



THE SCHOOL DISTRICT OF ESCAMBIA COUNTY

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MEMORANDUM

TO: PRINCIPALS, DIRECTORS, MANAGERS, AND SUPERVISORS

FROM: Dr. Alan Scott, Assistant Superintendent, Human Resource Services

DATE: July 31, 2014

SUBJECT: OUTLINE OF CORRECTIVE DISCIPLINE ACTION PROCEDURES

The following attachments are an effort to insure compliance with the letter and spirit of the Master Contracts of the School Board of Escambia County. Steps and procedures are outlined which are intended to clarify the requirements of the Master Contracts. This memorandum will include forms, as attachments, which should be suitable for most disciplinary actions and procedures.

Mr. Joseph Hammons, attorney for the Superintendent, has worked with personnel from the School Board and the Bargaining Units in developing the following procedures.

Discipline of any type shall be administered only by the appropriate supervisor. There must be a Director/Manager/Supervisor *who is on the administrative/professional salary schedule directly involved in the disciplinary actions*. All discipline shall be progressive, fair, and only for just cause. Discipline shall include, but not be limited to conference, verbal reprimand, written reprimand, suspension, and dismissal. Prior to administering discipline, the appropriate supervisor should follow the **N.E.A.T.** procedure (**N**-notice to employee for a discussion, **E**-explanation of the problem, **A**-assistance to the employee, **T**-time to correct the problem).

PROCEDURES FOR DISCIPLINE

1. When an employee is having difficulty doing his or her job and prior to consideration of discipline, the employee should receive counseling directed to help the employee overcome his or her difficulty. A copy of any record of this counseling session must be retained by the supervisor and a copy given to the employee (see Attachments A & B).
2. Prior to any additional disciplinary action of an employee, the supervisor shall provide written notice to the employee of the "nature of the complaint" and allow the employee time to secure appropriate representation. A conference shall be scheduled to discuss the disciplinary action being considered. The employee shall have the right to have an Association representative attend the conference (see Attachment C).

3. When the decision for discipline is to be a written reprimand, please refer to Attachment D. If, however, the discipline is to be more severe (i.e. suspension or dismissal) then the supervisor should refer to paragraph 4 of this document.
4. After the conference identified in paragraph 2 above is concluded, if more serious disciplinary action is to be taken, the supervisor **shall** contact a director in Human Resource Services for assistance in coordinating notice to appropriate officials.
5. The employee must be notified in writing of the date and time to meet with the department head, school principal, or appropriate designee for the purpose of presenting the notice of disciplinary action to be implemented. Prior to such meeting, the employee shall have been provided a copy of the written notice containing information and an accurate accounting of the offense as created pursuant of paragraph 3 above. The employee shall have the right to have an Association representative present during the meeting to serve the notice of disciplinary action to be implemented (see Attachment E).
6. If the employee fails to attend the meeting scheduled pursuant to paragraph 4 above, the notice of disciplinary action may be provided the employee by delivery in person or by certified mail, return receipt requested.

NOTE: **The attachments may be reproduced as needed.**
 See attachments relating to Due Process and Progressive Discipline

Attachments: Due Process Procedures
 Progressive Discipline
 Attachments A-E

DUE PROCESS

“Due Process” is the implementation of a PROCEDURE, which when adhered to guarantees the PROTECTION OF INDIVIDUAL RIGHTS. When applied to the Corrective Discipline process, this means there can be no surprises. The individual staff member must be made aware of what is expected regarding conduct, performance, and behavior. Furthermore, the staff member must be guaranteed “fair” treatment when a violation occurs. The individual must be kept informed, and the administrator must be able to prove this fact through appropriate documentation.

Was the rule, conduct, procedure, or order KNOWN to the staff member and was it one that would be considered reasonable and related to the efficient, orderly operation of the school?

Was the staff member notified relative to expected behavior in this regard and was there prior knowledge and indication of PROBABLE DISCIPLINARY CONSEQUENCES for failure to comply on the part of the staff member?

Was there a fair and objective INVESTIGATION of the circumstances and the fact PRIOR TO the disciplinary action; and, in fact was there a clear violation or disobedient action?

Is there specific data, DOCUMENTATION, and other information that exists to substantiate and verify the situation?

Does the disciplinary action taken reflect a degree that is consistent with the seriousness and nature of the offense? Is it REASONABLE?

Has the staff member’s previous record been considered and has the person received treatment that is CONSISTENT with the treatment of others who have been disciplined for similar circumstances?

*Due process guarantees have been provided if the administrator can answer “yes” to all six of the above questions.

PROGRESSIVE DISCIPLINE

I. Conference (informal) - NEAT; (N - notice to employee for a discussion, E - explanation of the problem, A - assistance to the employee, T - time to correct the problem).

II. Counseling Session, see attachment A and B (Full minimum 24 hour notice).

Notice employee in writing of date, time, and place of meeting - may have union representative present.

