claim may be made by an employee or the employee organization that there has been a violation of this discipline procedure. Any dispute arising from such claim may be resolved through the appeal procedure.

SECTION VI

CORRECTIVE ACTION AND PROGRESSIVE DISCIPLINE

This Handbook provides specific types of disciplinary action

- Oral warning
 - Written Notice
 - Written Letter of Reprimand
 - Suspension without pay
 - Administrative leave of absence with pay
 - Dismissal
1. Discipline administered in a progressive and constructive manner means that the action taken against an employee will depend on the type and seriousness of the violation and the number of occurrences of the same violation. Discipline will also be administered with the intention of correcting behavior.
 2. The Administration may initiate disciplinary action at any step in Section VIII that is appropriate to the employee's action.
 3. Conduct and acts of an employee which negatively impact the health, safety, and welfare of students, employees, or the public, or which cause substantial public concern will result in more severe disciplinary action up to and including immediate removal from the employee's assignment, pending action.
 4. In the event that the charges that led to discipline are not substantiated, he/she shall receive full restoration of any contractual compensation and benefits lost as a result of the administered discipline. All references to the matter shall be removed from the employee's personnel file, unless otherwise provided by law as it relates to tort claims involving minor's rights.
 5. Materials of derogatory or disciplinary nature which document an incident(s) other than the annual evaluation, matters regarding inappropriate conduct involving students, or a minor's tort claim(s) shall be removed from the employee's personnel file after three (3) years without a reoccurrence of the incident, and the incident shall be deemed rectified.
 6. No disciplinary action shall be taken against an employee predicated upon lawful, non employment related personal activities which have no impact on the employee's effectiveness as an employee.

SECTION VII

DEFINITIONS

A. ADMINISTRATIVE LEAVE OF ABSENCE/SUSPENSION WITH PAY

Temporary removal of an employee from contractual assignment(s) pending the outcome of an investigation of a specific act or violation of a rule, procedures, regulations, policy, or statute which could warrant suspension without pay or termination. Compensation continues when on Administrative Leave of Absence until such time that suspension without pay/termination is warranted. A written notice for this action will be given to the employee within three days of the leave explaining the reasons for this action.

B. DAYS

In this procedure “days” referred to are “work days.” The parties can agree to an extension of any of the deadlines in this document by mutual consent.

C. EMERGENCY INTERIM LEAVE WITH PAY (EILP)

This leave may be used for actions which negatively impact health, safety, and welfare of students, employees, or public or which cause substantial public concern.

In cases where immediate action is necessary, the Assistant Superintendent for Human Resources may make use of EILP pending results of an investigation.

A written notice for this action will be given to the employee within three days of the leave explaining the reasons for this action.

D. JUST CAUSE

Protection from arbitrary or unfair termination and any other forms of inappropriate work place discipline.

No employee shall be disciplined, reprimanded, reduced in rank or compensation, or deprived of any professional rights and privileges without just cause established through due process.

E. ORAL WARNING

A discussion held between an employee and an authorized administrator in which the administrator informs the employee of an alleged violation of rule(s), procedure(s), policy(ies), or statute(s) by the employee, which requires corrective behavior.

F. SIR

Superintendent Initiated Reassignment.

G. STATEMENT OF CHARGES AND NOTICE OF INTENT TO SUSPEND/TERMINATION CERTIFIED EMPLOYEE

A Statement of Charges is a written statement containing charges and evidence to be brought against employee as stated in Arizona Revised Statutes.

Notice of Intent is notification of intended disciplinary action as stated in Arizona Revised Statutes.

H. SUSPENSION WITHOUT PAY

Removal of the employee from his/her contractual assignment(s) due to a violation of a specific rule, procedure, regulation, policy, or statute for a period of time not to exceed ten (10) work days or a period of time greater than ten (10) work days for which the employee receives no compensation

I. DISMISSAL

Termination from District Service.

J. WRITTEN NOTICE

Written notice to employee from an authorized disciplining authority informing the employee of violations of a specific rule, procedures, regulation, policy, or statute and delineation of expected conduct for compliance for which an oral warning may have been previously given.

