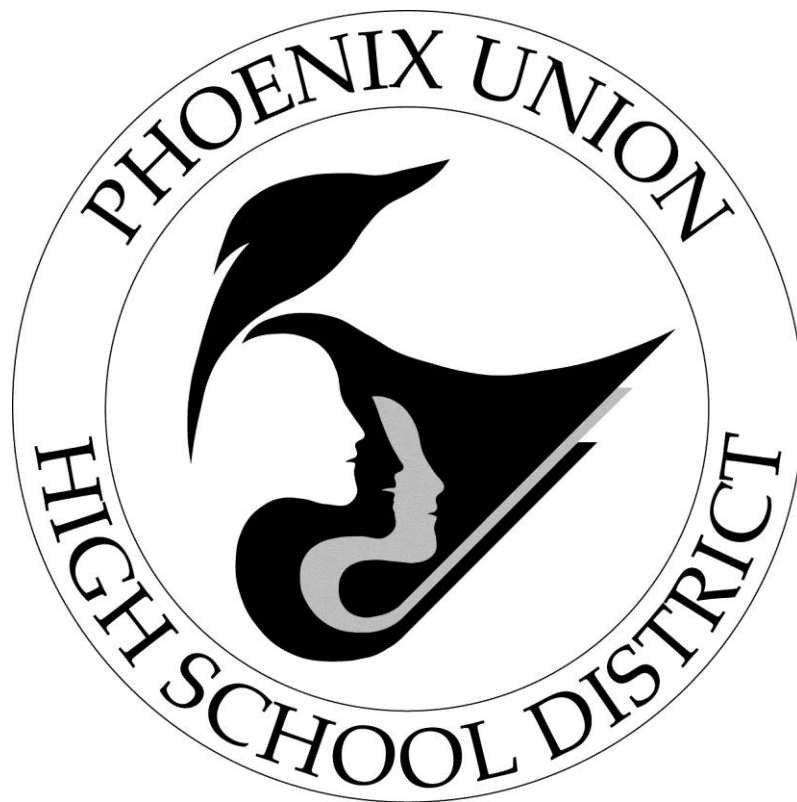


SUPPORT STAFF DISCIPLINE HANDBOOK

(REGULATION GDQD-R)



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

The Phoenix Union High School District does not discriminate on the basis of race, color, religion, national origin, sex, disability, age or sexual orientation in admission and access to its programs, services, activities, or in any aspect of their operations and provides equal access to the Boy Scouts and other designated youth groups. The lack of English language skills shall not be a barrier to admission or participation in the District's activities and programs. The Phoenix Union High School District also does not discriminate in its hiring or employment practices. The following employees have been designated to handle inquiries regarding the non-discrimination policies:

Title IX Coordinator

Mr. Juvenal L. Lopez
4502 N. Central Ave
Phoenix, AZ 85012
(602) 764-1548
llopez1@phoenixunion.org

Section 504 Coordinator

Ms. Vicki Heard
4502 N. Central Ave
Phoenix, AZ 85012
(602) 764-1024
heard@phoenixunion.org

For further information on notice of non-discrimination, visit <http://wdcrobcopl01.ed.gov/CFAPPA/OCR/contactus.cfm> for the address and phone number of the office that serves Arizona, or call 1-800-421-3481.

Phoenix Union High School District no discrimina en base a la raza, el color, la religión, el origen nacional, el sexo, la discapacidad, la edad, o la orientación sexual para la admisión y su acceso a sus programas, servicios, actividades, o en cualquier aspecto de sus operaciones y proporciona un acceso igualitario a los Boys Scouts y otro grupos de jóvenes designados. La falta del conocimiento del idioma inglés no deberá ser una barrera para la admisión o participación en cualquiera de las actividades o los programas del Distrito. Phoenix Union High School District tampoco discrimina en sus prácticas de empleo y contratación. Los siguientes empleados han sido designados para manejar las preguntas en cuanto a las pólizas de no discriminación:

Title IX Coordinator

Sr. Juvenal L. Lopez
4502 N. Central Ave
Phoenix, AZ 85012
(602) 764-1548
llopez1@phoenixunion.org

Section 504 Coordinator

Ms. Vicki Heard
4502 N. Central Ave
Phoenix, AZ 85012
(602) 764-1024
heard@phoenixunion.org

Para más información sobre el aviso de la no discriminación, visite <http://wdcrobcopl01.ed.gov/CFAPPA/OCR/contactus.cfm> para la dirección y el número de teléfono de la oficina que da servicio a Arizona o llame al 1-800-421-3481.

