

Administrative Regulation

Classified Employee; Notice of Proposed Disciplinary ActionA. No Discipline Without Notice

No probationary or permanent regular classified employee may be subjected to disciplinary action until the employee has received a "Notice of Proposed Disciplinary Action," and the employee has had an opportunity to respond to the charges. The exception to this rule is in the case of action taken in accordance with Rule 4236.1(J) above.

B. Contents of Notice of Proposed Discipline

The Notice of Proposed Disciplinary Action, which is the notification that disciplinary action will be recommended to the Board of Education, shall contain statements in ordinary and concise language of:

1. The nature of the proposed action (suspension, demotion, dismissal, etc.).
2. The specific causes and sections of these rules that the employee is accused of violating.
3. The specific charges, including times, dates, location, and a description of the chargeable actions or omissions in ordinary and concise language.
4. The proposed effective date(s) of the disciplinary action.
5. The employee's rights to see and obtain copies of all evidence and documentation to support the district's case against the employee.
6. The employee's right to representation.
7. The employee's right to request a Preliminary Appeal Hearing before the personnel director to dispute the charges and/or proposed action within five (5) working days of service of notice, and the right to have such a hearing within the timelines specified in these rules.
8. The employee's right to a reasonable amount of time off with pay to respond to the charges.
9. The employee's right to respond to charges either orally or in writing.

C. Notice Must Use Readily Understood Language

The charges outlined in the Notice of Proposed Disciplinary Action must be written so clearly that the employee will know the exact complaint(s) and charge(s) against him/her, and may be expected to respond to them. A Notice of Proposed Disciplinary Action stating one or more causes or grounds for disciplinary action established by any rule, regulation, or statute solely in the language of the rule, regulation, or statute, is insufficient for any purpose.

D. Appeal Form Must Accompany Disciplinary Notice

A card or paper must accompany the Notice of Proposed Disciplinary Action which shall explain the procedure for hearing and the signing and filing of which shall constitute a demand for hearing. The appeal form must be submitted to the Personnel Commission office by the deadline noted in the Notice of Proposed Disciplinary Action.

E. Disciplinary Notice Sent to Personnel Director

The Notice of Proposed Disciplinary Action shall be delivered to the Personnel Commission office. The personnel director shall have the responsibility of ensuring that the Notice of Proposed Disciplinary Action is delivered to the employee pursuant to Rule 4236.2(F).

F. Notice Must Be in Writing and Served on Employee

The Notice of Proposed Disciplinary Action shall be in writing and served in person or by certified mail (Return Receipt Requested) to the employee. This requirement will be deemed to have been met if the Notice of Proposed Disciplinary Action is sent certified mail to the last known home address on file in the Personnel Commission office. Failure of the employee to retrieve delivered mail, or respond to notifications by the U.S. Postal Service of attempted delivery shall not be grounds for voiding notification, or the staying of the timelines outlined in these rules. The responsibility for keeping the district informed of a home address is the requirement of the employee. For purposes of this rule, if a notice is mailed, the third working day following the mailing date of the notice shall be considered to be the official date of receipt.

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Ref: EC Sections 45260, 45261, 45305

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