

POLICY 3.242

- 5-B** I recommend the Board approve the proposed new Policy 3.242, to be entitled "Employee Disciplinary Standards." [CONTACT ALAN ARONSON, ESQ., 434-8500; or MARCIA ANDREWS, 434-8953]

Development

PROPOSED NEW POLICY 3.242

EMPLOYEE DISCIPLINARY STANDARDS

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6 **1. DISCIPLINARY STANDARDS**

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8 a. It is the intent of the School Board of Palm Beach County to treat all employees
9 on a fair and equitable basis in the administration of disciplinary measures.
10 Nothing contained herein shall be construed or interpreted as contrary to federal
11 or Florida law.
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13 b. Discipline is usually a corrective rather than a punitive measure. In dealing with
14 deficiencies in employee work performance or conduct, progressive discipline
15 shall be administered, except in situations where immediate steps must be taken
16 to ensure student/staff safety or egregious breaches of trust. Progressive
17 discipline may include, but is not limited to, informal discussion, oral warning,
18 written warning, written reprimand, enrollment in professional skills enhancement
19 programs, suspension without pay, demotion, change in contract status or
20 termination of employment.
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22 c. There are certain acts of misconduct, however, which are so offensive as to
23 render an employee as no longer employable. The only appropriate disciplinary
24 measure in these cases is the termination of the employment relationship with
25 the Palm Beach County School Board.
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27 d. The severity of the misconduct in each case, together with the relevant
28 circumstances discussed in paragraph 3.c, will determine what step in the range
29 of progressive discipline is followed. A more severe disciplinary measure will be
30 used when it is in the best interest of the students or the community we serve. It
31 is the intent of the District, consistent with the factors set forth in Section 3 below,
32 that employees who have similar deficiencies in work performance or misconduct
33 will be treated similarly and consistent with the principle of just cause.
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35 e. It shall be the responsibility of the personnel employed by the District School
36 Board to carry out their assigned duties in accordance with federal laws, rules,
37 state statutes, state board of education rules, school board policy,
38 superintendent's administrative directives and bulletins and local school and area
39 rules.
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2. DISCIPLINARY ACTION

a. CATEGORY A

<u>OFFENSE</u>	<u>PENALTY RANGE</u>
i. <u>Inappropriate sexual conduct including, but not limited to, sexual battery, possession or sale of pornography involving minors, sexual relations with a student or the attempt thereof</u>	<u>Dismissal</u>
ii. <u>Sale/distribution of a controlled substance</u>	<u>Dismissal</u>
iii. <u>Possession of a firearm on School Board property - see Policy 3.26</u>	<u>Dismissal</u>

b. CATEGORY B

<u>OFFENSE</u>	<u>PENALTY RANGE</u>
i. <u>Committing a criminal act - felony</u>	<u>Suspension/Dismissal</u>
ii. <u>Committing a criminal act- misdemeanor</u>	<u>Reprimand/Dismissal</u>
iii. <u>Unlawful possession, use or being under the influence of a controlled substance</u>	<u>Suspension/Dismissal</u>
iv. <u>Driving Under the Influence during the scope of employment</u>	<u>Suspension/Dismissal</u>
v. <u>Alcohol-related offenses</u>	<u>Reprimand/Dismissal</u>
vi. <u>Driving Under the Influence</u>	<u>Reprimand/Dismissal</u>
vii. <u>Inappropriate method of discipline</u>	<u>Reprimand/Dismissal</u>
viii. <u>Falsification or alteration of employment paper, SBPBC records/documents or student records/documents</u>	<u>Suspension/Dismissal</u>
ix. <u>Parking on School District property with a firearm in a vehicle – see Policy 3.26</u>	<u>Suspension/Dismissal</u>
x. <u>Lewd and lascivious behavior</u>	<u>Suspension/Dismissal</u>
xi. <u>Indecent exposure</u>	<u>Suspension/Dismissal</u>
xii. <u>Solicitation of prostitution</u>	<u>Reprimand/Dismissal</u>
xiii. <u>Any violation of The Code of Ethics of the Education Profession in Florida, State Board of Education Rule 6B-1.001</u>	<u>Reprimand/Dismissal</u>
xiv. <u>Committing violence in the workplace</u>	<u>Reprimand/Dismissal</u>
xv. <u>Misappropriation of funds</u>	<u>Suspension/Dismissal</u>

