

**SUPPORT PERSONNEL
SUSPENSION, DEMOTION, TERMINATION
OR NONREEMPLOYMENT**

Full-time support personnel, employed by the school district for more than one year (12 months) may only be suspended, demoted, terminated or nonreemployed during the term of his/her contract for the reasons provided in this policy. Support personnel employed by the school district for less than one year (12 months) are subject to be terminated at anytime without cause, and they are not entitled to invoke the procedures of this policy.

Definitions

“Support Employee” an employee of the school district who provides those services, not performed by administrators or teachers, which are necessary for the efficient and satisfactory functioning of the school district.

“Full-time Support Employee” shall mean a support employee who regularly works the standard period of labor which is generally understood to constitute full-time employment for the type of services performed by the employee and who is employed by the school district for a minimum of 172 days per year.

“Suspension without pay” shall mean the temporary denial of a support employee’s right to work and receive any pay and other benefits during the term of the suspension. “Suspension without pay” may be as a disciplinary measure or as a suspension pending investigation. If a final decision is made under the procedures stated below that a suspension without pay was improper, the support employee shall receive full pay and other benefits for the period of suspension.

“Suspension with pay” may occur in those situations in which the superintendent or designee, or a supervisor of the support employee perceives a significant hazard in keeping the support employee on the job, in which event the support employee may be asked to immediately leave the school district’s premises and the support employee is temporarily relieved of duties pending a hearing.

“Demotion” shall mean a reduction in pay during the term of the support employee’s contract. “Demotion” shall not mean a change in job description or work assignment or duties.

“Termination” shall mean the discharge of the support employee from his/her employment with the school district during the term of his/her contract and does not include the cessation of employment upon expiration of the support employee’s contract.

“Nonreemployment” shall mean the failure to offer a support employee a new contract for the next successive school year after the contract under which the support employee is presently employed has expired.

Cause for Suspension, Demotion, Termination or Nonreemployment

A support employee may be suspended, demoted, terminated or nonreemployed during the term of his/her contract for any of the following:

- A. Violation of any rule, regulation or requirement issued by the office of the superintendent or board of education; or
- B. Conduct not otherwise specified in the above referenced rules, regulations or requirements which constitutes insubordination, neglect of duty, incompetency in job performance, dishonesty, or causing or allowing damage, destruction or theft of school property, etc.

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In addition, "cause" shall also specifically include lack of funds or lack of work.

If the district has received notice of felony investigation into a support employee by a law enforcement agency, the employee shall be placed on administrative leave. If the district does not place a non-certified employee on administrative leave during the time such employee is under investigation by law enforcement for a felony; and that employee is convicted of a felony, pleads guilty to a felony, or pleads nolo contendere to a felony at the conclusion of that investigation; the district shall be given a health and safety deficiency by the State Department of Education.

Procedures for Suspensions without Pay, Terminations and Demotions

Any full-time support employee is subject to disciplinary action in the form of a suspension without pay, demotion or termination. Prior to instituting any such disciplinary action, the employee shall receive the following hearing rights:

- A. The superintendent or designee shall orally advise the employee of the cause or basis for the proposed disciplinary action;
- B. The superintendent or designee shall explain to the employee the evidence against the support employee;
- C. The superintendent or designee shall allow the employee an opportunity to present his/her side of the matter.

After the support employee is afforded the above hearing rights, the superintendent or designee may take any of the following actions:

- A. Suspension without pay for ten (10) working days or less as a disciplinary measure;
- B. Suspension without pay pending investigation as to whether cause exists for the termination of the employee;
- C. Demotion of the employee;
- D. Termination of the employee;
- E. Conclude that no disciplinary action is appropriate.

Investigations, for support employees suspended without pay, must be completed within five (5) working days after the effective date of suspension. The Superintendent or designee shall afford the employee a second hearing with the same hearing rights as set forth above. At the conclusion of the second hearing, the employee shall either be reinstated with back pay and applicable benefits, suspended without pay further as a disciplinary measure (not to exceed a total of 10 working days including the initial days of suspension without pay), demoted or terminated.

The employee shall have the right to appeal to the board a suspension without pay as a disciplinary measure, a demotion or a termination as set forth in the Procedures for Appeal to the Board of Education.

Procedures for Nonreemployment

Prior to being nonreemployed, a full-time support employee who has been employed by the district for more than one (1) year shall be entitled to the following hearing rights:

- A. The board, or the superintendent or designee, shall advise the employee in writing of the board's intention to consider and act on the nonreemployment of the employee for the subsequent fiscal year;
- B. The written notification shall set out the cause(s) for such action;
- C. The employee shall have the right to contest his/her nonreemployment before the board as set forth in the Procedures for Appeal to the Board of Education.

Procedures for Appeal to the Board of Education

After any suspension without pay as a disciplinary measure, or prior to the effective date of any demotion, or termination during the term of his/her contract or nonreemployment, the support employee shall receive written notice of his/her right to a hearing before the board.

All notices shall be sent by certified mail to the employee's official address, as listed in the school records. If the employee refuses to accept the notice or fails or refuses to pick up the notice after being notified by the post office to do so, then the employee shall be deemed to have received the notice on the date that the notice was postmarked. The notice shall contain the information provided in the attached form. The postmark shall be used to determine the timeliness of the notice.

