

LODI UNIFIED SCHOOL DISTRICT

Policy 4317.4

Personnel

Discipline of Permanent Employees

Discipline, as used in this policy includes, but is not limited to dismissal, demotion, suspension, or reduction in class without the permanent employee's voluntary consent. This policy applies to permanent classified employees not represented by a bargaining unit.

This policy shall not limit the District's right to evaluate or to reprimand orally or in writing or to counsel employees. A layoff or reduction of hours, based on lack of work or lack of funds, shall not be considered discipline.

1. Permanent/Probationary

Employees with permanent status shall be subject to discipline only for cause pursuant to this policy. The probationary period is an extension of the selection process. As such, a probationary employee may be terminated at any time, at the sole discretion of the District.

2. Progressive Discipline

In accordance with the concept of "progressive discipline", counseling and an opportunity for improvement shall typically precede disciplinary action. In particular, this concept shall not apply in cases involving gross misconduct.

3. Immediate Effect

- a. Notwithstanding other provisions of this policy, an employee against whom disciplinary action is to be taken may be immediately placed on administrative leave with pay upon verbal notification pending a hearing when the District determines that his/her presence would be detrimental to the welfare of the District, the pupils, the public, or other employees of the District.
- b. This verbal notification shall be followed by service upon the employee of written notice.

An employee may be subsequently suspended without pay after satisfying "Skelly" due process requirements.

Nothing in this Policy shall limit the District's right to institute dismissal and/or immediate suspension and mandatory leave of absence proceedings as set forth in the California Education code, nor shall discipline under this Policy be regarded as a precondition to any proceedings under the California Education code.

4. Causes for Discipline of Permanent Employees

The District may discipline permanent employees pursuant to the following provisions:

The discipline shall be based upon just cause, including but not limited to:

- a. Falsifying any information supplied to the District. This includes, but is not limited to, information supplied on application forms, employment records, loyalty oaths, time sheets or cards, absence forms or any other district records.
- b. Unsatisfactory performance of the duties of his/her position.
- c. Inexcusable neglect of duty.
- d. Abandonment of position. Three days of continuous absence without leave shall be deemed abandonment and shall result in termination as a voluntary resignation.
- e. Repeated and/or unauthorized absenteeism and/or tardiness, including abuse of illness or other leave provisions.
- f. Commission of an act involving moral turpitude.
- g. Conviction of a felony, conviction of any sex or substance abuse offense made relevant by provisions of the Education Code, or conviction of a misdemeanor which is of such a nature as to adversely affect the employee's ability to perform the duties and responsibilities of his/her position. A plea of guilty, or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section.

- h. An act of insubordination. This shall include, but is not limited to, refusal or failure to comply with a direct order and/or to perform regular or other assigned work and/or refusal to cooperate fully.
- i. While on duty: used, sold/furnished, or was under the influence of, or unlawfully possessed any controlled substance.
- j. Consumption of an alcoholic beverage, or an intoxicant of any kind, while on duty or in such close time proximity thereto as to cause any detrimental effect upon the employee or upon employees associated with him/her. Specifically included is carrying an alcoholic beverage or intoxicant into a District facility or onto a District property.
- k. Knowingly provided, in a verbal or written manner, confidential employee and/or student records to an unauthorized person or persons.
- l. Dishonesty or theft, including deliberate destruction, damage or removal of District of another person's property.
- m. Unauthorized use, or misuse, of district supplies, materials, facilities or other property.
- n. Willful/knowing violation of district rules, policies or procedures. This shall also include refusal to obey safety rules or regulations made applicable to public schools by the State Board of Education or by any other appropriate state or governmental agency.
- o. Failure to possess or keep in effect any license, certificate, or other similar requirement required by the State of California for service in the employee's classification shall result in termination as a ministerial act.
- p. Inexcusable, discourteous, offensive, or abusive conduct or language toward the public, a pupil, or other officer or employee of the District.
- q. Conduct, either during or outside of duty hours, which negatively impacts the employee's ability to render service to the District.
- r. Physical or mental disability as determined by competent medical authority, which precludes the employee from the proper

performance of his/her duties and responsibilities, except as otherwise provided by contract or by law regulating retirement of employees.

- s. It shall be a violation of District Policy for any transportation employee, or any other employee required to operate a motor vehicle or other dangerous equipment, to use prescription or nonprescription drugs during the time period beginning 8 hours before the onset of the work shift and continuing uninterrupted through the completion of the work shift, if such drug might impair the safe and efficient operation of equipment and/or a vehicle (i.e., the prescription or nonprescription drug contains a warning label on the bottle or package that use of the drug may induce dizziness, sleepiness, drowsiness or might impair the user's ability to operate a motor vehicle or dangerous machine).

No disciplinary action shall be taken for any cause which arose prior to the employee becoming permanent, nor for any cause which arose more than two years preceding the date of the filing of the notice of cause unless such cause was concealed or not disclosed by such employee when it could be reasonably assumed that the employee should have disclosed the facts to the employing district.

Legal Reference: Education Code
 44932 Grounds for dismissal of permanent employees;
 suspension of employees

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