

BOARD POLICIES	SUPPORT STAFF DISCIPLINE, SUSPENSION, NONRENEWAL, AND TERMINATION (BP-7029) METRO TECHNOLOGY CENTERS	The on-line version of the policy is official. Therefore, all printed versions are unofficial copies.
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1.0 POLICY:

Non-Application of Policy: This policy will not apply to certified employees, who are covered by the Oklahoma School Code, probationary employees as defined in these policies and regulations, adult education instructors and adult coordinators.

Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated:

- Resignation - a voluntary act initiated by the employee to terminate employment with Metro Technology Centers. Although advance notice is not required, Metro Technology Centers requests at least two (2) weeks' written resignation notice from all employees.
- Retirement - voluntary employment termination initiated by the employee meeting age, length of service, and any other criteria for retirement from the organization.
- Termination - involuntary employment discharge initiated by the organization.
- Reduction in Force - involuntary employment termination initiated by the organization for nondisciplinary reasons.
- Elimination of Position – elimination of a position initiated by the organization for nondisciplinary reasons.
- Lack of work, destruction of buildings, or suspension of school because of illnesses or disasters.

Departing employees will be provided an opportunity to participate in an exit interview conducted by Human Resources. Metro Technology Centers will generally schedule exit interviews at the time of employment termination. The exit interview will afford an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of any outstanding debts to Metro Technology Centers, or return of Metro Technology Centers-owned property. Suggestions, complaints, and questions can also be voiced.

Since employment with Metro Technology Centers is based on mutual consent, both the employee and Metro Technology Centers have the right to terminate employment, as authorized by Oklahoma Statutes. Employees will receive their final pay in accordance with applicable state law.

Employee benefits will be affected by employment termination in the following manner. All accrued, vested benefits that are due and payable at termination will be paid. Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

Other Reasons for Terminating Employment: According to appropriate policy, state statute, and/or any applicable negotiated agreement, all employees may also be dismissed, demoted, laid off, nonrenewed, or their work schedule suspended without pay for lack of work, destruction of buildings, or suspension of school because of illnesses or disasters.

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Definition: As used in this policy, a support employee is a person who has completed the appropriate probationary period and is not excluded from coverage under the first paragraph above. A support employee is covered under this policy.

Types of Discipline: Action may be taken against an employee who violates established policies and/or regulations. The extent of the action will depend upon the seriousness of the violation and may range from a verbal reprimand to a recommendation for dismissal from employment. Action can be of a progressive nature designed to correct behavior in a manner that would allow said support employee to continue employment.

Acceptable forms of action to be taken are as follows:

- A. Verbal reprimand
- B. Written reprimand
- C. Disciplinary probation
- D. Recommending suspension from duty
- E. Recommending demotion with permanent reduction in pay
- F. Recommending dismissal from employment

This list is not in priority order and will be imposed as deemed appropriate by Metro Technology Centers.

Any action taken will be reported in writing on a Human Resources Department approved form.

In deciding upon a course of action, the supervisor will take into consideration the seriousness of the violation, the previous work record of the support employee, and any mitigating or extenuating circumstances related to the violation. Any action that will become a part of the employee's official personnel file must be reviewed by the superintendent before the action can become official.

A Suspension from duty without pay requires the action of the appropriate associate/assistant superintendent and the superintendent. In addition, a demotion or dismissal requires Board of Education action.

A Significant Event Report is to be completed by the support employee's immediate supervisor when a written record of disciplinary action is required. The completed report is to be reviewed and signed by the administrator at the next highest level above that of the person who completes the report. The supervisor should discuss the report with the support employee, explaining the report and its meaning to the support employee and responding to any questions or comments. The support employee must sign the Significant Event Report. The support employee's signature will only acknowledge receipt of the report and not necessarily imply agreement with its contents. Refusal of the employee to acknowledge receipt of the report by his/her signature will be reported on the form. The report will be forwarded to the superintendent.

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DISCIPLINE AND TERMINATION

If an alleged violation which gives rise to a recommendation to demote or to dismiss is such that it may affect the safety or welfare of any person, including students or other employees, and it appears to be in the best interest of Metro Technology Centers to remove the support employee from the immediate environment pending the outcome of an investigation, court proceeding, medical evaluation of the support employee or exhaustion of internal appeal procedures, the superintendent is authorized to:

- A. reassign the support employee to another position but maintain the same salary until the Board of Education has acted; or
- B. suspend the support employee without pay.

