

ARTICLE 16: JUST CAUSE/DISCIPLINE OF EMPLOYEES

16.100 The District reserves the right to discipline unit members for just cause; except that nothing in this provision shall be read to supersede, or add to, the statutory provisions regarding the dismissal of certificated employees; nor, in any fashion, create new rights for unit members or additional burdens to the District regarding such dismissal provisions.

16.200 Unit members will have the right to grieve whether cause exists for any written reprimand on the “District official reprimand form” and/or any suspension without pay, except for suspensions pending dismissals. Such grievances must be filed in accordance with Article 8. The process for determining whether cause exists for discipline shall not provide the employee the additional right to grieve the dismissal.

16.300 Probationary Employee Dismissal/Suspension During the School Year
Pursuant to Education Code Section 44948.3 first and second year probationary employees may be dismissed during the school year:

16.310 For unsatisfactory performance, as provided in Education Code Sections 44660-44665;

16.320 For cause, as specified in Education Code Section 44932.

As an alternative to dismissal, the probationary employee may be suspended without pay for a specified period of time.

16.330 Any dismissal of a probationary employee shall be in accordance with the following procedures:

16.331 The Superintendent or designee shall notify the employee, in writing, thirty (30) days before the effective date of dismissal. If the dismissal is for incompetence, such notice shall be given sixty (60) days before the effective date of dismissal. Second-year probationary employees shall be notified no later than March 15, but no less than thirty (30) days prior to the effective date of dismissal. If the dismissal is for incompetence, such notice shall be given sixty (60) days prior to effective date of dismissal.

16.332 This notice shall set forth the reasons for the dismissal and shall notify the employee of the opportunity to appeal. If the dismissal is for unsatisfactory performance, a copy of the employee’s evaluation shall accompany the written notice.

16.333 The probationary employee shall have fifteen (15) days from receipt of the notice of dismissal to submit to the Board of Education a written request for a hearing. If an employee fails to submit a request for hearing during this time period, the employee shall waive the right to a hearing. The hearing shall be held no sooner than thirty (30) days and no later than sixty (60) days after the request. Extension may be granted by mutual consent.

16.334 The members of the Board of Education will conduct a hearing as requested under the provisions of Section 44948.3 and shall render a decision regarding the matter. As an alternative, the Board may refer the case to an

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administrative law judge in order to conduct the hearing and to submit a recommended decision in the matter to the Board.

- 16.335 As an alternative to dismissal, the Board of Education may suspend a probationary employee without pay for a specified period of time.