

EMPLOYEE DISCIPLINE

Commented [JWK1]: These changes need to be submitted with the updates to GCP.

The Albemarle County School Board (“School Board”) recognizes its continuing responsibility to develop and administer necessary policies and regulations in a fair and consistent manner. The School Board also recognizes the obligations of all employees to conform to those policies and regulations.

The Board seeks to establish and maintain appropriate administrative policies which will provide the most efficient operation of Albemarle County Public Schools and to provide for proper disciplinary action whenever an employee, classified or licensed, fails to observe such policies and regulations.

Therefore, the Albemarle County School Board sets forth this policy and its regulation to address those employee discipline instances (e.g., criminal acts, misconduct, breach of policy, etc.) that do not involve performance issues, which are addressed in Policy GCN.

Adopted: July 1, 1993
Amended: December 8, 1997; October 10, 2013; December 12, 2013; September 24, 2015
Reviewed: May 27, 2004

Legal Ref.: Code of Virginia, 1950, as amended, §§ 18.2-61 ~~et seq.~~, 18.2-247, 18.2-251, 18.2-372, -22.1-78, 22.1-274, 22.1-296.2, 22.1-307, 22.1-311, -22.1-313, 22.1-315

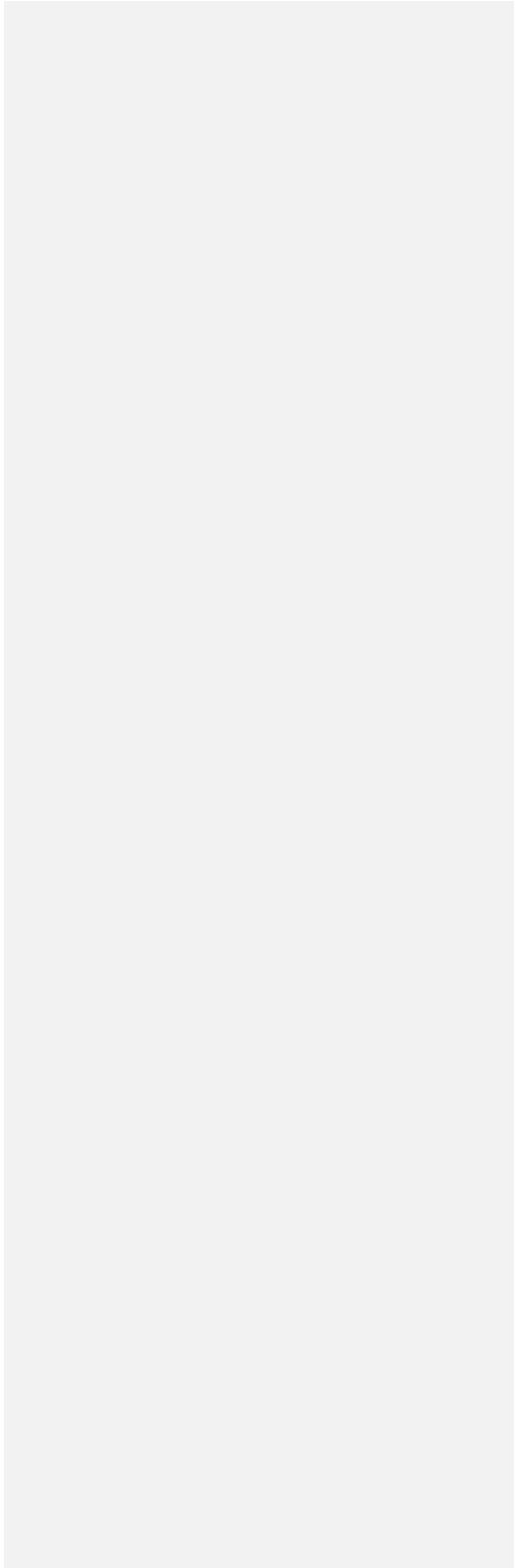
Commented [RH2]: This statute addresses fingerprinting and does not seem to be relevant here.

Cross Ref.: GBM, Licensed Teaching Staff Grievances
GBMA, Classified Staff Grievances
GCDA, Effect of Criminal Conviction or Arrest or Founded Complaints of Child Abuse or Neglect
GCN, Performance Review
GCP, Termination, Non-Renewal, and Dismissal
JHC, Student Health Services

Commented [BD3R2]: Maybe it does...? There are references to criminal acts, and that would warrant someone coming in to get fingerprinted.

