

## **Standards of Conduct**

The following standards are not all-inclusive but are intended to be illustrative of the minimum expectations for acceptable work performance and workplace behavior.

### **A. Attendance**

1. Employees should report to work as scheduled.
2. If employees cannot report as scheduled
  - a. Employees should arrange planned absences, including reporting to work late or leaving work early, in advance with supervisors.
  - b. Employees should report unexpected absences, including reporting to work late or having to leave early, to supervisors as promptly as possible.
3. Overtime
  - a. Employees should work overtime hours as directed by their supervisors.
  - b. Non-exempt employees (as defined by the Fair Labor Standards Act) should not work overtime without advance authorizations from their supervisors.

### **B. Satisfactory work performance**

1. Employees are expected to meet established performance standards.
2. As needed, supervisors should assist employees in understanding the expectations of these Standards of Conduct and those set forth in employees' job description.

### **C. Compliance with policies**

Employees are expected to abide by all policies promulgated by the Millwood Board of Education.

### **D. Report circumstances that affect satisfactory work performance**

1. Employees should report to their supervisors any conditions or circumstances that prevent satisfactory work performance.
2. Employees should advise their supervisors of unclear instructions or procedures that may affect satisfactory work performance.

### **E. Outside employment**

1. Employees may not engage in any other employment in other agencies, in private businesses, or in the conduct of professions during the hours for which they are employed to work.
2. No property belonging to or under contract to the Millwood Public School District may be used for outside employment activities.

## **PERFORMING THEIR JOBS**

### **Inability to meet working conditions**

An employee unable to meet the working conditions of his or her employment due to circumstances such as those listed below may be removed under this section. Reasons include:

1. loss of driver's license that is required for performance of the job;
2. incarceration for an extended period;
3. loss of license or certification required for the job;

## **UNACCEPTABLE STANDARDS OF CONDUCT (OFFENSES)**

### **A. Not all-inclusive**

The offenses set forth below are not all-inclusive, but intended as examples of unacceptable behavior for which specific disciplinary actions may be warranted. Accordingly, any offense that, in the judgment of school administrator, undermines the effectiveness of the district activities, may be considered unacceptable and treated in a manner consistent with the provisions of this section.

### **B. Grouped according to severity**

These offenses listed below are organized into three groups according to the severity of the behavior, with Group I being the least severe.

#### **1. Group I**

- a. Unsatisfactory attendance or excessive tardiness
- b. Abuse of district time, including, for example, unauthorized time away from the work area, use of district time for personal business, and abuse of sick leave.
- c. Use of obscene or abusive language.
- d. Inadequate or unsatisfactory work performance
- e. Disruptive behavior
- f. Conviction of a moving traffic violation while using a district-owned vehicle
- g. Violation of Board Policy G-12, Drug Free Workplace (considered a Group I offense depending on the nature of the violation)
- h. Violation of Board Policy G-14, Sexual Harassment (considered a Group I offense depending upon the nature of the violation)
- i. Violation of Board Policy G-13, Equal Opportunity (considered a Group I offense depending on the nature of the violation)

#### **2. Group II**

These offenses include acts and behavior that are more severe in nature and are such that an accumulation of two Group II offenses normally should warrant removal.

- a. Failure to follow a supervisor's instruction, perform assigned work, or otherwise comply with established written policy
- b. Violating a safety rule where there is not a threat of bodily harm
- c. Leaving the work site during work hours without permission
- d. Failure to report to work as scheduled without proper notice to supervisor or supervisor's designee
- e. Unauthorized use or misuse of district property or records
- f. Refusal to work overtime hours as required
- g. Violation of Board Policy G-12, Drug Free Workplace (considered a Group II offense depending on the nature of the violation, such as reporting to work when impaired by or under the influence of alcohol, or the unlawful use of a controlled drug)
- h. Violation of Board Policy G-14, Sexual Harassment (considered a Group II offense depending upon the nature of the violation)
- i. Violation of Board Policy G-13, Equal Opportunity (considered a Group II offense depending on the nature of the violation)

### 3. Group III

These offenses includes acts and behavior of such a serious nature that a first occurrence normally should warrant removal.

