**RCS/RCSTA**

**DISCIPLINE AND DISCHARGE**

**November 7, 2022**

1. **Intent**

Subject to the limitations specified in Employment Status, no unit member shall be disciplined, dismissed, reduced in rank or compensation without just cause.

As soon as RCS becomes aware of conduct which may give reason to pursue disciplinary action, where deemed necessary by any involved party, an investigation to fully understand the conduct shall ensue under a good faith effort to come to an objective conclusion as soon as possible.. Disciplinary action will then take place as soon as is reasonably possible, but no later than thirty (30) work days following the School’s receipt of the investigation findings.

Discipline shall be consistent with the principles of progressive discipline as specified herein.

1. **Confidentiality**
   1. When imposing discipline, RCS shall maintain confidentiality consistent with legal requirements.
   2. When giving reprimands, warnings, or criticism, privacy appropriate to the professional relationship shall be maintained.
2. **Investigatory and Disciplinary Meetings**
   1. When an administrator has a conference with an employee where it is evident at the time the meeting is convened that the employee is the focus of a possible disciplinary action, the employee shall be notified of the purpose of the meeting, before the meeting takes place. It is the employee’s right to be accompanied and represented by a union representative of the unit member’s choice.
   2. Where a union representative is not available to accompany an employee to an investigatory or disciplinary meeting, RCS shall reschedule the meeting to a time that enables the employee to have a union representative present within three (3) workdays. If the union representative of the employee’s choosing is not available, the employee must find an alternate union representative.
   3. At any time a unit member is called to a meeting and realizes that the purpose of the meeting is such that the outcome could result in discipline, the unit member has the right to terminate the meeting until a union representative can be present.
   4. A unit member who refuses to continue meeting without a union representative, after it is determined by the unit member that discipline could result from the meeting, shall not be insubordinate.
3. **Progressive Discipline**
   1. Absent serious misconduct, discipline shall be progressive in nature which generally includes the following progression: verbal warning;; written reprimand with disciplinary conference; suspension without pay; and dismissal.
   2. In determining the appropriate level of disciplinary action, the Superintendent or designee shall consider the nature of the current misconduct, the nature of the unit member’s prior misconduct, prior disciplinary action taken against the unit member, and the unit member’s response to the disciplinary action.
   3. RCS reserves the right in all instances to determine the appropriate level of disciplinary action, where progressive steps may not always be taken.
   4. Progressive discipline does not necessitate RCS to use a more severe disciplinary action than the preceding action for a repeated offense.

3.5 Progressive discipline is intended to correct employee misconduct. As such, all disciplinary action shall include specific recommendations/directives to correct the misconduct.

1. **Progressive Discipline Steps**
   1. Verbal Warning*.* A verbal warning shall be reduced in writing to a post-conference summary memorandum. The post summary memorandum must include a defined, objective description of the conduct which gave rise to the verbal warning, as well as a description of the remediative/corrective actions to be taken by the unit member. The employee must receive a copy of the post-conference summary memorandum within five (5) workdays of the verbal warning. The employee has the right to provide a written response which shall be attached to the original memorandum. Such memoranda shall be included in a unit member’s personnel file. Such memoranda shall not be grieved unless they become a basis for a written reprimand or suspension.

4.2 Written Reprimand with Disciplinary Conference. Unless conduct warrants a written reprimand in the first instance, a written reprimand shall not be used unless the employee has received a verbal warning about similar actions. The conference memorandum must be attached to the written reprimand and must include the date the verbal warning was given. The purpose of the disciplinary conference shall solely be to discuss the specific conduct of the warnings and develop a support plan for the unit member, as appropriate within the discretion of RCS.

4.3 Suspension Without Pay. Suspensions without pay may be implemented for up to fifteen (15) workdays. The salary effects of that suspension shall not be implemented until the suspension has become final, including the conclusion of an investigation and the conclusion of any action taken by the unit member or RCSTA in accordance with theGrievance Article herein. No unit member shall receive more than one (1) suspension without pay penalty for any single action or infraction.

4.4 Dismissal. Dismissal shall be carried out in accordance with this Article.

**5.** **Administrative Leave With Pay**

Administration, at their discretion, may place any unit member on administrative leave with pay for the purpose of investigating charges or complaints against such unit member. Full benefits shall remain in force pending the completion of an investigation. Such leave will not be considered disciplinary in nature.

