

HUMAN RESOURCES

Duties, Responsibilities, and Rights of Employees

Conduct and Discipline--Support Employees

This regulation supersedes Regulation 4429.3.

I. PURPOSE

To establish appropriate standards of conduct and to prescribe procedures when applicable for the progressive discipline and other discipline of support employees.

II. SUMMARY OF CHANGES SINCE LAST PUBLICATION

This regulation has been reviewed, and there are no changes at this time.

III. CONDUCT AND DISCIPLINE PHILOSOPHY

Disciplinary action shall be consistently and fairly applied and shall be taken only for good cause and for the primary purpose of correcting unsatisfactory performance. The severity of the disciplinary action shall be determined by the severity of the misconduct. In general, disciplinary actions shall be progressive in nature, ranging from an oral warning for an initial violation to stronger actions that may include recommendations for dismissal when corrective behavior fails to occur. However, progressive discipline is not always appropriate, and supervisors and program managers may recommend stronger action based on the severity of the violation, including dismissal, for the first offense.

IV. DEFINITIONS

The following definitions shall apply to this regulation:

A. Support Employees

Noncertified administrators; custodians; assistants and attendants; technical, office, trades, and transportation personnel; bus attendants; and food service personnel.

B. Demotion

The assignment of an employee from one active class to another active class that has a lower maximum rate of pay.

C. Dismissal

Separation from employment with Fairfax County Public Schools for just cause. Just cause includes, but is not limited to, the reasons listed in Regulation 4293.5, Dismissal--Definition of Just Cause. The assistant superintendent, Department

of Human Resources, or his or her designee, may recommend the immediate dismissal of an employee for action so serious that prior disciplinary warning is not necessary.

D. Progressive Discipline

A sequence of corrective actions taken by a program manager or a supervisor to alter or change inappropriate behavior by an employee, usually beginning with an oral warning and culminating in a recommendation for demotion or dismissal.

E. Standards of Conduct

Rules of expected behavior that must be observed by all employees.

F. Suspension

A period of involuntary leave without pay.

G. Oral Warning

An oral statement given to an employee by a program manager or a supervisor to correct or alter inappropriate behavior or performance and to communicate the consequence of further inappropriate behavior.

H. Written Reprimand

A letter or a memorandum to an employee from a program manager or a supervisor to correct or alter inappropriate behavior or performance and to communicate the consequence of further inappropriate actions.

V. RESPONSIBILITIES

A. Employees

Employees shall:

1. Comply with school system standards of conduct and other rules and special requirements specific to the work location.
2. Conduct themselves, both on and off the job, in a manner that reflects positively on Fairfax County Public Schools.

B. Program Managers and Supervisors

Program managers and supervisors shall:

1. Inform employees of rules governing conduct and discipline as well as other rules and special requirements specific to the work location.
2. Treat employees in a fair and equitable manner.
3. Investigate alleged employee offenses, obtaining complete facts and full justification for whatever action may be taken.

4. Administer appropriate disciplinary action, when warranted, as described in this regulation.
5. Inform the assistant superintendent, Department of Human Resources, or his or her designee, immediately when formal disciplinary action is contemplated.

C. Assistant Superintendent, Department of Human Resources

The assistant superintendent, Department of Human Resources, or his or her designee shall:

1. Provide information and guidance to program managers and supervisors at all levels on standards and rules of conduct and effective use of progressive discipline.
2. Provide advice and assistance to program managers and supervisors regarding interpretation and application of the provisions of this regulation.
3. Ensure that rules and special requirements specific to the work location and established by program managers or supervisors are neither in conflict with nor exceed the provisions of this regulation.
4. Evaluate work location management practices related to administration of discipline and compliance with standards and rules of conduct and work with the area or assistant superintendent to provide corrective steps to program managers when such management practices require change.
5. Advise program managers on these disciplinary practices and recommend appropriate action.
6. Have final review authority on program manager's decisions with regard to compliance with policies, regulations, and laws applicable to the employee for formal disciplinary actions of suspension, disciplinary demotion, and dismissal.

VI. ADMINISTRATION OF DISCIPLINARY ACTIONS

The following paragraphs represent types of disciplinary actions available to managers to correct inappropriate behavior. In most situations, program managers should use these actions in a progressive order for most disciplinary matters.