Prepare a written agenda of your concerns.

Hear their side of the issue.

Leave employee understanding the consequences if no improvement occurs.

If the employee improves behavior or performance, the next step is not necessary.
If not, continue below.

III. Consideration of Disciplinary Action, see attachment C (Full minimum 24 hour notice).

1. Notice employee in writing of date, time, and place of meeting - may have union representative present. **Please be sure to include here the nature of the complaint including pertinent information giving an accurate accounting of the offense or problem and the time and the date of the offense(s) and appropriate documents to support the charges.**

2. Review concerns of performance at the meeting.

3. Hear their side.

Note: After meeting, determine if discipline is warranted. If so, continue below.

IV. Discipline Meeting, see attachment D (Full minimum 24 hour notice).

1. Notice employee in writing of date, time and place of meeting - may have union representative present.

Present letter or Form of Discipline to employee.

No discussion is necessary.

If discipline goes beyond reprimand, contact a director of Human Resource Services for drafting formal charges for suspension or dismissal.

V. If employee challenges your action - grievance procedures could begin.

ATTACHMENT "A"

Counseling Session Notification

(Note: Employee must be given minimum full 24 hour notice)

DATE: _____

I, the undersigned supervisor, do request that a counseling session be held with the undersigned employee on (date, time, place).

Subject: 1. _____
2. _____
3. _____
4. _____

The employee has a right to Union representation at this meeting.

Supervisor's Signature

Employee's Signature

ATTACHMENT "B"

Counseling Session Summary and Strategies for Improvement

DATE: _____

I, the undersigned, supervisor and employee, do certify that a Counseling Session was held, and employee was advised he/she had the right to Union representation.

SUMMARY: _____

STRATEGIES: _____

Supervisor's Signature

Employee's Signature

ATTACHMENT "C"

Disciplinary Action Consideration Notification

(Note: Employee must be given minimum full 24 hour notice)

MEMORANDUM

TO:

FROM:

DATE:

SUBJECT: Disciplinary Action Consideration

This letter is to notify you of disciplinary action that is being considered and to inform you that you have the right for Union representation.

Nature of Complaint: _____

NOTE: Please be sure to include here the nature of the complaint including pertinent information giving an accurate accounting of the offense or problem and the time and the date of the offense(s) and appropriate documents to support the charges.

You are to appear in the office of _____

(DATE)

(TIME)

Any questions you may have, please feel free to call upon me.

HAND DELIVERED BY: _____

SIGNATURE OF EMPLOYEE (YOUR SIGNATURE ACKNOWLEDGES RECEIPT OF THIS MEMORANDUM AND DOES NOT MEAN YOU AGREE WITH THE CHARGES.)

TIME AND DATE

ATTACHMENT "D"

THE REQUIREMENTS OF AN OFFICIAL WRITTEN REPRIMAND

1. The reprimand must be individually written stating specific material facts, such as DATE, TIME, PLACE, WITNESSES to, and ACTIONS of the individual(s) involved.
2. The reprimand must include a quotation of the REGULATION, RULE, CONDUCT, PROCEDURE, or ORDER violated or breached.
3. The reprimand should outline all previous ORAL or WRITTEN REPRIMANDS or warnings, if any.
4. It must be explicit and to the point - prove the misconduct or offense charged by using sensory facts. Avoid making ASSUMPTIONS or using HEARSAY evidence. Tell what was SEEN, HEARD, TOUCHED, TASTED, or SMELLED. Let the concrete sensory facts tell the story to prove the case.
5. It must be stated that this letter constitutes a WRITTEN REPRIMAND.
6. It should state that the staff member is being given another opportunity to IMPROVE in performance, and express the hope that the staff member does so.
7. It should state that if there is no improvement, the staff member will be subject to FURTHER DISCIPLINARY ACTION. This is a critical point. The administrator must remain flexible, not stating what the further action will be.
8. The staff member must be given a copy of the letter.
9. Forward a copy of the letter to Human Resource Services to be included in the staff member's OFFICIAL PERSONNEL FILE.

ATTACHMENT "E"

(USE SCHOOL OR DEPARTMENT LETTERHEAD)

(DATE)

(EMPLOYEE'S NAME & ADDRESS)

RE: Notice of Proposed Disciplinary Action

Dear (EMPLOYEE'S NAME):

You were previously advised that disciplinary action was being considered because of (nature of complaint).

Enclosed please find a copy of a report identifying specifically the offense or misconduct involved as well as an accounting of the offense including times, dates, witnesses, and such other information as is presently available. That report is provided pursuant to the provisions of the Master Contracts. Pursuant to the provisions of the Master Contracts a meeting has been scheduled for the purpose of presenting notice of disciplinary action to you.

You are to appear in the office of _____
on _____ (date) at _____ (time). You have the right to
have an Association representative present at this meeting. Please govern yourself accordingly.

Sincerely,

(EMPLOYER'S NAME & TITLE)

Enclosure