

**CHAPTER 4: Classified Personnel
BOARD POLICY NO. 4.45 (BP 7365)**

**BOARD POLICY
San Mateo County Community College District**

Subject: 4.45 Dismissals and Disciplinary Action
Revision Date: 11/10
Policy References: Education Code Section 88013; Government Code Sections 3300 et seq.

The disciplinary procedures for classified employees who are members of the collective bargaining unit represented by the California School Employees Association (CSEA), Chapter 33 are contained in Article 20 of the CSEA contract, as approved by the Board of Trustees. The disciplinary procedures for classified employees who are members of the collective bargaining unit represented by the American Federation of State, County and Municipal Employees (AFSCME), Local 829 are contained in Article 16 of the AFSCME contract, as approved by the Board of Trustees. The procedures in this policy apply to all other classified employees.

1. The Chancellor may dismiss, suspend, or demote any permanent employee in the Classified Service.
 - a. Dismissal means separation, discharge, or permanent removal of an employee from his/her position in accordance with the provisions of the Education Code and these rules.
 - b. Suspension means either temporary removal of an employee from his/her position with loss of pay as a disciplinary measure or his/her removal preliminary to investigation of charges pending demotion or dismissal.
 - c. Demotion means reduction of an employee from a classification or range having a higher salary rate to a classification or range having a lower salary rate.
2. Prior to any dismissal, suspension or demotion, the employee shall receive written notice signed by the Chancellor (or designee) specifying the proposed action and the reasons therefore. The written notice of the proposed disciplinary action must contain a statement of the specific acts and omissions upon which the disciplinary action is based, a statement of the employee's right to respond to the charges in writing or in person, the time within which the response must be made, and any other requirements specified by law. The notice will include copies of the charges and material upon which the action is based.
3. In an emergency such as gross insubordination or in cases where the continued presence of the employee could constitute a danger to persons or property, an immediate suspension may be imposed on the authority of the administrator responsible for the employee. In a case of this type, the procedure specified in Section 4.45(2) shall follow at the earliest practical time.
4. After the employee responds or if the employee chooses not to respond to a notice of proposed disciplinary action, the Chancellor or designee shall notify the employee of the discipline to be imposed. If the discipline is dismissal, suspension for more than five days, or demotion, the employee may request, in writing, a hearing before the Board of Trustees. Said request must be filed with the Chancellor within seven days after receipt of the notice of dismissal, suspension, or demotion. The Board may appoint a hearing officer to hear the case and make recommendations to the Board on the disposition of the case. If the employee does not request such hearing within seven days, the order of the Chancellor shall become final.

4.45 Dismissals and Disciplinary Action (continued)

5. No suspension shall be effective for a period of more than 30 days without prior approval of the Board.
6. Among the causes which shall be deemed sufficient for dismissal, suspension, demotion, or other disciplinary action, if shown to be related to work performance and/or detrimental to the efficiency of the classified service, are the following:
 - a. Incompetency or inefficiency in the performance of his/her duties
 - b. Insubordination (including, but not limited to, refusal to do assigned work)
 - c. Neglect of duty
 - d. Negligence or willful damage to public property or waste of public supplies or equipment
 - e. Unauthorized absence or repeated unexcused tardiness
 - f. Abuse of illness leave privileges
 - g. Disorderly or immoral conduct
 - h. Discourteous, offensive, or abusive conduct or language toward other employees, students, or the public
 - i. Incapacity due to mental or physical disability
 - j. Use or possession of intoxicants or controlled substances on the job or reporting for work while intoxicated or under the influence of controlled substances
 - k. Dishonesty or theft
 - l. Falsifying any information supplied to the District, including but not limited to, information supplied on applications, employment records, or any other District record
 - m. Engaging in political activity during assigned hours of employment
 - n. Abandonment of position or failure to return from an approved leave
 - o. Violation or refusal to obey rules of the Board, or any lawful regulation or order made by a line superior, or safety rules or regulations made applicable to the District by any appropriate State or local agency
 - p. Conviction of and commitment for any criminal act
7. In case of appeal, determination of the Board of the sufficiency of the cause for disciplinary action shall be conclusive.