A. Oral Warning

When a program manager or supervisor deems that an oral warning may be warranted, he or she shall:

1. Advise the employee, in private, of the specific infraction of the rules or breach of conduct, or allegation of misconduct, and the date it occurred.
2. Allow the employee an opportunity to explain; evaluate the explanation.

3. Administer the reprimand or warning informally, if warranted.

B. Written Reprimand

When a program manager or supervisor determines that an offense is of such a nature that a record should be placed in an employee's personnel file or work location file, a letter of reprimand shall be prepared. This letter shall contain statements of the following:

1. The charges in sufficient detail to enable the employee to understand fully the violation, infraction, conduct, or offense for which he or she is being disciplined.
2. An explanation that it is an official letter of reprimand and that a copy will be placed in the employee's work location or personnel file.
3. The record of previous offenses in those cases in which the letter is considered a continuation of progressive discipline.
4. A warning that similar occurrences could result in a recommendation that more severe disciplinary action be initiated, up to and including a recommendation for dismissal.

Written documentation of such actions may be placed in the employee's work location or personnel file. At the employee's request, a rebuttal statement shall be attached to the written reprimand.

C. Suspension

A suspension may be used by the program manager or supervisor to discipline the employee for a violation of Standards of Conduct. In no case shall an employee be suspended without first being provided notice and opportunity to respond. When a program manager or supervisor determines that an offense requires suspension as a severe disciplinary action, he or she shall:

1. Investigate alleged employee offenses in a prompt manner and obtain all pertinent facts in case, (time, place, events, and circumstances) including, but not limited to, making contact with all persons involved in or having knowledge of the incident.
2. Discuss the case, including the length of suspension, with the individual who supervises the program manager or supervisor.
3. Notify the assistant superintendent, Department of Human Resources, or his or her designee, immediately when suspensions are contemplated.
4. Prepare and submit an advance notice letter as specified in section VII. to the Department of Human Resources for review.
5. Consider the employee's reply to the advance notice letter and send a decision to the assistant superintendent, Department of Human Resources, or his or her designee, who shall review the recommendation and prepare a letter of final decision.

D. Disciplinary Demotion

In addition to disciplinary actions described in the preceding paragraphs, the assistant superintendent, Department of Human Resources, or his or her designee, may approve a demotion when such action is in the interest of Fairfax County Public Schools. When such action is contemplated, the procedure outlined in the preceding paragraphs in section V.C. shall be followed.

E. Dismissal

The dismissal of an employee constitutes the most severe type of disciplinary action authorized under this regulation. This action shall be taken only when the assistant superintendent, Department of Human Resources, or his or her designee, determines such after reviewing the program manager's decision to confirm that an employee does not meet the employment standards of the Fairfax County Public Schools or has demonstrated conduct that constitutes just cause as addressed in a separate regulation.

VII. ADVANCE NOTICE LETTER

An advance notice letter shall be prepared by the program manager or supervisor in cases of suspension, disciplinary demotion, and dismissal. The information to the Department of Human Resources shall include:

- A. Statement of charges in sufficient detail to enable the employee to understand fully the violation, infraction, conduct, or offense for which he or she is being disciplined.
- B. Type of disciplinary action (suspension, demotion, or dismissal).
- C. Statement that the action taken shall become a part of his or her personnel file.
- D. List of previous offenses, if any, which have been considered in determining the recommended disciplinary action.
- E. Possible employment consequence should the violation be repeated.
- F. Effective date of the disciplinary action (no sooner than ten working days from the date of advance notice letter) and the employee's right to reply within three working days from receipt of the letter.
- G. The employee's right to file a grievance if the final decision results in a suspension, demotion, or dismissal.

Copies of the advance notice letter shall be distributed to the appropriate area or assistant superintendent and to the assistant superintendent, Department of Human Resources, or his or her designee.