- a. Absence in excess of three days without proper authorization or satisfactory reason
- b. Falsifying any records, including, but not limited to, vouchers, reports, insurance claims, time records, leave records, or other official district documents.
- c. Willfully or negligently damaging or defacing district records, district property or property of other persons (including but not limited to, employees, students, supervisors, and visitors)
- d. Willfully or negligently fail to maintain the security of confidential student information, including but not limited to computerized student records. Violation of Family Educational Rights and Privacy Act (FERPA)
- e. Theft or unauthorized removal of district records, district property, or the property of other persons (including but not limited to, employees, students, supervisors, and visitors)
- f. Gambling on district property or during work hours
- g. Fighting and/or other acts of physical violence
- h. Violating safety rules where there is a threat or physical harm
- i. Sleeping during work hours.
- j. Participating in any kind of work slowdown or similar concerted interference with district operations
- k. Unauthorized possession or use of firearms, dangerous weapons, or explosives

- l. Threatening or coercing persons associated with the district (including but not limited to, employees, students, supervisors, and visitors)
- m. Criminal convictions for illegal conduct occurring on or off the job that clearly are related to job performance or are of such a nature that to continue employees in their positions could constitute negligence in regard to the district's duties to the public.
- n. Violation of Board Policy G-12, Drug Free Workplace (considered a Group III offense depending on the nature of the violation, such as the use of alcohol or unlawful use or possession of a controlled drug while on the job)
- o. Violation of Board Policy G-14, Sexual Harassment (considered a Group III offense depending upon the nature of the violation)
- p. Violation of Board Policy G-13, Equal Opportunity (considered a Group III offense depending on the nature of the violation)

## **CORRECTIVE ACTION**

### **A. When corrective action should be used**

As soon as a supervisor becomes aware of an employee's unsatisfactory behavior or performance, or commission of an offense, the supervisor should use corrective action to address such behavior.

### **B. Which corrective action is appropriate**

The following are possible corrective actions:

- 1. referral to professional assistance or professional development
- 2. counseling; and/or
- 3. disciplinary action.

### **C. Choice of corrective action**

Whether a supervisor uses informal counseling or formal disciplinary action depends upon the nature of the behavior and surrounding circumstances. Administrators should apply corrective actions consistently as set forth in the applicable negotiated agreement and/or Board policy, while taking into consideration the specifics of each individual case.

- 1. **Professional Assistance or Professional Development**  
Before the need for, or in addition to, corrective action, supervisors may refer employees to a professional assistance (employee assistance) program, as appropriate. Referral to an employee assistance program shall not be considered a substitute for any disciplinary action imposed for the commission of an offense. Professional development referrals will be made as deemed appropriate.
- 2. **Counseling**
  - a. While it is hoped that most performance and behavior problems can be resolved through informal counseling, counseling is not a prerequisite to formal disciplinary action.

- b. Counseling should consist of private discussion between employees and their supervisors regarding:
  - (1) the desired course of action to improve the employees' performance and/or behavior; or
  - (2) supervisors' expectation for employees.
- c. Documentation of counseling
  - (1) Documentation permissible  
Counseling may be documented by a letter or memorandum.
  - (2) Retention of counseling documentation  
Documentation regarding counseling should be retained in the supervisors' file, not in the employees' personnel files, except as necessary to support subsequent formal disciplinary action.

## **PROCEDURES FOR IMPLEMENTING DISCIPLINARY ACTIONS**

### **A. Disciplinary action**

Disciplinary action should be used in response to the commission of offenses, and consistent with the procedures set forth in the respective negotiated agreements and/or Board policy. Disciplinary action may consist of a Written Reprimand and:

- 1. suspension;
- 2. transfer or demotion along with a disciplinary salary action; and/or
- 3. termination.

### **B. Procedures regarding issuance of Written Reprimands**

- 1. Timeliness  
Administrators should issue a Written Reprimand as soon as possible after an employee's commission of an offense.
- 2. Retention of Written Reprimands  
Written Reprimands shall be kept in employees' personnel files.
- 3. Exception to retention of Written Reprimand in personnel files
  - a. A Written Reprimand may be removed from an employee's personnel file if the administrator modifies or vacates the disciplinary action. If, through the grievance procedure, it is determined that the Written Reprimand issued was not justified, the superintendent or Board of Education may direct its removal from the employee's personnel file.
  - b. A Written Reprimand removed from an employee's personnel file according to the above section (B)(3)(a) shall not be destroyed but shall be retained in a grievance file or separate confidential file.
  - c. A Written Reprimand removed from an employee's personnel file according to the above section (B)(3)(a) shall not be considered in relation to any future disciplinary or other personnel action.

**C. Mitigating circumstances**

1. While the disciplinary actions imposed shall not exceed those set forth in this policy for specific offenses, supervisors may reduce the disciplinary action if there are mitigating circumstances, such as:
  - a. conditions that would compel a reduction in the disciplinary action to promote the interests of fairness and objectivity; or
  - b. an employee's long service or otherwise satisfactory work performance.
2. Alternatives to discharge
  - a. Mitigating circumstances may result in an employee's demotion or transfer and a disciplinary salary action, and/or suspension, as an alternative to discharge.
  - b. When suspension is determined to be the appropriate alternative to discharge, it shall be done in accordance with State law and Board policy.

