



ADMINISTRATIVE PROCEDURE

CATEGORY: **Personnel, Classified Staff**
SUBJECT: **Dismissal, Suspension, and Demotion
of Classified Personnel**

A. PURPOSE AND SCOPE

1. To outline administrative procedures governing suspension, demotion, or dismissal of a permanent classified employee. This procedure does not include employees under the management salary schedule.

B. LEGAL AND POLICY BASIS

1. **Reference:** Board policy I-1210, I-1700, I-6500, I-6600, I-6750, I-8501; Education Code Sections 45113, 45302-45307; Employment Regulations for the Classified Service of the San Diego Unified School District; collective negotiations contract.

C. GENERAL

1. **Originating Office.** Suggestions or questions concerning this procedure should be directed to the Human Resource Services Division, Office of the Deputy Superintendent Business.
2. **Definition. Permanent employees:** For purposes of this procedure, employees who are *permanent in the district* but probationary in a particular position are considered permanent. (Other probationary employees or temporary employees may be released without right of appeal.)
3. **Regulations.** Employment Regulations for the Classified Service of the San Diego Unified School District contain specific causes for demotion, suspension, or dismissal of any permanent classified employee. Continued employment of any permanent classified employee is contingent upon proper performance of assigned duties and personal fitness. This procedure excludes permanent classified employees under the management salary schedule.
 - a. **Suspension** is an administrative action requiring approval of the Board of Education. The superintendent may suspend a permanent employee, without pay, for a period of not more than twenty-two (22) workdays. Within three (3) workdays after notification of suspension, employee shall be furnished with a written statement of reason(s) for such suspension.

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- b. **Dismissal, demotion, and extended suspensions** require approval of the Board of Education. The superintendent may recommend that a permanent employee be demoted, dismissed, or suspended under the Employment Regulations for the Classified Service of the San Diego Unified School District, by filing a written accusation with the Board of Education. If board approves the recommendation, employee shall be notified in writing within five (5) workdays and shall be furnished with a copy of the written accusation.
- c. **Legal Notice.** Intent of notice provisions in this procedure shall be considered complied with if, within time specified, a letter is sent by U.S. certified mail addressed to employee at address of official record with the district.
- d. **Hearings**
- (1) **Hearing Request.** A permanent employee who has been suspended, or served with a notice of intention to demote, dismiss, or suspend under the Employment Regulations for the Classified Service of the San Diego Unified School District, may request a hearing before a hearing officer by filing a written answer to such accusation with the Board of Education within five (5) workdays after receipt of a copy of the written accusation.
- (2) **Issues to be addressed** in a hearing are whether:
- (a) Procedures set forth in the Employment Regulations for the Classified Service of the San Diego Unified School District have not been followed by Board of Education or its officers, or
- (b) Sufficient cause does not exist to justify action of the Board of Education, or
- (c) There has been an abuse of discretion.
- (3) **Decision of hearing officer** shall be rendered, in writing, to employee and to the Board of Education within seven (7) workdays after the hearing is closed. The decision of the hearing officer is final and effective on the date when rendered.

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D. IMPLEMENTATION

1. Principal or Supervisor

- a. Notifies department head/appropriate Area Superintendent of employee's name and position, and the cause for disciplinary action.
- b. Confers with the Human Resources Officer or designee who advises regarding appropriate action under the Employment Regulations for the Classified Service of the San Diego Unified School District and indicates information and/or records necessary to support such action.
- c. Recommends disciplinary action to the Chief Human Resource Services Officer.

2. Chief Human Resource Services Officer approves or disapproves recommendation; if approved, forwards to the superintendent via the general counsel.

3. Superintendent recommends action to the Board of Education when demotion, suspension, extended suspension, or dismissal of a permanent classified employee is involved.

4. General Counsel

- a. Prepares written accusation and other supporting documents for service upon the employee.
- b. Notifies employee by U.S. certified mail of suspension, demotion, or dismissal after approval of action is received from the superintendent and/or Board of Education.

5. Board of Education approves or disapproves the superintendent's recommendation for dismissal, demotion, extended suspension, or suspension.

6. Human Resources Officer or Designee

- a. Notifies employee of recommendation and provides employee an opportunity to respond; forwards recommendation to the Chief Human Resource Services Officer.

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- b. Maintains records of disciplinary actions.
- 7. **Employee** may request a hearing before a hearing officer by filing a written answer within five (5) workdays after notification of suspension, demotion, or dismissal.
- 8. **Hearing officer** conducts hearing and renders decision within seven (7) workdays of close of the hearing. The decision of the hearing officer is final.

E. FORMS AND AUXILIARY REFERENCES

- 1. Employment Regulations for the Classified Service of the San Diego Unified School District, available from the Human Resource Services Division or on the district website.

F. REPORTS AND RECORDS

G. APPROVED BY



Interim General Counsel, Legal Services
San Diego Unified School District