

**CHAPTER 5: HUMAN RESOURCES
ADMINISTRATIVE PROCEDURE NO: 7365**

**COLLEGE OF THE SISKIYOUS
ADMINISTRATIVE PROCEDURES**

Title: Discipline Procedure For Classified Employees

Adoption Date: 2/8/11

Responsible Office: Human Resources

Policy Reference: 7365

I. Application.

No permanent classified employee shall be disciplined except for cause as prescribed by Board policy or the Education Code of the State of California. The Board of Trustees' determination of the sufficiency of the cause for disciplinary action shall be conclusive.

Permanent employees who become probationary in a different classification may be removed from such classification, without cause, and returned to the former classification, during the probationary period.

This procedure does not apply to a layoff for lack of work or lack of funds.

The Public Safety Officers Bill of Rights as outlined in Government Code section 3300 and thereafter shall apply to district law enforcement personnel who are peace officers within the meaning of that section.

If a Collective Bargaining Agreement includes a discipline procedure, that procedure shall apply to those employees subject to that agreement.

II. Definitions.

“Disciplinary Action.” Any action whereby an employee is demoted, suspended without pay, or dismissed.

“Cause.” Those grounds for discipline enumerated in the law or Board policy.

III. Two (2) Year Limit.

No disciplinary action shall be taken for any cause which arose prior to the employee becoming permanent or for any cause which arose more than two (2) years preceding the filing of the notice of charges, unless such cause was concealed or not disclosed by the employee when it could be reasonably assumed that the employee should have disclosed the facts to the district.

IV. Probationary Employees.

Probationary employees shall be subject to termination or release without cause at any time during the probationary period.

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V. Procedure for Discipline.

A. Employees shall be subject to the following disciplinary procedure:

1. The charges with a statement of the proposed discipline shall be served upon the employee in writing by certified mail or by personal delivery.
2. The charges shall contain a clear and concise statement of the acts and omissions upon which the proposed discipline is based and a statement of the cause for the action. If it is claimed that the employee has violated a rule or regulation of the Board of Trustees, such rule or regulation shall be specified in the notice.
3. An employee who has been recommended for discipline shall be given written notice of the hearing on such charges, and the time within which such hearing may be requested by the employee, which shall be not less than five (5) days after the service of the notice, and a card or paper, the signing and timely filing of which shall constitute a request for a hearing and a denial of all charges. Failure to request a hearing within the time limit stated in the notice shall constitute a waiver of the right to a hearing.
4. The Board of Trustees shall determine whether to hear the matter or refer it to a hearing officer for an advisory opinion.
 - a. The decision and award shall be made solely upon the evidence and arguments presented at the hearing by the respective parties. Settlement offers shall be inadmissible at the hearing.
 - b. If the matter is referred to a hearing officer by the Board, the decision of the hearing officer shall be advisory. The Board shall accept or reject the advisory decision within thirty (30) days of receipt of the decision or as soon as practicable thereafter. The decision of the Board shall be in writing and shall include findings of facts and justification for the decision. The decision of the Board shall be final.
 - c. The cost of employing the hearing officer and court reporter shall be borne by the district. All other costs such as, but not limited to, attorney's fees and witness fees, shall be borne solely by the party incurring that cost. Employees of the district called to testify at a hearing by either party shall do so on work time if said testimony coincides with the employee's regular work schedule.

B. Notice of Disciplinary Action.

The notice stating the disciplinary action imposed by the Board, if any, shall be provided to the employee in writing by certified mail or personal delivery.

VI. Non Grievable.

Disciplinary actions shall be governed solely by the provisions of this procedure and shall not be subject to any grievance procedure.

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VII. Administrative Leave with Pay and Leave without Pay.

In the event the Superintendent/President or designee determines that it is in the best interests of the district, the employee may be placed on paid administrative leave. The Superintendent/President may also place an employee on unpaid leave in accordance with due process requirements.

VIII. Non-Reemployment of Classified Administrators.

When the Board determines that it will not renew the employment of a classified administrator at the end of the scheduled contract or employment, this procedure shall not apply. (See Education Code section 72411.)