**D. Disciplinary actions for specific offenses**

1. For Group I offenses
  - a. Normal disciplinary action  
The normal disciplinary action for a Group I offense is the issuance or a warning or a Written Reprimand.
  - b. Group I Written Reprimands are cumulative.
    - (1) Upon the accumulation of three active Written Reprimands for Group I offenses, the employee normally should be suspended for not more than five workdays.
    - (2) A fourth active Written Reprimand for Group I offense normally should result in a recommendation for termination of employment, except that mitigating circumstances may justify the transfer or demotion.
2. For Group II offenses
  - a. Normal disciplinary action  
The normal disciplinary action for a Group II offense is issuance of a Written Reprimand only, or a Written Reprimand and recommendation of suspension during an investigation of offense.
  - b. Group II Written Reprimands are cumulative.
    - (1) A second active Group II Written Reprimand normally should result in an recommendation for termination of employment.
    - (2) A Group II Written Reprimand following three active Group I Written Reprimand normally should result in a recommendation for termination of employment.
  - c. Mitigating circumstances
    - (1) Mitigating circumstances related to an employee's commission of a second Group II offense may result in the employee's demotion or transfer.

- (2) If an employee is not discharged due to mitigating circumstances, the superintendent will notify him or her that a subsequent Written Reprimand for any level of offense that the employee may receive during the active life of the Written Reprimand may result in a recommendation to the Board of Education for termination of employment.
3. For Group III offenses
  - a. Normal disciplinary action  
The normal disciplinary action for a Group III offense is issuance of a Written Reprimand and recommendation for termination of employment.
  - b. Mitigating circumstances
    - (1) Mitigating circumstances related to an employee's commission of a second Group III offense may result in the employee's demotion or transfer.
    - (2) If an employee is not discharged due to mitigating circumstances, the superintendent will notify him or her that a subsequent Written Reprimand for any level of offense that the employee may receive during the active life of the Written Reprimand may result in a recommendation to the Board of Education for termination of employment.

**E. Procedures related to disciplinary suspension, demotion or transfer, or termination (due process)**

1. Role of Principal or Supervisor  
Prior to any action being taken, the principal or supervisor is responsible for:
  - a. reviewing all disciplinary actions involving demotion or transfer, suspension, or discharge to determine whether mitigating circumstances exist that warrant a modified disciplinary action and/or referral to professional assistance program;  
and
  - b. making recommendations to the superintendent regarding the appropriate disciplinary action.
2. Advance notice to employees  
Prior to any (1) disciplinary suspension, demotion, and/or transfer, or (2) disciplinary removal action, employees must be given oral or written notification of the offense, an explanation of the site's or division's evidence in support of the charge, and a reasonable opportunity to respond.
3. Employee response  
Employees must be given a reasonable opportunity to respond after receiving notification, in accordance with State law, respective negotiated agreements and Board policies.

4. Exception to advance notification requirement
  - a. Principal or supervisor may immediately remove an employee (with pay) from the work area, without providing notification, when the employee's continued presence:
    - (1) may be harmful to the employee, other employees, students, and/or visitors;
    - (2) makes it impossible for the school or division to conduct business; or
    - (3) may constitute negligence in regard to the district's duties to the public and/or other employees.
  - b. As soon as possible after an employee's removal from the work area for reasons stated above, the principal or supervisor must provide the employee with notification of the intended disciplinary action and evidence of the offense for which the disciplinary action is being contemplated, and provide the employee with a reasonable opportunity to respond, in accordance with State law, respective negotiated agreements and Board policies, before taking any disciplinary action.
  - c. The principal or supervisor shall report an employee's removal from the work area pursuant to ~~(E)~~(4)(a) above to the superintendent as "Pre-disciplinary Action Leave." Pre-disciplinary Action Leave is a leave with pay without charge to an employee's leave balances for a period normally limited to up to five workdays.
  - d. Written Notice  
A Written Notice confirming the cause and nature of the disciplinary action, and stated the employee's right to due process, shall be provided to any employee who subsequently is disciplined. A copy of the Written Notice shall be place in the employee's personnel file.

## **PROCEDURES RELATED TO SUSPENSION**

### **A. Suspended employees' access to premises**

Employees on suspension normally shall not be allowed on the district's property, nor shall they be allowed to work except to fulfill previously scheduled court obligations or to file and process a grievance.

### **B. Suspensions pending investigation or court action**

1. A suspension may be imposed pending:
  - a. an investigation of an employee's conduct by his or her supervisor; or
  - b. an investigation involving the employee's conduct by federal, state, or local law enforcement agencies, or a court action.
2. Written notice of suspension  
Written notification of suspension pending an investigation or other action should be by memorandum.