**6.** **Causes for Discipline/Dismissal**

The following independently or collectively are causes for discipline:

* Insubordination - refusing to perform a task or duty assigned or act in accordance with instructions provided by an employee’s manager or proper authority.
* Inefficiency - including deliberate restriction of output, carelessness or unnecessary wastes of time or material, neglect of job, duties or responsibilities.
* Unprofessional conduct.
* Unauthorized soliciting, collecting of contributions, distribution of literature, written or printed matter is strictly prohibited on School property by non-employees and by employees. This rule does not cover periods of time when employees are off their jobs, such as lunch periods and break times. However, employees properly off their jobs are prohibited from such activity with other employees who are performing their work tasks.
* Damaging, defacing, unauthorized removal, destruction or theft of another employee’s property or of School property.
* Fighting or instigating a fight on School premises.
* Violations of the drug and alcohol policy.
* Using or possessing firearms, weapons or explosives of any kind on School premises.
* Gambling on School premises.
* Tampering with or falsifying any report or record including, but not limited to, personnel, absentee, sickness or production reports or records, specifically including applications for employment and time cards.
* Recording the clock card, when applicable, of another employee or permitting or arranging for another employee to record your clock card.
* Use of profane, abusive or threatening language in conversations with other employees and/or intimidating or interfering with other employees.
* Conducting personal business during working hours.
* Excessive absenteeism or tardiness excused or unexcused.
* Posting any notices on School premises without prior written approval of management, unless posting is on a School bulletin board designated for employee postings.
* Immoral or indecent conduct.
* Conviction of a criminal act.
* Engaging in sabotage or espionage (industrial or otherwise)
* Violations of the harassment, discrimination, and retaliation policy.
* Failure to report a job-related accident to the employee’s manager or failure to take or follow prescribed tests, procedures or treatment.
* Sleeping during work hours.
* Release of confidential information without authorization.
* Any other conduct detrimental to other employees or the School’s interests or its efficient operations.
* Refusal to speak to supervisors or other employees.
* Dishonesty.
* Failure to possess or maintain the credential/certificate required of the position.
* Inability to perform the essential functions of the job with or without reasonable accommodations.

**7.** **Suspension or Dismissal Process**

7.1 Suspension or termination shall be initiated in writing by the Superintendent or designee by providing Notice of Recommended Discipline (“Recommendation”) and serving such Recommendation upon the unit member in person or by certified mail no less than five (5) workdays prior to the proposed discipline being imposed.

7.2 The Recommendation shall contain:

7.2.1 A statement, in ordinary language, of the factual basis upon which the disciplinary action is based;

7.2.2 Any rule or regulation alleged to have been violated;

7.2.3 The proposed penalty;

7.2.4 A copy of any documentary materials upon which such action is based; and

7.2.5 A statement of the unit member’s right to respond verbally and in writing prior to the proposed discipline being imposed.

7.3 Following this period, the unit member shall be provided a written Notice of Discipline in person or by certified mail, prior to discipline being imposed, setting forth the decision of the Superintendent or designee.

**8**. **Access and Response to Critical Material in Personnel Files**

8.1 There shall be a single official personnel file for each unit member.

8.2 Unit members shall have the right to inspect and obtain a copy of personnel file materials, upon request and without retaliation as permitted by law. Upon authorization by the unit member, an RCSTA representative may review the unit member’s file or accompany the unit member in their review of the file.

8.3 All disciplinary material placed in a unit member’s personnel file shall be dated and signed by the person who caused the material to be prepared.

8.4 Information of a derogatory or disciplinary nature shall not be entered or filed unless and until the unit member is given notice and an opportunity to review and comment thereon. A unit member shall have the right to enter and have attached to any such derogatory or disciplinary statement, their own comments. Such review may take place during normal business hours while a unit member is not responsible for direct supervision of students, and the unit member shall be released from duty for this purpose without salary reduction.

8.5 Employees will be given copies of any conference memos, written reprimands, and any material placed in their personnel file.

**9.** **Nonrenewal or Revocation of Charter**

Should the RCS charter petition be non-renewed or revoked, the employment of all unit members shall be terminated effective the last day of school or upon effect of the non- renewal or revocation. This section shall not be subject to the grievance procedure.

**10. Reference to or Reliance upon the Education Code**

The parties expressly agree that the Education Code provisions for certificated discipline

do not apply to this Agreement.[[1]](#footnote-1)

1. SUBJECT TO FINAL RATIFICATION BY THE PARTIES:

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   RCS Representative RCSTA Representative

   Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [↑](#footnote-ref-1)