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Employees desiring a hearing before the board, must notify the clerk of the board of education within ten (10) working days of the postmark on their written notice. If the employee fails to notify the district within the allotted time, they will have waived their right to a hearing and the decision shall be deemed final. In the case of nonreemployment, the board may take final action to nonreemploy the employee without further notice or hearing rights.

Hearing before the Board of Education

Upon timely notice as set forth above, the support employee shall be entitled to a hearing before the board. The hearing shall be conducted at the next, or next succeeding, regularly scheduled meeting of the board if the request for the hearing was received at least ten (10) days prior to the next, or next succeeding, regularly scheduled board meeting. At the request of the employee or at the discretion of the board, the board shall call a special meeting to conduct the requested hearing. The special meeting shall be held no earlier than ten (10) days nor later than thirty (30) days after receipt of the employee's request.

At the hearing before the board, the employee shall be entitled to be represented by counsel, to cross-examine witnesses presented by the school district, to present witnesses on his/her behalf and to present any relevant evidence or statement which the employee desires to offer. The hearing shall be conducted in open session. The hearing shall commence with a statement to the employee of his/her rights at the hearing. Following this statement, the administration shall present facts showing the cause for the employee's suspension without pay as a disciplinary measure, demotion, termination or nonreemployment. The burden of proof shall be upon the administration. The employee shall then have the right to present his/her side of the matter. After both the administration and the employee have fully presented their respective positions, the board shall deliberate on the evidence in executive session. The board shall announce its findings and decision immediately in open session by individual voice vote. The decision shall be made by a majority of the board members present at the meeting.

As to suspension as a disciplinary measure, demotion or termination, the board may affirm, modify or reverse the action taken against the employee, including increasing or decreasing the severity of the original action. As to nonreemployment, the board may reemploy or nonreemploy the employee for the subsequent fiscal year.

The decision of the board at the hearing shall be final and non-appealable.

Causes for Suspension, Demotion, Termination or Nonreemployment

In accordance with Title 70 of the Oklahoma Statutes, Sections 6-101.40 through 6-101.47, the board hereby adopts the following causes for suspension, demotion, termination, or nonreemployment of support personnel.

1. Leaving workstation without authorization prior to lunch periods or end of workday
2. Excessive unexcused absenteeism
3. Chronic absenteeism for any reason
4. Failure to be at workstation at starting time or excessive tardiness
5. Persistently wasting time, loitering or distracting others during working hours

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6. Leaving work area during working hours without proper notification and permission
7. Falsification of personnel or other records (personal or another employee's records)
8. Possession of weapons on school premises, in school vehicles or while on duty
9. Removing district property, records, or confidential information from premises without proper authority
10. Willful abuse, misuse, defacing, or destruction of district property, including tools, equipment, or other property of other employees
11. Theft or misappropriation of property of employees, students, or this district
12. Sabotage
13. Refusal to follow instructions of supervisor
14. Refusal or failure to do assigned work
15. Unauthorized operation of vehicles, machines, tools, or equipment
16. Threatening, intimidating, coercing, or interfering with employees, supervisors, or students at anytime
17. The making or publishing of false, vicious, or malicious statements concerning any employee, supervisor, student or the district
18. Creating or contributing to unsanitary conditions
19. Practical jokes injurious to employees or district property
20. Possession, consumption, or reporting to work under the influence of beer, alcoholic beverages, nonprescribed drugs, or controlled substances
21. Creating disturbances on the premises at any time
22. Disregard of known safety rules or common safety practices
23. Unsafe operation of motor driven vehicles
24. Operating machines or equipment without safety devices provided
25. Participating in or witnessing without reporting gambling, lottery, or any other game of chance on district property

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26. Unauthorized distribution of literature, written, or printed matter of any description on district property
27. Posting or removing notices, signs, or writing in any form on bulletin boards of district property at any time without specific authority of the administration
28. Poor workmanship
29. Immoral conduct or indecency including abusive or foul language
30. Making or receiving excessive personal telephone calls, texting, or use of social media during working hours
31. Walking off the job
32. Continued poor or negative attitude while on the job, including poor relationship with other staff or students
33. Smoking, chewing or any other use of tobacco or tobacco/smoking paraphanelia or products that simulate smoking, while on, in, or upon any school property
34. Failure to dress appropriately for work assignment
35. Refusal of job transfer within the district when transfer does not result in demotion
36. Abuse of rest periods or meal period policies
37. Inappropriate or unauthorized use of the school district's computer network or Internet connections
38. Insubordination of any kind
39. Racial discrimination, including racial slurs or other demeaning remarks concerning another person's race, ancestry, or country of origin and directed toward another employee, a student or a visitor
40. Violation of any district rule, regulation or policy
41. Violation of any administrative rule or order
42. If it is in the best interest of the school district, any support person may be suspended, demoted, terminated, or nonreemployed

Violations of any of the above may lead to suspension, demotion, or termination of the support employee.

REFERENCE: 70 O.S. §6-101.40, et seq.

CROSS-REFERENCE: Policy DC, Employment Practices