



## **Chico Unified School District**

1163 East Seventh Street, Chico, CA 95928-5999  
(530) 891-3000

**Board Policy:** #4218.1

**Section: 4000** **Personnel**

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### **Dismissal/Suspension/Disciplinary Action (Merit System)**

The Governing Board expects all employees to perform their jobs satisfactorily and exhibit professional and appropriate conduct. A classified employee may be disciplined for unprofessional conduct or unsatisfactory performance in accordance with law, any applicable collective bargaining agreement, and the rules of the personnel commission.

*(cf. 1312.1 - Complaints Concerning District Employees)*  
*(cf. 4000 - Concepts and Roles)*  
*(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)*  
*(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*  
*(cf. 4119.21/4219.21/4319.21 - Professional Standards)*  
*(cf. 4119.24/4219.24/4319.24 - Maintaining Appropriate Adult-Student Interactions)*  
*(cf. 4141/4241 - Collective Bargaining Agreement)*  
*(cf. 4200 - Classified Personnel)*

Disciplinary actions shall be based on the particular facts and circumstances involved and the severity of the employee's conduct or performance. Disciplinary actions may include, but are not limited to, verbal and written warnings, involuntary reassignment, demotion, suspension without pay, reduction of pay step in class, compulsory leave, and dismissal.

The Superintendent or designee shall ensure that disciplinary actions are taken in a consistent, nondiscriminatory manner and are appropriately documented.

*(cf. 4030 - Nondiscrimination in Employment)*  
*(cf. 4112.6/4212.6/4312.6 - Personnel Files)*  
*(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)*

A probationary classified employee may be dismissed without cause at any time prior to the expiration of the probationary period.

*(cf. 4216 - Probationary/Permanent Status)*

A permanent classified employee shall be subject to suspension, demotion, or dismissal only for one or more of the causes designated by rule of the personnel commission. (Education Code 45302, 45304)

When such serious disciplinary action is being contemplated against an employee, the district shall adhere to disciplinary procedures developed by the personnel commission. Due process shall be afforded to the employee, including proper notice, an opportunity for the employee to meet with a designated district official ("Skelly officer") or to respond in writing to the charges, and an opportunity to appeal the district's decision with the personnel commission in accordance with Education Code 45305-45307. If the matter is addressed in a hearing before the personnel commission, the decision of the personnel commission shall be final.

However, if the matter involves an allegation of egregious misconduct as defined in Education Code 44932 and involves a minor, the matter shall be referred to an administrative law judge to determine whether sufficient cause exists for disciplinary action against the employee. The ruling of the administrative law judge shall be binding on the district and the employee. (Education Code 45312)



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### Legal Reference:

#### EDUCATION CODE

- 35161 Delegation of powers and duties
- 44009 Conviction of specified crimes
- 44010 Sex offense
- 44011 "Controlled substance offense" defined
- 44031 Personnel file
- 44940 Leave of absence; employee charged with mandatory or optional leave of absence offense
- 44940.5 Compulsory leave of absence
- 44990-44994 Testimony of minor witnesses at dismissal or suspension hearings
- 45101 Definitions (including "disciplinary action," "cause")
- 45109 Fixing of duties
- 45123 Employment after conviction of sex or narcotics offense
- 45124 Dismissal of sexual psychopath
- 45202 Transfer of accumulated sick leave and other benefits following dismissal
- 45240-45320 Merit system, classified employees, especially:
- 45302-45307 Suspension, dismissal, or other disciplinary action; classified employees

#### CODE OF CIVIL PROCEDURE

- 1286.2 Grounds for vacating decision of arbitrator

#### GOVERNMENT CODE

- 11500-11529 Administrative adjudication
- 12900-12996 Fair Employment and Housing Act
- 54957 Brown Act open meeting laws; closed session

#### HEALTH AND SAFETY CODE

- 11054 Schedule I; substances included
- 11055 Schedule II, substances included
- 11056 Schedule III, substances included
- 11357-11361 Marijuana
- 11363 Peyote
- 11364 Opium
- 11370.1 Possession of controlled substances with a firearm

#### PENAL CODE

- 187 Murder
- 667.5 Sex offenders
- 830.32 Peace officers employed by district
- 1192.7 Violent or serious felony
- 11165.2-11165.6 Child abuse or neglect, definitions

#### VEHICLE CODE

- 1808.8 School bus drivers; dismissal for safety-related cause

#### UNITED STATES CODE, TITLE 42

- 12101-12213 Americans with Disabilities Act

#### COURT DECISIONS

- California School Employees Association v. Bonita Unified School District* (2008) No. B200141
- California School Employees v. Livingston Union School District* (2007) 149 Cal.App 4th 391
- CSEA v. Foothill Community College District* (1975) 52 Cal. App. 3rd 150, 155-156
- Skelly v. State Personnel Board* (1975) 15 Cal. 3d 194
- California School Employees Association v. Personnel Commission* (1970) 3 Cal.3d 139

### Management Resources:

#### CALIFORNIA SCHOOL PERSONNEL COMMISSIONERS ASSOCIATION PUBLICATIONS

*Merit Rules and Regulations: CSPCA Recommended Personnel Policies and Procedures Manual for California School Merit Systems, 2014*

#### WEB SITES

*California School Personnel Commissioners Association: <http://meritsystem.org>*