Suspension: The superintendent is authorized to suspend support employees from duty without pay for the above listed causes. Suspension without pay will not exceed ten (10) working days, unless a recommendation to dismiss or demote is forwarded to the Board of Education for action or in a case involving a criminal charge or indictment or when Metro Technology Centers has filed a criminal report relating to the incident of the employee's suspension with an appropriate police department, the suspension without pay will extend until the support employee's case is dismissed or adjudicated at a trial. When a support employee is suspended, any annual leave will be used. If no annual leave is available, the leave will be without pay. At the end of the suspension period, the support employee will be reinstated, except as provided above.

If an appeal to the Board of Education is successful and a suspension without pay is overturned, the support employee will be granted extra annual leave days in the amount for which he/she was suspended without pay. At Metro Technology Centers discretion, or when leave is not accrued, the employee will be paid for the time.

Demotion: Support employees may be demoted by the Board of Education for cause, as listed herein. A demotion is the permanent reduction of pay of a support employee for cause, as listed in this policy.

Dismissals: Support employees may be dismissed from employment for cause, as listed herein by the Board of Education.

Nonrenewal: Support employees may be nonrenewed for cause, as listed by the Board of Education.

Justifiable reasons for suspension without pay, demotion, non-renewal, or dismissal of support employees are:

1. Incompetence - inability to satisfactorily perform the required functions of the position.
2. Willful neglect of duty - knowingly failing or refusing to carry out the required functions of the position.
3. Willful or persistent violation of school laws, board policies, administrative regulations/procedures, or administrative directives.

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4. Failure to follow the reasonable directions of supervisors or of the Board of Education.
 5. Failure to satisfactorily perform assigned duties after warning or evaluation.
 6. Refusal or failure to do work assignment.
 7. Failure to satisfactory complete the probationary employment period.
 8. Release from employment during the probationary employment period.
 9. Poor workmanship.
 10. Creating disturbances on the premises at any time.
 11. Leaving workstation without authorization prior to lunch periods, authorized breaks (rest periods) or end of workday.
 12. Persistently wasting time or distracting others during working hours.
 13. Refusal of job transfer within the school district, if the transfer does not result in a demotion.
 14. Continued poor or negative attitude while on the job, including poor relationship with other staff or students.
 15. Unauthorized distribution of literature, written, or printed matter of any description on Metro Technology Centers' property.
 16. Posting or removing notices, signs, or writing in any form on Metro Technology Centers' bulletin boards or other property at any time without specific authority of the administration.
 17. Use of a tobacco product in an unauthorized area.
 18. Failure to dress appropriately for work assignment.
 19. Failure to follow the reasonable directions of supervisors or of the Board of Education.
 20. Using abusive or foul language while on school district property or while attending events on behalf of the school district.
 21. Participating in or witnessing and not reporting gambling, lottery or any other game of chance that occurs on school district property.
 22. Sabotage.
 23. Practical jokes injurious to employees, customers, guests, students, or school district property.
 24. An act, behavior or event initiated by or due to the fault of the employee that is clearly not in the best interest of the school district.
 25. Failure to call in for three (3) consecutive days when absent from work assignment.
 26. Walking off the job.
 27. Unauthorized and excessive absenteeism or tardiness for any reason.
 28. Unauthorized use of employee leave.
 29. The working of more than the number of hours approved by the supervisor.
 30. Use of excessive overtime.
 31. Approval of excessive overtime.
 32. Altering a time sheet without proper approval.

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33. Clocking in for another person.
 34. Falsification of personnel or other records, including time cards.
 35. Accepting additional compensation from any source other than Metro Technology Centers for identical contract duty days or hours for which the employee is receiving remuneration through the school district, except as provided for by law.
 36. Utilization of Metro Technology Centers' materials, equipment or funds for unauthorized or personal use or gain.
 37. Inappropriate and/or unauthorized use of the school district's computer network, software, or Internet connections.
 38. Falsification of personnel, student or other official school district records.
 39. Unauthorized release of confidential or non-confidential information.
 40. Unauthorized recording, including audio and/or video, of meetings between employees and supervisors.
 41. Commission of an act which would be a felony.
 42. Conviction of a felony, unless a presidential or gubernatorial pardon has been issued, while employed by Metro Technology Centers.
 43. Failure to notify Metro Technology Centers of a felony conviction.
 44. Any sex offense subject to the Sex Offender's Registration Act in the state of Oklahoma or subject to another state's or the federal sex offender registration provisions.
 45. Engaging in criminal sexual activity or sexual misconduct that has impeded the effectiveness of the individual's performance of duties for Metro Technology Centers.
 46. Conviction of criminal sexual activity or sexual misconduct.
 47. Engaging in immoral conduct or indecency on or off school district property.
 48. Bringing on school district property any item intended to be used as a weapon, except as specifically outlined in Possession of Lethal Weapons or Firearms (*Board Policy BP-5019*).
 49. Inciting, threatening, or participating in violence in the workplace.
 50. Reporting to work under the influence of controlled dangerous substances/illicit drugs/intoxicants or alcohol.
 51. Reporting to work or attempting to work under the influence of prescribed controlled dangerous substances that interfere with the employee's ability to perform the job functions.
 52. Use of an alcoholic beverage by a driver eight (8) hours prior to or during the operation of a school bus.
 53. Use of any controlled dangerous substance seventy-two (72) hours prior to or during the operation of a school bus.
 54. Possession of a controlled dangerous substance on a school bus.
 55. Involvement in the sale or distribution of controlled dangerous substances in any location.
 56. Possession of illicit drugs or alcohol on school property.

