



Education Support Professionals Employee Discipline Procedure (HR-P604)

The online version of this procedure is official. Therefore, all printed versions of this document are unofficial copies.

1.0 SCOPE:

1.1 This procedure describes the process in which the Human Resources Department handles Education Support Professionals (ESP) employee discipline matters for processing at the Washoe County School District.

2.0 RESPONSIBILITY:

2.1 Chief Human Resources Officer

3.0 APPROVAL AUTHORITY:

3.1 Labor Relations Manager

(Approval signature on file)

Signature

Date

4.0 DEFINITIONS:

4.1 WCSD – Washoe County School District

4.2 ESP – Education Support Professionals

5.0 PROCEDURE:

NOTE: Negotiated procedures. See ESP employee collective bargaining agreement.

5.1 WCSD follows Article 8 of the current Washoe Education Support Professionals Association, collective bargaining agreement for ESP employees for all complaint matters.

“DISCIPLINE: PROBATIONARY/POST PROBATIONARY EMPLOYEES” as written in Article 8 of the current Negotiated Agreement.

“ARTICLE 8

8.1 **PROBATIONARY EMPLOYEES**

8.1.1 *The nine (9) month or six (6) month probationary period of an employee may be extended by the Superintendent or his/her designee. When the District extends the probationary period of an employee, the employee will be notified of the reason in writing or in the performance evaluation process. (2007)*

8.2 **DISCIPLINARY ACTIONS**

8.2.1 *The District shall not suspend without pay, demote or discharge a post-probationary employee as a disciplinary action without just cause.*

8.3 **PROGRESSIVE DISCIPLINE**

8.3.1 *The District and Association agree that progressive discipline is a constructive and advantageous method of dealing with problems involving employee performance and misconduct. Constructive in that it assists the District in rectifying unsatisfactory performance and misconduct of an*

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employee by providing information as to the manner with which the problem can and must be corrected. Furthermore, it serves to provide fair notice to the employee that failure to rectify unsatisfactory performance and misconduct will result in further disciplinary action. The principles of progressive discipline do not preclude serious disciplinary action being taken on a first offense if the offense committed is sufficiently serious to warrant such action. (2007)

8.3.1 *For post-probationary employees, including six (6) month probationary employees, the District agrees to adhere to the principles of progressive discipline in matters which require disciplinary action. Such actions may include written warnings and reprimands, suspension without pay, demotion and termination. 2007*

8.3.2 *When an employee is performing unsatisfactorily and/or is engaging in misconduct that may lead to disciplinary action against the employee, the supervisor shall meet with the employee in an investigatory/dues process meeting in order to discuss the allegations of unsatisfactory performance and/or misconduct. (2007)*

Prior to a supervisor meeting with an employee for an investigatory/dues process meeting the employee shall be informed they have the right to have an Association Representative present. When there are not exigent circumstances the supervisor should inform the employee in writing. (2007)

In the event extraordinary circumstances are involved, as determined by the District, the employee may be placed on paid administrative leave/ reassignment until the investigation is complete.

8.3.3 **Step I (Written Warning)**

A. *Upon completion of the investigation the supervisor shall meet with the employee to advise the employee of the decision to issue a Written Warning. The Written Warning is to be given to the employee by the supervisor and the employee may respond in writing to the warning and have the response attached. (2007)*

B. *The Written Warning and the written response by the employee, if any, will be placed only in the employee's site file. (2007)*

C. *This is an informal warning.*

D. *An employee issued a Written Warning, who does not receive a subsequent Written Warning, Reprimand, or Suspension/Demotion for the same or related matter within a 24-month period shall not have the Written Warning referenced in future disciplinary proceedings and it shall be removed from the file upon the employee's written request. Written Warnings issued for conduct related to violence or the threat of violence may be referenced in future disciplinary proceedings. Conduct considered to be violent is defined as the exertion of physical force so as to injure, damage, abuse, or intimidate. Conduct considered to be a threat is defined as a communicated intent to inflict physical or other harm on any person or on property. An employee who has*

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had no incidences of violence or of threatening violence for a substantial period of time (48 months), and who has demonstrated s/he has overcome violent behaviors, may upon written request have it be removed from his/her file. (2007)