K. WRITTEN LETTER OF REPRIMAND

Written letter of reprimand to an employee from the authorized disciplining authority informing the employee that he/she has violated a specific rule, procedures, regulation, policy, or statute for which an oral warning or a written notice may have been previously given.

L. COMMUNICATION

Any employee involved in an investigation or on leave may request reasonable periodic progress reports.

SECTION VIII PROCEDURES

GENERAL PROCEDURE FOR ALL DISCIPLINARY ACTION

1. Upon receiving information of an alleged violation and misconduct regarding an employee, an investigation will be conducted. The authorized disciplining authority or designee shall conduct an informal investigation.
2. If it is determined that corrective or disciplinary action is warranted, the authorized disciplining authority shall determine what level of corrective or progressive discipline is warranted. A meeting to discuss the alleged violation or misconduct will be held with the employee within ten (10) days of the determination that corrective or progressive discipline is warranted. At the conclusion of the meeting one of the following procedures will take place.

ORAL WARNING

If it is determined that an Oral Warning is warranted, an oral warning will be issued.

1. Record of the Oral Warning will not be placed in the employee's official personnel file.
2. The employee will receive receipt of the Oral Warning.
3. The oral warning will expire within one (1) calendar year of date of issuance.
4. The decision of the authorized disciplining authority may not be appealed.
5. Employee may submit a written rebuttal within five days.

WRITTEN NOTICE

1. If it is determined that a Written Notice is warranted, a Written Notice will be issued.
2. Record of the Written Notice will not be placed in the employee's official personnel file.
3. The employee will receive receipt of the Written Notice.
4. The Written Notice will expire within two (2) calendar years of date of issuance.
5. The decision of the authorized disciplining authority may not be appealed.
6. Employee may submit a written rebuttal within five days.

WRITTEN LETTER OF REPRIMAND

1. If it is determined a Letter of Reprimand is warranted, a written Letter of Reprimand will be issued.
2. Record of the written Letter of Reprimand will be placed in the employee's official personnel file.
3. The employee will receive a copy of the Letter of Reprimand.
4. The written Letter of Reprimand will remain in the employee's personnel file for a period of three (3) years from the date of issuance.
5. The decision of the authorized disciplining authority may be appealed in writing within five days after notice of the decision. The decision may be appealed to the next organizational level which will be final. The appeal shall contain a brief statement of the reasons the certified employee believes the decision is incorrect.
6. Employee may submit a written rebuttal within in five days.

SUSPENSION WITHOUT PAY (TEN DAYS OR LESS)

1. Upon the authorized disciplining authority's determination of the existence of just cause to impose discipline of a suspension without pay for ten (10) days or less, the authorized disciplining authority shall notify the Assistant Superintendent for Human Resources or the Director of Certified Personnel.
2. If the Assistant Superintendent for Human Resources or Director of Certified Personnel determines that a suspension without pay for ten (10) work days or less is warranted, the certified employee shall be notified of intent to impose discipline. The notice shall be in writing and shall be delivered in person or by certified return receipt requested mail. The notice shall include the following:
 - The conduct or omission on the part of the certified employee that constitutes the reason for discipline.
 - A scheduled meeting time between the Assistant Superintendent for Human Resources or Director of Certified Personnel and the certified employee. Such meeting shall be schedule not more than ten (10) workdays after the date the certified employee received the notice.
 - A statement of the disciplinary action the Assistant Superintendent for Human Resources or Director of Certified Personnel intends to impose, including, if applicable, the number of days of suspension without pay.
 - Copies of any available relevant documentation, at the discretion of the Assistant Superintendent or Director of Certified Personnel.
3. The Assistant Superintendent for Human Resources or Director of Certified Personnel shall discuss with the certified employee the conduct that warrants

disciplinary action and shall provide the certified employee with any appropriate evidence and a copy of relevant documentation if not previously provided. In addition, the parties may discuss the potential for negotiated resolution and/or make an offer for negotiated resolution.