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POLICIES AND ADMINISTRATIVE REGULATIONS FOR EMPLOYEE DISCIPLINE

I. PROGRESSIVE DISCIPLINE

All employees shall comply with School Board and departmental expectations for behavior and performance. Employees who do not comply, are non-compliant with these expectations may be subject to official disciplinary action up to and including dismissal from employment. All official disciplinary action must be recorded and forwarded to the Department of Human Resources for inclusion in the employee's personnel file with a copy provided to the employee.

~~Disciplinary action will be taken in~~ Employees shall be disciplined in private by the employee's immediate supervisor/department head/designee and ~~normally will be discipline shall be progressive in nature and depend upon progressive with~~ the severity of the infraction:

The ~~normal standard disciplinary course shall be as follows~~ course will be:

1. Oral reprimand
2. Written reprimand
3. Suspension with pay
4. Suspension without pay
5. Dismissal

Any intentional violation of policies or regulations that may endanger the safety of the public, a fellow employee, or student may be cause for discharge. Additionally, the School Board reserves the right to demote an employee as a disciplinary action.

The principal/department head/designee, has the right to utilize any or all of the preceding steps in the disciplinary process. Suspension without pay and dismissal are subject to prior approval by the Superintendent/Designee. All disciplinary complaints are subject to the approved grievance procedure for eligible employees. If an Employee grieves appeals is made of any disciplinary action, the appealing employee should recognize that at each level of the process, a new hearing - in accordance with the Grievance Policy - on the matter will be held and the disciplinary action rendered at subsequent levels may be either more or less stringent than ~~that the the original level of discipline recommended at a previous level.~~

In situations where an employee is under investigation by another agency, decisions on disciplinary action are made independently by the School Board, regardless of the resolution of the other agency's case.

II. FAILURE TO PERFORM NON-EMERGENCY HEALTH-RELATED SERVICES

With the exception of school administrative personnel and employees who have the

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Commented [RH4]: Should demotion be listed as a possible disciplinary action in the list set forth above?

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Commented [RH5]: This sentence needs to be clarified. The concept of a hearing was not introduced earlier and here, the possibility of multiple hearings is revealed for the first time without the necessary context

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specific duty to deliver health-related services, no licensed instructional employee, instructional aide, or clerical employee shall be disciplined, placed on probation, or dismissed on the basis of such employee's refusal to (i) perform non-emergency health-related services for students or (ii) obtain training in the administration of insulin and glucagon. However, instructional aides and clerical employees may not refuse to dispense oral medications.

"Health-related services" means those activities which, when performed in a health care facility, must be delivered by or under the supervision of a licensed or certified professional.

A. Probation and Dismissal

~~Teachers may be dismissed for incompetency, immorality, non-compliance with school laws and regulations, disability in accordance with State and federal law, conviction of a felony or a crime of moral turpitude or other good and just cause. "Incompetency" includes, but is not to be limited to, consistent failure to meet the endorsement requirements for the position or one or more unsatisfactory performance evaluations.~~

~~A teacher shall be dismissed if such teacher is or becomes the subject of a founded complaint of child abuse and neglect, pursuant to Va. Code § 63.2-1505, and after all rights to an appeal provided by Va. Code § 63.2-1526 have been exhausted. The fact of such finding, after all rights to an appeal provided by Va. Code § 63.2-1526 have been exhausted, shall be grounds for the School Board to recommend that the Board of Education revoke such person's license to teach.~~

~~In those instances when licensed personnel are dismissed or resign due to a conviction of any felony; any offence involving the sexual molestation, physical or sexual abuse or rape of a child; any offense involving drugs; or due to having become the subject of a founded case of child abuse or neglect, the School Board shall notify the Board of Education within 10 business days of such dismissal or the acceptance of such resignation.~~

~~Administrative regulations shall be developed for the dismissal or placing on probation of continuing contract teachers and probationary teachers during the school year.~~

~~No teacher shall be dismissed or placed on probation solely on the basis of the teachers' refusal to submit to a polygraph examination requested by the School Board.~~

~~The placing of a school employee on probation pursuant to the terms and conditions of Va. Code § 18.2-251 shall be deemed a finding of guilt.~~

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III. ~~B.~~ SUSPENSION

Employees of ~~Albemarle County~~ the School Board, whether full-time or part-time, regular, probationary, or temporary, may be suspended as provided in the following Suspension Process Chart ~~below~~.