8.3.4 **Step II (Written Reprimand)**

- A. *Upon completion of the investigation, the supervisor shall meet with the employee to advise the employee of the decision to issue a Written Reprimand. The Written Reprimand is to be given to the employee by the supervisor and the employee may respond in writing to the reprimand and have the response attached. (2007)*
- B. *A copy of the Written Reprimand, and the written response by the employee, if any, will be placed in the employee's personnel file. (2007)*
- C. *A reprimand form issued to an employee who has met the expected standards, and who has received no subsequent Written Warnings, Reprimands, or Suspension/Demotions for the same or related matter shall not be referenced and shall be removed from the employee's personnel file upon the employee's written request, anytime after thirty-six (36) months have elapsed from the original date of issue. Reprimands issued for conduct related violence or the threat of violence may remain in an employee's personnel file and may be referenced in future disciplinary proceedings. Conduct considered to be violent is defined as the exertion of physical force so as to injure, damage, abuse, or intimidate. Conduct considered to be a threat is defined as a communicated intent to inflict physical or other harm on any person or on property. An employee who has had no incidences of violence or of threatening violence for a substantial period of time (48 months), and who has demonstrated s/he has overcome violent behaviors may, upon written request of the employee, have a Written Reprimand removed from his/her personnel file. (2007)*

8.3.5 **Step III (Suspension/Demotion)**

- A. *Upon completion of the investigation the supervisor shall meet with the employee to advise the employee of the decision for the suspension/demotion. A suspension/demotion letter is to be given to the employee by the supervisor and the employee may respond in writing to the suspension/demotion and have the response attached. (2007)*
- B. *A copy of the suspension/demotion letter, and the written response by the employee, if any, will be placed in the employee's personnel file. (2007)*
- C. *A suspension/demotion issued to an employee who has met the expected standards and who has received no subsequent Written Warnings, Reprimands, or Suspension/Demotions for the same or related matter shall not be referenced and shall be removed from the employee's personnel file, upon written request, anytime after thirty-six (36) months have elapsed from the original date of issue.*

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Suspensions/demotions issued for conduct related violence or the threat of violence may remain in an employee's personnel file and may be referenced in future disciplinary proceedings. Conduct considered to be violent is defined as the exertion of physical force so as to injure, damage, abuse, or intimidate. Conduct considered to be a threat is defined as a communicated intent to inflict physical or other harm on any person or on property. An employee who has had no incidences of violence or of threatening violence for a substantial period of time (normally at least 60 months), and who has demonstrated s/he has overcome violent behaviors may, upon written request of the employee, have a suspension/demotion removed from his/her personnel file. (2007)

8.3.6 **Step IV (Termination)**

- A. *Upon completion of the investigation, the District shall inform the employee of the termination in writing.*

8.4 **APPEALS**

8.4.1 *Post-probationary employees who are suspended without pay, who are demoted or terminated as a disciplinary measure may appeal such action through the grievance procedure (see Article 7). (2007)*

8.4.2 *Probationary employees who are serving their initial nine (9) month probationary period and any extension thereof, may not appeal disciplinary actions through the grievance procedure (see Article 7). (2007)*

8.4.3 *In the event the appeal reaches arbitration, the sole issue upon which the arbitrator is to render an opinion shall be whether or not there was just cause for the District to take the specific disciplinary action which was taken.*

8.5 **ABSENCE WITHOUT AUTHORIZATION**

8.5.1 *Any absence without authorization shall be grounds for disciplinary action. Any unauthorized absence for three (3) consecutive work days shall constitute an abandonment of position and may be treated by the District as a resignation and the provisions of Articles 7 and 8 shall not apply.*

8.5.2 *Prior to noticing the employee of his/her separation under this section, the District will, with the exception of the initial nine (9) month probationary period employees, send a certified letter to the employee at his/her address of record advising of the District's intent to separate them unless they contact the District within six (6) calendar days from the date the letter was mailed. In the event the employee does contact the appropriate administrator within the six (6) days, the District may still proceed with discipline, however, the action shall be subject to Articles 7 and 8 for post-probationary employees, as defined above."*

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6.0 ASSOCIATED DOCUMENTS:

- 6.1 Level One: Warning Notice (HR-F605)
- 6.2 Level Two: Reprimand Form (HR-F606)
- 6.3 Suspension/Demotion Form (HR-F607)
- 6.4 Suspension/Demotion Letter (HR-F608)
- 6.5 DP Letter Template (HR-F612)
- 6.6 Termination Letter (HR-F613)
- 6.7 Waiver of Representation (F614)

7.0 RECORD RETENTION TABLE:

<u>Identification</u>	<u>Storage</u>	<u>Retention</u>	<u>Disposition</u>	<u>Protection</u>
Education Support Professionals Employee File	Labor Relations Files	Never destroy.	Never destroy	Locked Storage

8.0 REVISION HISTORY:

<u>Date:</u>	<u>Rev.</u>	<u>Description of Revision:</u>
2/2/06	A	Initial Release
5/8/08	B	Replaced Article 8 information regarding "Discipline: Probationary/Post Probationary Employees"
4/13/11	C	Changed the name of the Procedure, Changed section 2.1. Revised section 5.1. Added 6.7, revised 7.0 Retention Table.

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