

ARTICLE 13
DISCIPLINARY ACTION

13.1 General Provisions:

- 13.1.1 A permanent bargaining unit employee shall be subject to disciplinary action only for cause as prescribed by law or as set forth below under Section 13.2, Causes for Disciplinary Action. For purposes of this article, disciplinary action shall mean an unpaid suspension not to exceed thirty (30) working days, dismissal, or demotion. In the event that a Campus Police Officer receives a written reprimand, the Officer may file a written appeal by following the informal and formal steps of the grievance procedure, except that any such appeal shall culminate at Step 2 (See 10.2.5) of the grievance procedure.
- 13.1.2 No disciplinary action shall be taken against any permanent bargaining unit employee for any cause which arose prior to the date in which the employee became permanent, nor for any cause which arose more than two (2) years preceding the date of the filing a Notice of Disciplinary Action, unless such cause was concealed or not disclosed by the employee when it could reasonably be assumed that the employee should have disclosed the facts to the District.
- 13.1.3 Probationary employees may be released at any time during the term of their probationary period without cause and shall not be entitled to any of the procedures in this article or to any appeal of any action by the Board of Trustees to release them.

13.2 Causes for Disciplinary Action:

- a. Incompetence, below standard work performance, a pattern of inefficiency or continued negligence in the performance of the duties of her/his position.
- b. Repeated or unexcused tardiness or absence after warning.
- c. Insubordination, including, but not limited to refusal to do reasonably assigned work or any other serious breach of discipline.
- d. Dishonesty.
- e. Discourteous, offensive, or abusive conduct toward other employees, students, or the public.
- f. Misuse, theft, destruction or mishandling of District property, or property of employees or students of the District.
- g. Offering anything of value, or offering any service in exchange for special treatment in connection with the employee's job or employment, or accepting of anything of value or any service in exchange for granting any special treatment to another employee or to any member of the public.
- h. Unauthorized possession of opened alcoholic beverage containers or drinking alcoholic beverages or being intoxicated while on the job or unauthorized use of narcotics or habit forming drugs not prescribed by a licensed physician.
- i. Engaging in political activities during assigned hours of employment.
- j. Immoral conduct.
- k. Conviction of a crime of violence or moral turpitude or a serious crime where the nature of the crime is such that it will indicate that the employee is a poor employment risk for the particular job which he/she holds in the District.

- l. Conviction of a sex offense as defined in the Education Code Section 87010. Note: an employee convicted of a sex offense as defined in the Education Code shall be automatically discharged and shall have no right of appeal.
- m. Conviction of a narcotics offense as defined in the Education Code Section 87011. Note: an employee convicted of a narcotics offense as defined in the Education Code shall be automatically discharged and shall have no right of appeal.
- n. Absence without approved leave or abuse of leave provisions.
- o. Knowingly falsifying any information supplied to the District including but not limited to information supplied on application forms, employment records, and other records.
- p. Persistent violation or refusal to obey District safety rules or other procedures made applicable to the District by the Board or any appropriate state or federal agency.
- q. Any willful failure of good conduct tending to injure the public service or its reputation with particular regards to students.
- r. Abandonment of position, which shall be interpreted to mean an absence without continued notification in excess of five (5) working days except in case of dire emergency.
- s. Advocacy of the overthrow of federal, state, or local government by force, violence, or other unlawful means.
- t. Willful or persistent violation of these rules or adopted and implemented procedures of a department when such procedures are made known to the employee in writing.
- u. Failure to report for review of criminal records or for a health examination after due notice.
- v. Sexual harassment of any student, employee, member of the Board of Trustees, or any member of the public while on any of the District campuses or facilities as prohibited in Board Policy 4112.2.

13.3 Notice of Disciplinary Action

An employee recommended for disciplinary action shall be served with a notice of recommended disciplinary action which shall, in ordinary and concise language, set forth the specific causes and charges for disciplinary action and inform the employee that they may contact CSEA concerning representation. In addition, the notice shall advise the employee of her/his right to respond to the notice either orally or in writing within five (5) working days from receipt of the notice.

13.4 Disciplinary Procedure

13.4.1 In the event an employee desires to respond orally to the notice of recommended disciplinary action, the employee shall be provided an opportunity to respond to the notice to the Superintendent/President or designee. An employee shall have the right to representation at any such meeting.

13.4.2 After the employee has had an opportunity to respond to the notice of recommended disciplinary action or has not requested such an opportunity to respond, the Superintendent/President shall determine whether to proceed with the recommendation for disciplinary action. In the event that the Superintendent/President determines to recommend disciplinary action, such recommendation shall be submitted to the Board of Trustees.

13.4.3 The Board of Trustees may either accept, modify or reject the recommendation for disciplinary action. In the event that the Board of Trustees takes action to impose discipline, such disciplinary action shall be implemented on the day following the Board of Trustee's action.

13.4.4 No disciplinary action shall be implemented prior to action by the Board of Trustees. However, the District may initiate an immediate suspension without pay pending final disciplinary action by the Board of Trustees when reasonable cause exists to believe the suspension is to protect the best interest of the District. In the event the District immediately suspends an employee without pay, the District shall provide the employee with a notice of disciplinary action within one (1) day after the unpaid suspension. An employee shall have the right to respond to the immediate unpaid suspension and to the notice of disciplinary action as set forth in Section 13.4 above.

13.5 Progressive Discipline

Except for extenuating circumstances, prior to disciplining an employee for incompetence, below standard work performance, a pattern of inefficiency or continued negligence in the performance of the duties of her/his position or for repeated or unexcused tardiness or absence, the District shall have provided the employee with an oral warning and a written reprimand.

An employee who receives an oral warning under this section shall have an opportunity to correct any such deficiency prior to the issuance of a written reprimand.