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57. Refusal to submit to drug or alcohol testing.
 58. Testing positive on screen for illicit drugs or intoxicants.
 59. Failure to notify Metro Technology Centers of a criminal conviction for drug-related activity within five (5) days of such conviction.
 60. Threatening, intimidating, coercing or interfering with students; employees, including supervisors; board of education members; guests; clients; or customers at any time.
 61. Harassment of, bullying of, or discrimination against any student, employee, board of education member, guest, client, vendor, customer, or any other protected class at any time because of race, color, national origin, sex/gender, age, marital or veteran status, religion, pregnancy, genetic information, disability, sexual orientation or any other protected status.
 62. Taking reprisal against any student, employee, board of education member, guest, client, customer, or other person as a result of a complaint.
 63. The making or publishing of false, vicious, or malicious statements concerning any student, employee, board of education member, guest, client, or customer of the school district.
 64. The acceptance of gifts, money, property, or personal service from individuals, vendors, and/or contractors who do business or seek to do business with the school district.
 65. Theft or misappropriation of property of employees, students, clients, guests, or the school district.
 66. Removing school district property, records, or confidential information from premises without proper authority.
 67. Deliberate falsification of reimbursement claims.
 68. Unauthorized operation of school district motor vehicles or use of school district supplies, tools, equipment or facilities.
 69. Use of school district property, records, or information for personal gain.
 70. The improper or willful abuse, misuse, negligent, defacing, destructive or unsafe use or operation of equipment or vehicles, including, but not limited to, tools, equipment, and vehicles, or property of others, as well as excessive or avoidable traffic and parking violations.
 71. Using a cell phone or iPad to conduct business while driving and when such use is not an emergency (emergency) situation.
 72. Disregard of known safety rules or common safety practices.
 73. Causing hazardous or dangerous situations.
 74. Failure to report or, where appropriate, remedy hazardous or dangerous situations.
 75. Operating machines or equipment without safety devices provided.
 76. Creating or contributing to unsanitary conditions.
 77. Failure to comply with the school's District Code of Ethics (*Board Policy BP-2030*).

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Due Process: Support employees are entitled to due process related to dismissal, demotion, nonrenewal and suspension without pay, as authorized by Oklahoma law.

Right to Hearing: After any suspension or prior to any termination or demotion, a support employee will be notified by certified mail of the right to a hearing conducted by the Board of Education (Board Policy BP-2028). Failure of the support employee to request a hearing from the Board Clerk within ten (10) working days of such notice will be considered a waiver of the support employee's right to a hearing and will make the action final and non-appealable.

If a support employee requests a hearing, the hearing will be conducted as soon as practical, consistent with the due process right to adequate time to prepare a defense.

Board of Education's Authority: The Board of Education reserves the right to order and administer discipline, remedy and or other action as it deems necessary. Examples are:

- A. Direct further investigation.
- B. Lower the penalty imposed.
- C. Direct a continued hearing to consider a more severe penalty. Said continuation will be adequate for the employee to respond to the possibility of increased penalty.

2.0 CROSS REFERENCE: BP-2028, BP-2030, BP-7014

3.0 REVISION HISTORY:

<u>Date:</u>	<u>Revision</u>	<u>Description of Revision:</u>
08-Oct-84	A	Adopted
09-Aug-93	B	Revised
08-May-95	C	Revised
15-Jul-96	D	Revised
22-Sep-03	E	Reformatted
15-Dec-03	F	Legal references reviewed and revised as necessary
22-Nov-04	G	Revised
13-Sep-11	H	Revised header and footer format; added K. Failure to call in for three (3) consecutive days when absent from work assignment; added Cross Reference BP-7014; revised date format under Revision History
07-May-13	I	Blanket approval granted by Board of Education to update all policies to approved format and to remove two sections: 2.0 Legal Reference and 5.0 PCF Framework
10-Dec-13	J	Clarified reasons for suspension, dismissal, non-renewal and dismissal.

***** End of Policy *****