

BOARD PROCEDURE**Descriptive Code: GCK****SUSPENSION/TERMINATION
(AUXILIARY PERSONNEL):**

Date: October 12, 2009

Employees will be required to adhere to Board of Education policy and procedure and will be held accountable for job performance. The principal or supervisor is responsible for evaluating performance and assisting employees in performing assigned duties. The principal or supervisor should provide guidance in remediating deficiencies identified in job performance.

When problems with performance are identified, the principal or supervisor shall confer with the employee and outline corrective action. In cases where the employee fails to correct deficiencies or where serious infractions occur, the principal for school-based employees or department head for district employees may recommend suspension or termination to the Superintendent of Schools, after consultation with the Superintendent's designee. To recommend suspension or termination, the principal or supervisor must:

1. Meet with the employee to discuss the reasons for the recommended suspension or termination, providing a copy of documentation detailing the employee's lack of performance, unsatisfactory evaluation, or infractions;
2. Provide opportunity for due process by allowing the employee to present his or her response to the charges;
3. For recommendations of termination, inform the employee that he or she is being placed on administrative leave without pay pending official Board action;
4. Following the due process meeting with the employee, provide the employee with written notification of the recommendation for suspension or termination, along with the right to appeal the recommendation to the Superintendent's designee no later than two days after receiving notification; and
5. Submit the written recommendation for suspension or termination to the Superintendent of Schools and the Executive Director of Human Resources.

Following notification of a supervisor's recommended action, the employee may appeal the recommendation to the Superintendent or designee no later than two days after receiving notification. The employee may exercise this right by contacting the Associate Superintendent or the appropriate Assistant Superintendent to discuss concerns and present evidence that may impact the decision for suspension or termination.

The Superintendent of Schools will give direction to the employee and the principal or supervisor regarding action within two days of receipt of the charge letter or of the appeals decision. Upon approval, the Executive Director of Human Resources will notify the employee in writing of the date that the recommendation for disciplinary action or termination will be presented to the Board of Education.

BOARD REVIEW PROCESS FOR TERMINATIONS OR RESIGNATIONS IN LIEU OF TERMINATIONS

Auxiliary employees who do not have written contracts for a definite term of employment are at will employees and have no right to have the Board review terminations or resignations in lieu of terminations. However, in an effort to grant employees a fair and reasonable method to address job related grievances, the Board gives employees who have maintained twenty-four months of continuous service the right to have their termination or resignation in lieu of termination to be reviewed by the Columbia County Board of Education in accordance with the following procedure:

1. Prior to Board action on the recommendation for termination or a resignation in lieu of termination, the employee must file a written request with the Board Chairman, requesting the Board review such grievance.
2. The written request shall set forth precisely and in clear language the issue and facts supporting the employee's grievance and include the names of witnesses and any documentary evidence supporting the employee's claim.
3. The written request must include enough detail to fairly allow the Board to clearly respond.
4. **The Superintendent or his designee shall be given a copy of the written request and the opportunity to present a written rebuttal.**

Following receipt of the request, **in executive session** the Board **will review the written request, along with the administration rebuttal, and within a reasonable amount of time** shall decide whether or not to hear the appeal. **Such decisions are final.**

BOARD APPEALS HEARING PROCESS

All appeals to be heard before the Board of Education shall be informal hearings and conducted as follows:

1. As the school administration generally has the right to administer school employees, there is no burden of proof.
2. All participants providing information to the Board will be sworn.
3. The employee will present the grievance in his or her own words to the Board. There will be no cross examination of the employee, although Board members shall have the right to ask limited questions for clarification purposes.

No witnesses will be allowed. However, if, in accordance with Board of Education Policy GAE—Complaints and Grievances, the employee earlier requested the Superintendent or appropriate supervisor to interview any particular witnesses, then the employee shall have the right to have such witnesses testify. Similarly, the Board may hear from any witness or employee who was interviewed by the supervisor or consulted by the Superintendent. In all such cases, these witnesses shall tell in their own words what they know and shall

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- not be subjected to cross examination, although Board members shall have the right to ask questions for clarification.
4. No attorney shall be allowed to cross examine. Furthermore, such attorney shall not take part in the actual hearing proceedings or once the preliminaries are finished, other than to advise his or her client.
 5. The Board attorney shall serve only to advise the Board unless instructed by the Board to take a different role.
 6. In responding to the grievance, the Superintendent or other administrators shall have the right to explain why they took the action they did.
 7. Upon completion of the hearing process, the Board shall determine if the administrative action was fair or unfair and whether to uphold, modify, or reverse the decision.

Employees with less than twenty-four months continuous service have the right to have their termination or resignation in lieu of termination to be reviewed by the Deputy Superintendent of Schools. The Deputy Superintendent of Schools will meet with the employee, hear the employee's side of the employment issue, and determine if the recommendation for termination will proceed to the Superintendent for further review. The employee will not be afforded an appeal right to the Board of Education.

Nothing in this procedure shall grant the right to continued employment or change the legal status of at-will employees. It is simply designed to give auxiliary employees a fair means to have terminations or resignations in lieu of terminations fairly and informally reviewed. The employment action of the Superintendent will remain in effect during the review process and final action of the Columbia County Board of Education.

ADOPTED: April 13, 2004 (NEW)

REVISED: 7/10/07, 9/11/07, 4/21/08, 8/31/09

Columbia County Board of Education