**DISCIPLINE, SUSPENSION, AND DISMISSAL
OF SUPPORT STAFF MEMBERS**

This regulation addresses corrective action and discipline of all support staff and termination of support staff term-certain 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 support staff 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 support staff member are considered "discipline," even though they may involve alleged or possible violations by the support staff member. This regulation only addresses specific corrective action and discipline and has no application to any of the following:

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

This regulation is intended to be implemented in conjunction and consistent with Board Policy GDQD (G-9300). In the event of any conflict between this regulation and Board policy, the Board policy will govern.

Negotiated Resolution

The administration and staff member (the "parties") are encouraged to work toward a negotiated resolution of any potential, proposed or anticipated disciplinary action. 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.

Purpose:

- ÿ Establish the just cause standard for any disciplinary action taken against an employee by the District.
- ÿ Identify the types of disciplinary actions allowed under the procedure.
- ÿ Establish that discipline arising from the same employee actions will be progressive.
- ÿ Establish the specific procedures that must be followed in disciplining an employee.
- ÿ Establish that disciplinary action may be appealed through the levels of appeal in this document.
- ÿ Establish the condition that must be present for a dispute to be resolved through the appeal procedure that may arise due to the use of this document.

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 District's rules, regulations, policies, procedures, and State and Federal Statutes and regulations promulgated by Federal and State agencies which apply to their respective assignments.

Administrators and supervisors 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.

Authorization to Discipline

Support Staff Employees

The Superintendent, Assistant Superintendent, Assistant Superintendent for Human Resources principals, assistant principals, deans, supervisors, directors, coordinators and managers with direct supervision have authority to take corrective action, discipline or recommend discipline.

Those employees in a quasi supervisory position are authorized to recommend discipline by forwarding an incident in writing to the appropriate administrator that has authority to discipline.

Due Process

Just Cause

No disciplinary action may be taken against an employee unless just cause for discipline has been established through the process described in Policy GDQD and this regulation.

Representation

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. An employee may bring a representative to a meeting with anyone in a supervisory role unless instances where federal and state law may be violated.

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.

Corrective Action and Progressive Discipline

This regulation provides specific types of corrective or disciplinary action:

- Oral warning.

- Written Notice.
- Written Letter of Reprimand.
- Suspension without pay.
- Administrative leave of absence with pay.
- Dismissal.

Corrective action is considered an oral warning or written notice.

Discipline is considered a written letter of reprimand, suspension without pay, administrative leave of absence with pay and dismissal.

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/or the number of occurrences of the same violation. Discipline will also be administered with the intention of correcting behavior.

The administration may initiate disciplinary action at any step in the section above "Compliance with Rules, Regulations, Policies, Procedures and Statutes" that it deems appropriate to the employee's action.

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 to include immediate removal from the employee's assignment, pending action.

In the event that the charges that led to discipline are not substantiated, the employee 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.

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.

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.

Voluntary transfers will not be permitted for any employee who has been disciplined within the last three (3) years.

Definitions

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.

Days

In this procedure "days" referred to are "work days."

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.

Just Cause

Protection from arbitrary or unfair termination and any other forms of inappropriate work place discipline. A burden of proof or standard that an employer must meet to justify discipline or discharge.

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.

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.

"SIR"

Superintendent Initiated Reassignment.

Statement of Allegations and Notice of Intent to Suspend/Dismiss Support Staff Employee

The allegations brought against an employee. Notice of Intent is notification to the employee of possible disciplinary action.

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.

Dismissal

Termination from District service.

Written Notice

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

Written Letter Of Reprimand

Written letter of reprimand to an employee from an authorized administrator 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.

Procedures

Oral Warning

Upon receiving information by the administrator of an alleged violation regarding an employee, an administrator authorized to discipline must schedule and hold a meeting to discuss the alleged violation with the employee within than ten (10) work days.

If it is determined that necessary corrective action is warranted, an oral warning will be issued.

- ÿ Record of the oral warning will not be placed in the employee's official personnel file.
- ÿ The employee will receive receipt of the oral warning.
- ÿ The oral warning will expire within one (1) calendar year of date of issuance.
- ÿ The decision of the administrator cannot be appealed.

Written Notice

Upon receiving information by the administrator of an alleged violation regarding an employee, an administrator authorized to discipline must schedule and hold a meeting to discuss the alleged violation with the employee within ten (10) work days.

If it is determined that necessary corrective action is warranted, a written notice will be issued.

- ÿ Record of the written notice will not be placed in the employee's official personnel file.
- ÿ The employee will receive receipt of the written notice.
- ÿ The written notice will expire within two (2) calendar years of date of issuance.
- ÿ The decision of the administrator cannot be appealed.

Written Letter Of Reprimand

Upon receiving information by the administrator of an alleged violation regarding the employee, an investigation will be conducted. No administrator or supervisor directly involved in the incident shall conduct the investigation.

