

## Due Process for Nonunion/Classified Personnel

1. In the case of any employee being found derelict in the performance of his/her duties via formal evaluation procedures or violation of agency rules and regulations, the following procedure should be enforced.
  - A. A verbal warning should be given in which the problem is clearly defined for the employee and corrective behavior is described.
  - B. **Written warning:** Once a verbal warning has been given, if the employee's actions continue to be incongruous with the agency rules and regulations, a written warning should be issued.
    - a. This warning should be issued after a "reasonable period" of time has elapsed in which the employee has had the opportunity to adjust their performance. A "reasonable period" will be defined as a period of time, which would be adequate for the employee to exhibit proper job performance and to be reevaluated.
    - b. The written warning should emanate from the office of the administrator having direct responsibility for that employee's position. The written statement shall be first reviewed by the Assistant Chief Administrator/Director of Human Resources and whatever line administrator the situation would seem to dictate. The employee served such a notice shall be required to sign a copy to be returned to the personnel files. The employee should be offered the opportunity to submit any evidence that might support their contentions on the matter under consideration.
    - c. The written warning shall contain a projection of the desired performance changes being demanded of the employee.
  - C. **Suspension:** If the employee's performance does not change to meet the standards defined in the preceding steps, the employee may be suspended for up to one week without pay to enable the Human Resources Office to make a thorough investigation. The Human Resources Office shall file a report with the Area Education Agency Chief Administrator. The Chief Administrator shall review the evidence presented. Following a hearing between the Chief Administrator and the employee, the Chief Administrator shall make a determination regarding the conditions of continued employment or dismissal.

In any situation where the employee's behavior endangers the health, welfare, or property of students or other employees, the employee shall be placed on immediate suspension by the administrator bearing closest line responsibility. The line administrator shall then notify the Assistant Chief Administrator/Director of Human Resources who in consultation with the AEA Chief Administrator will determine the immediate conditions of the suspension. The Assistant

Chief Administrator/Director of Human Resources shall investigate the alleged incidents and prepare a report to be submitted to the Chief Administrator. The Chief Administrator shall review the findings with the employee and examine any evidence and testimony that the employee may wish to submit. At the conclusion of this hearing the Chief Administrator will set down his/her determinations for continued employment, suspension with or without pay or dismissal.

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