

Discipline & Dismissal – Classified Employees

Reference: Education Code Section 88013

The continued employment of permanent classified employees (including classified bargaining unit members, classified confidential employees and classified managers and supervisors) is contingent upon proper performance of assigned duties. The Superintendent/President shall enact procedures for the discipline of permanent classified employees of the District, including, but not limited to, oral reprimand, written reprimand, reduction in pay, demotion, involuntary reassignment, suspension, or dismissal.

No disciplinary action shall be taken for any cause that arose prior to the employee becoming permanent, or for any cause that arose more than two years preceding the date of the filing of any charge against the employee, unless the cause was concealed or not disclosed by the employee when it could be reasonably assumed that the employee should have disclosed the facts to the District.

A permanent classified employee shall be subject to disciplinary action and/or dismissal for cause, including, but not limited to the following:

1. Incompetence: inability to perform within the minimum standards for a specific position;
2. Inefficiency, inattention to duty or inexcusable neglect of duty; failure to perform required duties in a satisfactory manner;
3. Fraud in obtaining employment with the District or making a false statement on an application for employment;
4. Dishonesty;
5. Insubordination, willful refusal to submit to and/or conform with lawful directions of a duly appointed and acting supervisor;
6. Excessive tardiness and/or excessive absenteeism, including absence from duty without leave and abuse or misuse of sick leave;
7. Abandonment of position by being absent without authorization for five (5) or more days;
8. Possession, consumption or being under the influence of alcohol or illegal drugs or narcotics while on duty;
9. Discourteous treatment of the public or other employees.

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10. Improper, negligent or unauthorized use of District property.
11. Working overtime without authorization.
12. Refusal to subscribe to any oath or affirmation which is required by law in connection with District employment.
13. Willful violation of District Policy No. 3050, "Institutional Code of Ethics," or other policies, procedures and/or rules which may be prescribed by the District.
14. The conviction of either a misdemeanor or a felony involving moral turpitude shall be cause for dismissal.
15. Any willful conduct undertaken in bad faith, during duty hours, which is of such a nature that it causes discredit to the District, the employee's department or division.
16. Mental or physical impairment which cannot be reasonably accommodated by the District and which renders the employee unable to perform the essential functions of the job.
17. Mental or physical impairment which renders the employee unable to perform the essential functions of the job without presenting a direct threat to the health and safety of self or others.
18. Acceptance from any source of a reward, gift, or other form of payment in addition to regular compensation to an employee for the performance of his or her official duties.
19. Refusal to testify under oath before any court, grand jury, or administrative officer having jurisdiction over any pending cause of inquiry in which the District is involved.
20. Participating in prohibited political activity during assigned work hours.
21. Verbal and/or physical altercations between and among employees; use of threatening or abusive language.

The Governing Board retains discretionary powers regarding the imposition of discipline, and its determination of sufficient cause for disciplinary action of a classified employee shall be conclusive. Classified employees of the District shall be accorded rights to due process in relation to disciplinary actions.

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See District Procedure No. 7365 “Discipline & Dismissal – Classified Employees.”