

## Policy Code: 7940 Classified Personnel: Suspension and Dismissal

Classified personnel (i.e., those that do not require an instructional or administrative license) are critical to the effective operation of the school district. The board encourages open communication between classified employees and their supervisors. When performance problems arise, supervisors are encouraged to communicate clearly in oral or written form the nature of the deficiencies and to provide a reasonable opportunity to improve. Application of this policy must be consistent and equitable. Any written notices or reprimands will be included in the employee's central office personnel file. All employees are expected to meet job requirements and to seek clarification and guidance when needed to fulfill these requirements.

### PROGRESSIVE DISCIPLINE

Supervisors within the Chapel Hill-Carrboro Schools should employ the principles of progressive discipline unless the employee's conduct justifies immediate dismissal. The superintendent may dismiss an employee after the required warning notices for the following reasons (does not pertain to the 90-day probationary period):

- Incompetence
  - Insubordination
  - Misconduct on the job
  - Failure to give proper notification and receive appropriate approval for absence
  - Conduct off the job which brings discredit to the school system but does not justify immediate dismissal
  - Inadequate performance, including failure to comply with work rules, standards or directives
1. For the first disciplinary notice, the supervisor will issue at least a verbal warning, but may address the matter in writing after conferring with the employee.
  2. For the second disciplinary notice, the supervisor will issue to the employee a written warning after conferring with the employee. A copy of the warning will be placed in the employee's personnel file. For matters involving inadequate performance, the warning should include directives to the employee for improvement. If appropriate, the warning should notify the employee that failure to comply with the directives for improvement or other work rules, directives or standards will result in a recommendation for dismissal or other disciplinary action.
  3. If performance issues continue after the second offense, the supervisor may recommend to the superintendent that the employee be suspended or terminated.

"Performance issues" may differ from one warning to the next.

### SUSPENSION

The superintendent or his or her designee may suspend an employee without pay up to 30 days as a disciplinary sanction. The executive director of human resources or the assistant superintendent for support services will receive a recommendation, investigate the complaint, provide the employee with an opportunity to present his/her case, render a decision, and provide written notice of the suspension without pay to the employee and the right to appeal. This notice will be placed in the employee's central office personnel file. The suspension without pay may begin immediately. An employee has ten calendar days from the date of receiving written notice to request an appeal to the superintendent regarding the decision to suspend without pay. If an appeal is not made within this time, the appeal right is deemed to be waived. An employee may appeal a suspension only on the basis that there was

no rational basis for the suspension; the suspension was discriminatory, was used for harassment, or was otherwise unlawful; or specified board policies or legal requirements were not followed.

Following a hearing by the superintendent, the employee will be notified in writing of the decision of the superintendent to uphold, reverse or modify the assistant superintendent's decision. An employee will receive back pay for any period of suspension without pay that is not upheld by the superintendent.

## DISMISSAL

As "at will" employees who lack contract or statutory rights in their employment, employees in classified positions may be terminated on any basis that is not discriminatory or otherwise unlawful, including continued inadequate performance, misconduct, failure to follow board policies or a reduction in staff. All terminations to reduce staff will be in accordance with board policy 7921.

The first ninety (90) calendar days of a classified employee's employment will be considered a probationary period. It is intended to allow both the employee and the employer to ascertain the appropriateness of the position for the employee's qualifications. Anytime during the probationary period, the relationship between the employee and the school district can be terminated by either party for any reason or for no reason, without complying with the dismissal procedures as established in this policy.

All other terminations will be made pursuant to this policy.

Unless grounds exist for immediate dismissal, a pre-termination hearing will be held with the superintendent or his or her designee and the employee's supervisor. The employee shall have the right to attend this hearing. The employee will be notified in advance and in writing of the time and place of the meeting. The employee will be given the opportunity to present information on why the termination is not justified. The employee shall be notified in writing of the termination recommendation and the right to appeal to the board of education. An employee has ten calendar days from the date of receiving written notice of the termination recommendation to file a written request for appeal to the board of education regarding the recommendation to terminate employment. If an appeal is not made within ten calendar days, the appeal right is waived and the superintendent may act on the recommendation for termination. The termination is effective during any appeal.

The employee has the burden of establishing that the termination was improper or unlawful.

## IMMEDIATE DISMISSAL

An employee may be dismissed without prior job performance warnings for the following reasons:

- Gross misconduct on the job
- Willful refusal to obey a lawful order of a supervisor or one in a position to give such an order
- The use or possession of alcohol or illicit use or possession of drugs on the job, including being at work under the influence of alcohol or illicit drugs
- Any act or omission which endangers the safety or health of students or other employees
- Absence without justification for three consecutive days
- Engaging in illegal or immoral activities which bring discredit to the school district
- Sexual misconduct or sexual harassment
- Other misconduct or neglect of duty that justifies immediate dismissal

Upon the occurrence of any of the above, a principal, director, assistant superintendent, or the superintendent may verbally direct the employee to leave the premises immediately and not to return

to school board property until instructed to do so. The directive will be followed in writing to the assistant superintendent of support services who will investigate and render a decision. The employee will be notified in writing of the decision, including a summary of the reasons for a dismissal decision. An employee has ten calendar days from the date of receiving notice to request an appeal of the decision to the board of education. The termination is effective during the period of appeal.

The employee has the burden of establishing that the termination was improper or unlawful.

## HEARING BEFORE THE BOARD

The hearing procedures established in board policy 2500, Hearings before the Board, will be followed for an employee's dismissal appeal. The chairperson will provide written notice of the decision to the employee and the superintendent as soon as practicable after reaching a decision. The board may uphold the superintendent's decision or reinstate the employee for any reason it deems proper, so long as the board's reason is not discriminatory or otherwise unlawful.

## DISCLOSURE OF CRIMINAL HISTORY TO OTHER NORTH CAROLINA SCHOOLS

Any employee who has been dismissed for cause will be ineligible for reemployment. In answering an inquiry from a North Carolina local board of education, charter school, or regional school as to the reason for an employee's dismissal, the superintendent or designee shall indicate if the employee's criminal history was relevant to the dismissal.

This policy is not intended to create any property rights or an implied or express contract between the board and the employee other than what is provided by law.

Legal References: [29 U.S.C. 621](#) *et seq.*; [29 U.S.C. 794](#) *et. seq.*; [42 U.S.C. 1981](#); [42 U.S.C. 12101](#); [G.S. 115C-45\(c\)](#), [-47](#), [-332](#)

Cross References: Classified Personnel Reduction (policy 7921), Annual Independent Audit (policy 8310), Employment Contracts (policy 7455)

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**Chapel Hill-Carrboro Schools**