3. Application of accrued annual leave
  - a. At an employee's request, and at the district's option, an eligible employee's accrued annual leave may be charged to the period of suspension pending an investigation or court action so that he or she does not experience a loss of earnings, provided that the eligible employee has sufficient accrued annual leave.
  - b. If, following the conclusion of the investigation, the district determines that a superintendent determines that a disciplinary action, such as suspension or discharge, is not appropriate, any accrued annual leave that was applied to the period of suspension pending investigation or court action shall be reinstated.
  - c. The superintendent determines that a disciplinary suspension is warranted if during, or upon the conclusions of, the period of an employee's suspension pending an investigation or court action, the superintendent determines that a disciplinary suspension is warranted, the disciplinary suspension shall begin immediately, and the period of suspension that the employee has served pending the investigation or court action shall count towards the period of disciplinary suspension.
5. Provisions specific to suspension pending school's or division's investigation
  - a. Length of suspension
    - (1) The period of suspension pending a site's investigation shall be limited to ten workdays.
    - (2) If the site administrator does not make a decision regarding disciplinary action within ten days, the employee shall be permitted to return to work pending completion of the site's investigation.
  - b. The investigation concludes no employee misconduct  
If the administrator's investigation clears the employee of any misconduct, the superintendent shall reinstate the employee with back pay for the period of suspension, if applicable.
6. Provisions specific to suspension pending investigation by law enforcement agencies or pending court action
  - a. Length of suspension  
The ten day limit on the period of suspension that applies to suspensions pending district investigations shall not apply if
    - (1) the court action or investigation by law enforcement agencies involves alleged criminal misconduct that occurred either on or off the job; or
    - (2) the misconduct under investigation is of such a nature that to retain the employee in his or her position could constitute negligence in regard to the district's duties to the public, its students and employees.
  - b. Treatment of suspended employee upon conclusion of investigation or court action.

Upon the conclusion of the investigation by law enforcement agencies or of the court action, the superintendent has the discretion to:

- (1) impose disciplinary action, including recommendation for termination; or
- (2) not to impose discipline, in which case the employee must be reinstated with full back pay, if applicable.

7. Disciplinary suspensions of exempt employees
  - a. When necessary to impose a suspension for an exempt employee for reasons other than an infraction of a safety rule of major significance, the suspension shall be not less than a full workweek, i.e., 40 hours, or as outlined in the negotiated agreement.
  - b. Suspension of an exempt employee for a infraction of a safety rule of major significance may be applied for less than a full workweek. Safety rules of major significance are defined as provisions intended to prevent serious danger to the workplace or to other employees.

**C. Pay and benefits during suspension**

The provisions regarding compensation and benefits set forth in State law, specific negotiation agreements and below apply to suspensions, whether initiated pending an investigation or court action, or imposed for disciplinary reasons.

1. Compensation
  - a. All suspensions are without pay, except those exempted by State law or that employees suspended pending and investigation or court action may be allowed to use accrued annual leave to receive pay, where applicable.
  - b. The Business Manager's Office should update payroll and personnel records immediately upon notification that an employee has been suspended, and upon subsequent demotions or transfer with disciplinary salary action, terminations, or reinstatements.
2. Sick leave and personal business leave accrual  
An employee on suspension will not accrue sick leave or business leave, except that:
  - a. if a suspension extends into a second pay period, accrual of sick leave or personal business leave shall resume in the second pay period unless the period of suspension exceeds 15 calendar days; and
  - b. if a suspension extends into a third pay period, accrual of sick leave or personal business leave shall resume in the third period unless the period of suspension exceeds 32 calendar day, and so on.
3. Insurance
  - a. Health Insurance
    - (1) A suspended employee's health insurance coverage continues until the end of the month in which the suspension began, except that there shall be no break in coverage if the employee is reinstated in time to work half of the workdays in the following month, unless otherwise stipulated in State law or respective negotiated agreements.

- (2) If the length of the period of suspension results in a break in health insurance coverage, the suspended employee may retain his or her group insurance coverage for 12 month by paying the monthly insurance premiums (both the employee's and state's contribution) in advance, unless otherwise stipulated in State law.
  - (3) Upon reinstatement
    - (a) If the district reinstates a suspended employee with back pay for any period of the suspension, the district shall make appropriate refund(s) to the employee for the State portion of any health insurance premiums that he or she paid to continue coverage during the suspension, unless otherwise stipulated in State law.
    - (b) If the district reinstates a suspended employee without back pay, there shall be no reimbursement for any portion of health insurance premiums that he or she paid to continue coverage, unless otherwise stipulated in State law.
- b. Life insurance  
Life insurance coverage may continue for up to 12 months with the agency making the full contribution.

#### **USE OF THE GRIEVANCE**

Use of the Employee Grievance or Complaint Procedure  
Employees may challenge disciplinary actions through the Employee Grievance Procedure as outlined in the respective negotiated contracts, or the Employee Complaint Procedure as set forth in Board policy.