

ARTICLE 13

DISCIPLINE

- 13.1 No permanent or probationary unit member shall be disciplined without just cause. The terms “discipline,” “disciplinary action,” and “suspension” for purposes of this Article, mean suspensions without pay not to exceed two (2) consecutive work days. Suspension for more than two work days may be imposed with the concurrence of the Association.
- 13.2 In administration of this Article, the District shall observe the following progressive remediation steps:
- a) A verbal reprimand.
 - b) A conference with the unit member which is memorialized in a conference summary document but not placed in the personnel file.
 - c) A written warning which is placed in the personnel file.
 - d) A written reprimand which is placed in the personnel file.
 - e) Imposition of a suspension not to exceed two (2) consecutive work days. Suspension for more than two (2) work days may be imposed with the concurrence of the Association.

In the event of major or serious infractions, the District may impose discipline without following the progressive steps set forth above. In addition, the content of oral or written communications in steps a, b, c, d, and e above, shall not be subject to the grievance procedure.

- 13.2.1 If the progressive remediation steps fail to correct the disciplinary concern, an involuntary transfer may be utilized as a step in the disciplinary process.
- 13.3 In the event of a suspension under the provisions of this Article, the following provisions shall apply:
- a) Prior to imposing a suspension without pay, the District shall provide the unit member with written notice thereof which shall include the cause or causes for disciplinary action in a specific statement of charges. A conference shall be held between the unit member and their immediate supervisor or other appropriate administrator, at which time the unit member shall have the opportunity to respond to the charges and any written materials upon which the charges are based. The unit member may be represented by the Association during this conference.
 - b) After the conference, the immediate supervisor or other appropriate administrator shall decide whether or not to impose a suspension without pay and give the unit member written notice thereof.

- c) Upon being served with written notice of suspension, the unit member may request a hearing before an arbitrator who shall be chosen by mutual agreement between the District and the Association. If mutual agreement cannot be reached within five (5) calendar days after a request for hearing is received, the parties shall request a list of five (5) potential arbitrators from the State Conciliation Service. As soon as the list of five (5) potential arbitrators is received, the parties shall strike names and the remaining individual shall serve as arbitrator.
 - d) The unit member must file the request for hearing under Section (c) above with the Superintendent's office no later than five (5) calendar days (excluding days the District Office is closed) after receiving the notice of suspension. Failure to file a written appeal within the five (5) day period shall be deemed a waiver of any right to a hearing.
 - e) The arbitrator shall prepare written findings and a decision within thirty (30) calendar days after the close of a hearing. The decision shall be binding on all parties, but the arbitrator shall have authority only to affirm, modify or revoke the suspension without pay. Any modification shall be limited to increasing or decreasing the number of suspension days and, if the suspension is reduced or revoked, the unit member shall be entitled to back pay for the number of suspension days rescinded.
- 13.4 The cost of an arbitrator shall be borne equally by the District and the Association. Each party shall bear its own costs of representation at the hearing.
- 13.5 Nothing contained in this Article shall be construed to limit or restrict the authority of the governing board to dismiss, suspend or take other disciplinary action under the Education Code or other applicable law. Suspensions shall be subject to the due process procedure set forth in this Article and the grievance procedure shall not apply.