VIII. SUSPENSION OF EMPLOYEE CHARGED WITH A CRIMINAL OFFENSE

- A. In accordance with Policy 4270.2, when a support employee has been charged with a felony or a crime of moral turpitude, the employee may be suspended, pending the final disposition of the criminal charge. In the event that an administrative investigation is conducted and a decision reached, prior to the outcome of the criminal charge that an employee violated the Standards of Conduct, the period of suspension shall continue until formal disciplinary action is invoked, under the provisions of section V., Administration of Disciplinary Actions.
- B. Prior to invoking a suspension in such cases, oral or written notice shall be given to the employee, and an opportunity to respond shall be provided. The employee's response, if any, shall be considered before making a decision on whether to invoke suspension. The advance notice letter provisions, outlined in section VI., do not apply in these cases. The notice and opportunity to respond may occur within a meeting or discussion with the employee held on the same day the decision is to be reached concerning suspension. If the employee is given oral notice of suspension, a written notice shall follow, specifying the reason for the suspension and effective date.
- C. If the employee is cleared of the charge by the courts and if any administrative investigation results in the conclusion that the employee is without fault, back pay and reimbursement for employee's costs related to maintaining benefit programs will be paid by Fairfax County Public Schools.
- D. If an employee or his or her legal representative requests and is granted a delay in court proceedings, the employee will forfeit any back pay for the period of delay that was requested should the employee ultimately be found not guilty in the criminal proceeding.
- E. When suspension covers an entire pay period, the employee is responsible for the full cost of benefits. The employee must contact the Office of Benefit Services to maintain continuous coverage.

IX. PROBATIONARY EMPLOYEES

The discipline procedures herein shall not be applicable to probationary support employees who have not completed a probationary period of twelve (12) months after original appointment. Employees in the first year of employment may be dismissed without prior warning and without rights to progressive discipline.

Probationary employees are eligible to file a complaint of discrimination if they believe that their dismissal is discriminatory based upon race, sex, color, religion, national origin, ancestry, age, disability, marital status, political affiliations or other nonmerit factor.

X. STANDARDS OF CONDUCT

Each employee is expected to:

- 1. Comply with a proper order of an authorized supervisor.

2. Report promptly to work in appropriate clothing with required tools and equipment and in a condition that will permit performance of assigned duties.
 3. Refrain from any disorderly conduct.
 4. Exercise courtesy and tact in dealing with fellow workers and the public.
 5. Behave in a professional manner.
 6. Maintain a clean and neat personal appearance to the maximum practicable extent during working hours.
 7. Safeguard public information.
 8. Conserve, properly use, and protect School Board funds, property, equipment, and materials.
 9. Exercise watchfulness in the performance of duties to eliminate potential hazards and to protect coworkers and others.
 10. Render full, efficient, and competent service.
 11. Comply with rules and regulations governing hours of work, absences, and the use of annual and sick leave.
- B. Employees are subject to additional provisions and prohibitions contained in Fairfax County School Board policies and regulations and the Code of Virginia. The following conduct is prohibited and may subject the employee to disciplinary action, including termination:
1. Dispensing special favors or privileges to anyone or accepting favors that might be construed by reasonable persons as influencing the performance of duties.
 2. Making any private promises of any kind binding upon the duties of the position assigned.
 3. Using any information received confidentially in the performance of duties as a means of making personal profit.
 4. Engaging in criminal, dishonest, immoral, or disgraceful conduct that brings the school system into disrepute; engaging in theft; or being convicted of a crime.
 5. Soliciting or accepting anything of value in return for performing or refraining from performing an official act.
 6. Using School Board facilities, property, or manpower for other than officially approved activities; carelessly or willfully causing destruction of School Board property.
 7. Threatening or assaulting anyone; possessing a weapon on School Board property.

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8. Falsifying any record or report, e.g., an employment application or a time and attendance report.
9. Neglecting or abandoning one's position by failing to notify and receive approval for leave from an authorized supervisor.
10. Manufacturing, distributing, dispensing, possessing, consuming, using, or selling alcohol or illegal drugs or taking part in the unauthorized use of prescription drugs on School Board property during normal work hours or while performing School Board business.
11. Manufacturing, distributing, dispensing, possessing, consuming, using, or selling illegal drugs at any time and in any place.
12. Having alcohol, illegal drugs, unlawful prescription drugs, or drug metabolites in the body while on duty.
13. Refusing to submit to blood, urine, Breathalyzer, or equivalent test to determine the presence of alcohol, drugs, or other intoxicants while on duty.
14. Failing to adhere to the policies and regulations of Fairfax County Public Schools.
15. Engaging in political campaigns while on duty.
16. Failing to pass the annual physical examination required for certain positions.
17. Operating a vehicle on School Board business with a revoked or suspended operator's permit.

See also the current versions of: Policy 4270, Suspension of Employees
Regulation 4293, Dismissal--Definition of Just Cause
Regulation 4812, Administrative Leave--Unusual
Circumstances