82	xvi. <u>Insubordination, which is defined as a continuing or</u>	<u>Reprimand/Dismissal</u>
83	<u>intentional failure to obey a direct order, reasonable in</u>	
84	<u>nature and given by and with proper authority</u>	
85	xvii. <u>Unauthorized use of School Board property</u>	<u>Reprimand/Dismissal</u>
86	xviii. <u>Failure to comply with School Board policy,</u>	<u>Reprimand/Dismissal</u>
87	<u>directives, bulletins, local school rules, Federal or</u>	
88	<u>State law, or appropriate contractual agreement</u>	
89	xix. <u>Excessive absenteeism</u>	<u>Reprimand/Dismissal</u>
90	xx. <u>Excessive Tardiness</u>	<u>Reprimand/Dismissal</u>

3. OTHER CONSIDERATIONS

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- 94 a. Failure to include a particular act or type of conduct in either category does not
- 95 preclude the Superintendent/designee, District Auditor, and Chief Counsel to the
- 96 School Board from recommending that any employee reporting to them be
- 97 disciplined for such omitted act or conduct if it otherwise constitutes just cause
- 98 for disciplinary action.
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- 100 b. The lists in Category A and B are illustrative and not meant to be exhaustive.
- 101 The Superintendent and School Board reserve the right to impose disciplinary
- 102 measures, up to and including termination of employment, for any offense, act or
- 103 conduct which constitutes just cause for disciplinary action or which violates any
- 104 School Board rule, administrative directive, bulletin, state or federal law, as well
- 105 as the Code of Ethics and Principles of Professional Conduct outlined in Rule 6B-
- 106 1.006, F.A.C. and § 231.36, Fla. Stat.
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- 108 c. The following circumstances are illustrative and not meant to be exhaustive and
- 109 may be considered when determining the appropriate penalty within a penalty
- 110 range (Category B):
- 111 i. The severity of the offense
- 112 ii. Degree of student involvement
- 113 iii. Impact on students, educational process and/or community
- 114 iv. The number of repetitions of offenses and length of time between
- 115 offenses
- 116 v. The length of time since the misconduct
- 117 vi. Employment history
- 118 vii. The actual damage, physical or otherwise, caused by the misconduct
- 119 viii. The deterrent effect of the discipline imposed
- 120 ix. Any effort of rehabilitation by the employee
- 121 x. The actual knowledge of the employee pertaining to the misconduct
- 122 xi. Attempts by the employee to correct or stop the misconduct

- xii. Related misconduct by the employee in other employment including findings of guilt or innocence, discipline imposed and discipline served
- xiii. Actual negligence of the employee pertaining to any misconduct
- xiv. Pecuniary benefit or self-gain to the employee realized by the misconduct
- xv. Degree of physical and mental harm to a student, co-worker or member of the public
- xvi. Length of employment
- xvii. Whether the misconduct was motivated by unlawful discrimination
- xviii. Any relevant mitigating or aggravating factors under the circumstances
- xix. Employee's evaluation
- xx. Adherence to Self-Reporting Policy
- xxi. Level and responsibilities of Employee's position.

4. DEFINITIONS

- a. Controlled Substance (see § 893.03, Fla. Stat.). "Controlled substance" means any substances named or described in Schedule I through V of § 893.02 and .03, Fla. Stat.; laws controlling the manufacture, distribution, preparation, dispensing or administration of such substance are drug abuse laws.
- b. Felony (see § 775.08, Fla. Stat.). Pursuant to § 775.08, Fla. Stat., the term "Felony" shall mean any criminal offense that is punishable under the laws of this state, or that would be punishable if committed in this state, by death or by imprisonment in a state penitentiary. A person shall be imprisoned in the state penitentiary for each sentence which, except an extended term, exceeds one (1) year.
- c. Lewd and Lascivious Offenses. See § 800.04, Fla. Stat.

5. PENALTY RANGE

The Penalty Range in section 2 above is established as an administrative standard for administering appropriate disciplinary action. The purpose in providing a range of disciplinary actions is to provide for considerations which may include the factors identified at paragraph 3.c.

6. COLLECTIVE BARGAINING AGREEMENTS

If this policy conflicts with the provisions of a collective bargaining agreement, the provisions of the collective bargaining agreement shall prevail.

Legal Signoff:

From: Office of Chief Counsel

Re: Proposed New Policy 3.242, entitled "Employee Disciplinary Standards"

This proposed Policy has been reviewed and is legally sufficient to be brought to the Board for development.

Alan M. Aronson, Esq.

Date