No employee shall be suspended solely on the basis of the employee's refusal to submit to a polygraph examination requested by the School Board. Insurance benefits will not be suspended or terminated due to the suspension of an employee.

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Suspension Process Chart*

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Type of Suspension	Employees Affected	Process Required	Code Citation
With pay, five (5) days or less	Everyone	Notice of suspension (should be written) and opportunity for employee to give her side of the story present reasons why suspension should not be imposed (informal meeting).	§22.1-315
With pay, more than five (5) days (max sixty (60) days), no charges filed (see * below)	Everyone	Advised in writing of the reason for suspension. School Board has exclusive authority to impose suspension at the conclusion of hearing once a hearing is conducted. Hearing required if requested by Employee	§22.1-315, §22.1-313 §22.1-311
Without pay, up to five (5) days	Classified Employees	Advised in writing of the reason for the suspension. Chief Operating Officer has exclusive authority to conduct a hearing. Hearing required if requested by employee. Employee must continue to receive all pay unless and until COO issues a hearing decision.	§22.1-315
Without pay, regardless of length (max sixty (60) days), no charges filed (see * below)	Everyone All Employees	Advised in writing of the reason for suspension. School Board has exclusive authority to impose suspension at the conclusion of once a hearing is conducted. Hearing required if requested by Employee. Employee must continue to receive all pay unless and until School Board imposes suspension.	§22.1-315, §22.1-313, §22.1-311
With or without pay, any length of time -if criminal charge filed as follows: (1) any felony, or (2) a misdemeanor	Everyone All Employees	Notice of suspension (should be written) and opportunity for employee to give her side of the story present (informal meeting).	§22.1-315

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Commented [RH6]: Why the COO exclusively?

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involving sexual assault, drugs, obscenity/related offenses or physical or sexual abuse of child		Employee's suspended pay must be placed into an interest-bearing demand escrow account pending court case resolution. Refund necessary of up to one year's salary if found not guilty, case is dismissed or nolle prosequi. After all appeals for guilty conviction, escrowed pay funds shall be repaid/funded to the School Board.	
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* All paid or unpaid suspensions, unless a criminal charge has been filed (see chart), must be based on "good and just cause when the safety or welfare of the School Division or the students therein is threatened or when the teacher or employee has been charged by summons, warrant, indictment, or information with the commission of a felony; a misdemeanor involving: (i) sexual assault; (ii) obscenity and related offenses; (iii) drugs as established in Article 1 (§18.20247 et seq) of Chapter 7 of Title 18.2; (iv) moral turpitude; or (v) the physical or sexual abuse or neglect of a child; or an equivalent offense in another state." Virginia Code §22.1-315(A).

Commented [RH7]: If this is the closing quotation mark, where does the quoted language begin?

~~No employee shall be suspended solely on the basis of the employee's refusal to submit to a polygraph examination requested by the School Board.~~

~~Insurance benefits will not be suspended or terminated due to the suspension of an employee.~~

~~The placing of an employee on probation pursuant to the terms and conditions of Virginia Code §18.2-251 shall be deemed a finding of guilt.~~

~~C. Whenever an employee violates any of the Board policies or regulations, the employee may be subject to official disciplinary action, including discharge.~~

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~~D. Disciplinary action will be taken in private by the employee's immediate supervisor/department head/designee and will normally be progressive with the seriousness of the infraction:~~

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~~The normal course will be:~~

- ~~1. Oral reprimand~~
- ~~2. Written reprimand~~
- ~~3. Suspension with pay~~
- ~~4. Suspension without pay~~
- ~~5. Dismissal.~~

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~~E. Any intentional violation of policies or regulations that may endanger the safety of a fellow employee may be the cause for immediate discharge.~~

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~~F. All official disciplinary action must be recorded and forwarded to Human Resources for inclusion in the employee's personnel file with a copy provided to the employee.~~

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~~G. Any employee who is suspended or dismissed because of the information appearing on his/her criminal history shall be provided a copy of the information obtained from the Central Criminal Records Exchange.~~

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~~H. The principal/department head/designee, has the right to utilize any or all of the preceding steps in the disciplinary process with suspension without pay or dismissal subject to approval by the Superintendent/Designee. All disciplinary complaints are subject to the approved grievance procedure for eligible employees. If an appeal is made of any disciplinary action, the appealing employee should recognize that at each level of the process, a new hearing on the matter will be held and the disciplinary action rendered at subsequent levels may be either more or less stringent than that recommended at a previous level.~~

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