4. The Assistant Superintendent for Human Resources or Director of Certified Personnel shall conduct the meeting in an informal manner, without adherence to the rules of evidence and procedure required in judicial proceedings.
5. At the meeting, or within ten (10) working days following the meeting, the Assistant Superintendent for Human Resources or Director of Certified Personnel shall, in writing, inform the certified employee of the decision. If the decision is to seek to impose discipline, written notice of the discipline shall be enclosed. The written notice of the decision shall state that a copy of the notice, decision and a record of the disciplinary action shall be placed in the certified employee's personnel file and shall specify the date the discipline shall be imposed unless the certified employee files a written request for appeal within five working days after the decision is delivered to the certified employee. If the certified employee requests an appeal of the decision, the imposition of any discipline shall be suspended pending the outcome of the appeal.
6. Discipline imposed may be appealed at the next organizational level, in writing, to the appropriate Assistant Superintendent or the Superintendent. Only when the discipline is determined by the Superintendent shall the appeal be to the Board, which, at its discretion, may appoint a hearing officer. The appeal shall contain a brief statement of the reasons why the certified employee believes the administrator's decision is incorrect. Appeal is limited to one (1) organizational level above the level of the authorized disciplining authority who imposed the discipline.
7. The appeal shall specifically describe the part of the determination with which the certified employee disagrees:
 - Determination was founded upon error or construction or application of any pertinent regulations or policies.
 - Determination was unsupported by any evidence as disclosed by the entire record.
 - Determination was materially affected by unlawful procedure.
 - Determination was based on violation of any statutory or constitutional right.
 - Determination was arbitrary and capricious.
 - The penalty was excessive.

The Director of Certified Personnel, the Assistant Superintendent, the Superintendent, or, when appropriate, the Board or the Board-appointed hearing officer may, at the conclusion of the appeal, uphold the discipline, modify the

decision, or refer the matter back to the level from which it was appealed for rehearing and additional information. Such decision, along with specific direction as to the effective date of any discipline, shall be communicated to the certified employee within a reasonable amount of time following the appeal, not to exceed seven (7) working days.

DISMISSAL & SUSPENSION WITHOUT PAY FOR MORE THAN TEN (10) DAYS PURSUANT TO A.R.S. §§ 15-539 – 15-542

1. Upon production of evidence that an employee continues to engage in misconduct or fails to engage in expected conduct after lesser disciplinary action or the development of evidence that the employee is engaged in one or more acts of serious misconduct, the Superintendent or designee will prepare and present to the Board a written statement of charges demonstrating that cause exists for the suspension without pay for a period greater than ten (10) days or dismissal of the certified employee. The Assistant Superintendent for Human Resources or Director of Certified Employees may gather the information and recommend suspension or dismissal to the Superintendent.
2. Any written statement of charges shall specify instances of behavior and the acts or omissions constituting the charge.
3. The charge shall, if applicable, state the statutes, rules, or written objectives of the Board that the certified employee is alleged to have violated and shall set forth the facts relevant to each occasion of alleged unprofessional conduct and/or conduct in violation of the rules or policies of the Board.
4. The Board shall give notice to the employee of its intention to suspend the employee without pay or dismiss the employee at the expiration of ten (10) days from the date of the service of the notice.
5. The notice shall be in writing and shall be served upon the certificated employee personally or by United States registered or certified mail addressed to the employee at the employee's last-known address.
6. The certificated employee who receives notice that cause exists for dismissal or suspension without pay shall have the right to a hearing if the employee files a written request with the Board within ten (10) days of service of notice.
7. The filing of a timely request shall suspend the imposition of a suspension without pay or a dismissal pending completion of the hearing.
8. Upon adoption of the charges by the Board, the Board may immediately place the employee on administrative leave of absence with pay and give the employee notice of the administrative leave of absence.

9. The notice of administrative leave of absence shall be in writing and shall be served upon the employee personally or by United States registered or certified mail addressed to the employee at the employee's last-known address.
10. The hearing for a suspension without pay for longer than ten (10) days or dismissal shall be conducted in accordance with the provisions of Article 3, Chapter 5 of Title 15 of the Arizona Revised Statutes.
11. A certified employee who has not been employed by the district for more than the major portion of three consecutive school years, otherwise known as a non-continuing teacher, shall not have the right to a hearing.