Within ten (10) work days of knowledge of the alleged violation the administrator in the employee's line of authority will have a meeting with the employee where they will discuss the alleged violation(s).

Within ten (10) work days of this meeting, if it is determined necessary the alleged violation and specific corrective actions will be given to the employee in a written Letter of Reprimand by the administrator in the employee's line of authority.

Record of the Suspension Without Pay will remain in the employees personnel file for a period of three (3) years from the date of issuance.

The decision of the administrator can be appealed within five (5) days of issuance of the written Letter of Reprimand. If the support staff member requests an appeal of the decision, the imposition of any discipline shall be suspended pending the outcome of the appeal.

Discipline imposed may be appealed at the next organizational level, in writing, to the Director of Support Staff Employees. The appeal shall contain a brief statement of the reasons why the support staff member believes the administrator's decision is incorrect. Appeal is limited to one (1) organizational level above the level of the supervising administrator who imposed the discipline.

The appeal shall specifically describe the part of the determination with which the support staff member 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 Support Staff Employees 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 support staff member within a reasonable amount of time following the appeal, not to exceed seven (7) working days.

Suspension Without Pay (Ten [10] Days Or Less)

Upon the supervising administrator's determination of the existence of cause to impose discipline of suspension without pay for ten (10) days or less, the supervising administrator shall notify the Director of Support Staff Employees.

If the Director of Support Staff Employees agrees that a suspension without pay for ten (10) work days or less is warranted, the Director of Support Staff Employees shall notify the support staff member of intent to impose discipline. The notice shall be in writing and shall be delivered in person or by first-class mail. The notice shall include the following:

- ÿ The conduct or omission on the part of the support staff member that constitutes the reason for discipline.
- ÿ A scheduled meeting time between the Director of Support Staff Employees and the support staff employee. Such meeting shall be schedule not more than ten (10) workdays after the date the support staff member received the notice.
- ÿ A statement of the disciplinary action the Director of Support Staff Employees intends to impose, including, if applicable, the number of days of suspension without pay.
- ÿ Copies of any available relevant documentation.

At the hearing (meeting), the Director of Support Staff Employees shall discuss with the support staff employee the conduct that warrants disciplinary action and shall provide the support staff employee with any appropriate evidence and a copy of relevant documentation if not previously provided.

The Director of Support Staff Employees shall conduct the hearing in an informal manner, without adherence to the rules of evidence and procedure required in judicial proceedings.

At the hearing, or within ten (10) working days following the hearing, the Director of Support Staff Employees shall, in writing, inform the support staff member of the decision. If the decision is 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 support staff member's personnel file and shall specify the date the discipline shall be imposed unless the support staff member files a written request for appeal within five (5) working days after the decision is delivered to the support staff member. If the support staff member requests an appeal of the decision, the imposition of any discipline shall be suspended pending the outcome of the appeal.

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 support staff member believes the administrator's decision is incorrect. Appeal is limited to one (1) organizational level above the level of the supervising administrator who imposed the discipline.

The appeal shall specifically describe the part of the determination with which the support staff member 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 supervising administrator, 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 support staff member within a reasonable amount of time following the appeal, not to exceed seven (7) working days.

Dismissal and Suspension without Pay for More than Ten (10) Days

The Director of Support Staff Employees or the Assistant Superintendent for Human Resources recommends dismissal for cause to the Superintendent.

If the dismissal recommendation is approved by the Superintendent, the employee shall be notified, in writing, of the District's intent to dismiss the employee. The notice should include:

- The reason for the dismissal;
- Information regarding the employee's due-process rights; and
- The effective date of the dismissal if the employee does not request a pre-termination due process hearing, which includes the right to examine and cross-examine witnesses, to introduce evidence, and to be represented by counsel and/or a member of an employee organization.
- The employee must request a hearing within five (5) working days of service of notice, or the right to a hearing is waived.

An employee who has not completed the probationary period of employment or who is hired as an "at-will" employee is not entitled to a hearing prior to dismissal.

If the employee requests a hearing, the Superintendent shall designate a hearing officer to preside over the hearing.

The hearing shall be scheduled no later than twenty-five (25) working days after receipt of the request from the employee for a hearing.

The hearing officer shall create a record of the hearing, prepare findings of fact and a determination of the issues, and make a recommendation to the Governing Board within ten (10) days of the conclusion of the hearing. The hearing officer's recommendation is advisory only and is not binding on the Governing Board. A written recommendation shall be provided to the Governing Board, the administration, and the employee.

Governing Board shall review the recommendation of the hearing officer and make a final decision on the matter.

The procedure outlined in this section also applies to a recommendation by the Director of Support Staff Employees or the Assistant Superintendent for Human Resources to the Superintendent for suspension without pay for more than ten (10) days.

