

- CLASSIFIED PERSONNEL -**Discipline, Suspension and Dismissal of Classified Employees****DISCIPLINARY OPTIONS**

Classified employees may be subject to the following actions, to include, but not be limited to:

1. Verbal warning or reprimand by Superintendent/designee
2. Written warning or reprimand by Superintendent/designee
3. Probation imposed by Superintendent/designee
4. Reassignment (temporary or permanent) by Superintendent
5. Suspension with pay by Superintendent
6. Suspension without pay by Superintendent
7. Nonrenewal by Superintendent
8. Dismissal (termination of contract) by Superintendent

Classified employees may be terminated or suspended with or without pay only by the Superintendent who, at the first meeting following the actions, shall notify the Board of same. Such notification shall be recorded in the Board minutes. No personnel actions shall be effective prior to receipt of written notice of the action by the affected employee from the Superintendent.

An employee may be relieved from duty for the remainder of the work day by the immediate supervisor, pending action by the Superintendent, when drugs, alcohol, and/or the safety of students or staff are involved.

An employee shall be suspended with pay only when the Superintendent determines there is a justifiable need to protect the safety of students and staff or to prevent significant disruption of the workplace and/or educational process. The period of suspension with pay shall not exceed the time needed to determine whether the employee is to return to active service or face disciplinary action. However, suspension with pay shall not exceed ten (10) working days. If circumstances arise that require an investigation or other proceedings that may extend beyond ten (10) days, the Superintendent may lengthen the period of suspension, not to exceed an additional fifteen (15) working days.

Employees suspended with pay shall remain available for immediate recall to active service.

The Superintendent shall see that documentation to support the grounds for suspension with pay is provided to the employee and retained on file in the District.

CAUSES FOR ACTION

Any classified employee shall be subject to appropriate disciplinary or job action for one (1) or more of the following reasons:

1. Dishonesty, neglect of duty, incompetence, inefficiency or insubordination.
2. Reporting to work under the influence of or use or possession of alcohol while on duty, or the illegal use or possession of controlled substances at any time.

Discipline, Suspension and Dismissal of Classified Employees**CAUSES FOR ACTION (CONTINUED)**

3. Unsatisfactory evaluation of any factor on the employee's performance evaluation report.
4. Repeated unexcused absence, tardiness, absence without notification or abuse of sick leave.
5. Violation of or refusal to obey local policies or state regulations adopted by the Kentucky Board of Education or by the Board.
6. Refusal to comply with safety directives.
7. Falsifying information supplied to the District including information on application forms, absence reports, or any other information.
8. Violation of local policy, state, or federal statutes or regulations that apply to assigned duties.
9. Failure to notify the Superintendent if the classified employee has been found by the Cabinet for Health and Family Services to have abused or neglected a child, and if the employee has waived the right to appeal such a substantiated finding or the finding has been upheld upon appeal.
10. Conviction of a felony or any crime involving moral turpitude.
11. Immorality or other unprofessional conduct.
12. Loss of licensure or certification required for the position; failure to provide cooperation or consents necessary to serve or continue serving in positions requiring licensure; or being disqualified from serving in a licensed position based on information obtained by the District from the Federal Motor Carrier Safety Administration (FMCSA) drug and alcohol electronic "Clearinghouse" or otherwise.
13. Failure to maintain the confidentiality of information about students or staff obtained in the course of employment, unless disclosure serves a legitimate job-related purpose or is required by law.
14. Engaging in any sexually related behavior with a student with or without consent, including, but not limited to, behavior such as sexual jokes; sexual remarks; sexual kidding or teasing; sexual innuendo; pressure for dates or sexual favors; inappropriate physical touching, kissing, or grabbing; rape, threats of physical harm; and sexual assault.
15. Physical or mental disability, consistent with applicable laws protecting employees with disabilities.¹

DUE PROCESS PROVISIONS

When an employee is to be terminated under KRS 161.011 or suspended without pay, the Superintendent shall give the employee written notification of charges against him/her, to include a statement of the right to meet with the Superintendent to discuss such charges, and a form, the signing and filing of which will constitute a demand for the meeting and a denial of charges. The employee may request the meeting by filing the proper form with the Superintendent within six (6) calendar days after receiving the notification of charges.

Discipline, Suspension and Dismissal of Classified Employees**DUE PROCESS PROVISIONS (CONTINUED)**

The Superintendent shall develop procedures to implement due process provisions.

If it becomes necessary for the Superintendent to terminate the employment of an employee a terminating interview with the Superintendent may be scheduled on District time.

The termination date of an employee shall be the last actual working day.

OTHER DISCIPLINARY ACTIONS

When charges result in disciplinary actions other than termination or suspension without pay and employees wish to contest the charges, they may submit a written response, which shall be placed in their file along with the written charges.

REFERENCES:

¹Americans with Disabilities Act
42 U.S.C. § 12111 et seq.
49 C.F.R. § 382.701; 49 C.F.R. § 382.703
KRS Chapter 344
KRS 160.380; KRS 160.390; KRS 161.011
OAG 92-135; OAG 96-3; OAG 05-006
Consolidated Omnibus Budget Reconciliation Act

RELATED POLICIES:

03.212; 03.23251; 03.26; 03.271; 03.2711
07.162; 09.14; 09.42811