

903 PROCEDURES FOR DISCIPLINARY ACTIONS

**Statement of Intent:** The purpose of this Rule is to provide orderly procedures for processing disciplinary actions. The procedures listed provide protections and guidelines for both the District and the employee with established law and personnel practice. In most cases, discipline should be viewed as a positive experience, used to modify behavior, rather than penalize an employee; therefore, discipline should be progressive. The employee should be informed of the work standards required and warned of offenses prior to the imposition of discipline.

A. IMPOSITION OF DISCIPLINE

For any of the causes for disciplinary action listed in Rule 902, Causes for Disciplinary Actions, any employee may be suspended immediately for not more than 30 days or may be demoted or dismissed.

B. NOTICE OF UNSATISFACTORY SERVICE

Prior to recommending a disciplinary action (suspension, demotion, dismissal) against an employee, the responsible administrator shall advise the employee that disciplinary action may be taken and schedule a meeting to discuss the matter provided it is in accordance with the appropriate bargaining unit contract. Additionally, the employee shall, upon request, be entitled to be accompanied at this meeting in accordance with the appropriate bargaining unit contract. Unavailability of the employee or union representative for more than a reasonable time shall not delay appropriate action, if any.

A notice of unsatisfactory service shall be given to a regular employee whose services are held to be unsatisfactory. This notice must be given to a permanent employee not less than fourteen nor more than 126 days before the effective date of demotion or dismissal, or in the case of suspension, not more than 126 days before the effective date of the suspension, when the demotion, dismissal or suspension is based upon a cause or causes listed in Rule 902, Causes for Disciplinary Actions, Paragraph A. 1 through 6, 8, 10, 14, 15, 19, 20, 21, or 23. If the provision that the effective date of a suspension may not be more than 126 days after the issuance of the notice would require that the effective date falls within a period of time excluded from an employee's assignment basis, the effective date may be more than 126 days after the issuance of the notice, but no later than the first assigned day of the employee's assignment basis following Board of Education approval of the suspension action. The above timelines on disciplinary actions may be waived upon agreement between the Board of Education and the employee or employee representative. The notice shall contain a written statement in ordinary and concise language of the specific acts and omissions upon which the unsatisfactory notice is based. A prescribed form, issued by the Human Resources Division, shall be used for the notice. A notice of unsatisfactory service may be signed by anyone who exercises supervisory responsibility over the employee and shall be signed or countersigned by the Educational Service Center administrator, division head, or a designated representative.

CHANGE:

Clerical error clean-up.

Last Revised: October 3, 2013, page 1 of 3.

LOS ANGELES UNIFIED SCHOOL DISTRICT  
PERSONNEL COMMISSION

903

LAWS AND RULES

August 17, 2011

If practicable, the notice shall be delivered personally to the employee, who shall be requested to sign as acknowledgment of receipt. If the employee refuses to sign a notice that is personally delivered, the notice may be presented in the presence of a witness and signed by that witness. When personal delivery is impracticable, the notice shall be sent to the employee's last known address by registered or certified mail with return postage prepaid and a receipt requested.

C. SKELLY PROVISIONS

The following provisions apply:

- 1) to employees who have achieved permanent status in the District.
- 2) to employees in probationary status with underlying District permanency for which a dismissal or suspension action has been recommended.

If the employee decides to answer the statement in the notice orally, the employee shall do so during a conference with a designated representative of the department. The employee may be accompanied at this conference by a representative, which either may be an attorney or a person of the employee's choice. The designated representative of the department shall then make final determination on the disciplinary recommendations before forwarding them to the Board of Education for approval.

Supervisors and incumbents must refer to the appropriate sections of the applicable Collective Bargaining Agreements (CBA) regarding the imposition of discipline.

D. SUSPENSION FOR SPECIFIC OFFENSES PROCESSED AS INVOLUNTARY PERSONAL LEAVE (MANDATORY/OPTIONAL)

A regular employee charged with the commission of any sex offense defined in Section 44010 or controlled substances offense defined in Section 44011 of the Education Code, by complaint, information, or indictment filed in a court of competent jurisdiction, may be suspended as provided for in Section 45304 of the Education Code. An employee who is so suspended has no right to appeal the suspension to the Commission and, therefore, has no right to a hearing. Such a suspension will be processed as an involuntary personal leave (mandatory/optional) in accordance with the provisions of this Rule relative to suspensions. Such suspensions shall be reviewed for status by the school district every 90 days. The employee may receive compensation as provided for in applicable sections of the Education Code.

CHANGE:

Final approval to Paragraph C, "Skelly provisions" which allows Hearing Officers to continue to address claims of Skelly violations during Personnel Commission hearings.

Last Revised: August 17, 2011, page 2 of 3.

LOS ANGELES UNIFIED SCHOOL DISTRICT  
PERSONNEL COMMISSION

903

LAWS AND RULES

August 17, 2011

---

E. STATEMENT OF CHARGES

Within 10 days after the suspension (except for suspension in accordance with Education Code Section 45304), demotion, or dismissal of any employees that has been approved by the Board of Education, the Human Resources Division staff shall file a copy of the statement of charges with the Commission. Within that time, a copy of the statement of charges shall be mailed to the employee at his or her last known address by registered or certified mail with postage prepaid and with return receipt requested. Notification by the United States Postal Service that delivery cannot be made at the address of record shall be deemed to meet the requirements of "receipt." The Personnel Commission may grant an extension of the time limit on the appeal period upon a showing that extenuating circumstances prevented the appellant from complying with the appeal prescribed by the Rule.

The following shall be included in the statement of charges or accompanying documents: (a) a statement of the nature of the disciplinary action; (b) the effective date of the action; (c) a statement of the causes therefore, (d) a statement in ordinary and concise language of the acts or omissions upon which the causes are based; (e) if the action is based on violation of any provision of the Education Code or of rules, regulations, or procedures of the Board of Education or the Personnel Commission, and the identification and text of such law, rule, or regulation; and (f) a statement informing the employee of his/her right to answer the statement either orally or in writing and the time within which it must be done if the answer is to constitute an appeal.

CHANGE:

To clarify Hearing Officer's authority to adjudicate matters related to Skelly violations.

Last Revised: August 17, 2011, page 3 of 3.

---

Procedures of Disciplinary Actions

903

Page 3 of 3