

GBK-R Discipline, Suspension, and Dismissal of Staff

1/18/19

GSBA Reference: GBK (Professional Personnel Suspension)

RATIONALE/OBJECTIVE:

The Cobb County School District (District) expects its employees to protect the health, safety and general welfare of students and fellow employees. The District seeks to ensure the citizens of Cobb County a degree of accountability within the education profession and to help define conduct justifying disciplinary action.

Employee discipline seeks to:

- Address incidents of inappropriate employee conduct;
- Prevent reoccurrences of inappropriate employee conduct;
- Remediate poor job performance;
- Address violations of the Code of Ethics for Educators promulgated by the Georgia Professional Standards Commission (Administrative Rule GAGC-R [Employee Ethics]).

In addressing any employee disciplinary incident, District employees shall be presumed innocent and be treated fairly and with dignity, in a clear, consistent and professional manner (see Board Policy GA [Treatment of Staff]).

RULE:**A. GENERAL PROVISIONS:**

1. The District utilizes progressive discipline in which disciplinary actions normally follow a gradually escalating path. However, depending on the seriousness of the offense, more than one progressive discipline action may occur simultaneously or it may be determined that progressive discipline is not appropriate and any disciplinary action may be imposed. The action taken should be consistent with precedent in similar situations, appropriate to the offense, and documented. An employee who holds a certificate with the Georgia Professional Standards Commission (PSC) may be reported at any time for a violation of the Code of Ethics for Educators.
2. If an employee who has been previously reported in writing to the PSC by the District for a violation of the Code of Ethics is subsequently found not to have violated the Code of Ethics by the District, then Human Resources shall submit a supplemental report to the PSC and shall revise the employee's annual evaluation as needed.
3. All administrators and supervisors will utilize progressive discipline in the treatment of all employees under their supervision. Permission must be obtained from the Employee Relations office prior to an administrator/supervisor making an exception to this process. The failure of an administrator/supervisor to obtain such permission may result in disciplinary action.
4. Prior to receiving a Letter of Concern, a Letter of Direction, or being recommended for disciplinary action, an employee shall be informed of the concerns and given an opportunity to respond. Neither a Letter of Concern nor a Letter of Direction shall be written prior to the employee being given an opportunity to explain or respond.
5. Except in rare cases or cases involving serious offenses, employees should be progressively disciplined prior to termination.
6. Certified employees will be notified in writing of their non-renewal on or before June 1st, or other date specified by Human Resources.
7. Certified employees have no due process hearing rights under O.C.G.A. § 20-2-940 for a suspension of two (2) days or less, for any termination or non-renewal for the employee's

failure to maintain a valid Georgia teaching certificate, or for job abandonment (see Administrative Rule GARH-R).

8. Certified probationary employees, who are considered at will employees for the initial ninety (90) work days of their employment with the District, have no due process hearing rights under O.C.G.A. § 20-2-940 for any suspension or termination during his/her probationary period.
9. Classified employees have no due process hearing rights under O.C.G.A. § 20-2-940.

B. DISCIPLINARY CONFERENCE:

1. A Disciplinary Conference is described as any conference held, whether requested by the administrator/supervisor or Human Resources that recommends or results in a Suspension Without Pay, Demotion, Reprimand by the Superintendent, Termination, or Nonrenewal in connection with an employee's conduct.
2. Annual performance evaluation conferences are not considered Disciplinary Conferences.
3. All employees shall be allowed to have a representative of their choosing, excluding attorneys, spouses, and immediate family members (as defined in Administrative Rule GARH-R), present in any Disciplinary Conference.
 - a. Employees must notify their administrator/supervisor prior to the scheduled disciplinary conference that they will bring a representative and provide the name of that person.
 - b. The representative shall be allowed to be present in the Disciplinary Conference, and offer comments or questions at the end of the conference, so long as his/her participation does not obstruct or disrupt the conference.
 - c. Based on reasonable cause, with the approval of the Deputy Superintendent the District reserves the right to exclude an individual from serving as a representative in a Disciplinary Conference.
4. The administrator/supervisor or Human Resources representative must, except in cases involving extraordinary circumstances, provide the employee with a minimum of two (2) business days advance notice of the Disciplinary Conference date, time and location. This notice should also include the purpose of the conference, a brief description of the concerns expected to be addressed in the conference, and the names of anticipated attendees.
5. Employees may audio record a Disciplinary Conference.
 - a. If an employee indicates that he/she will make an audio recording of the conference, he/she must first inform the administrator/supervisor of the recording in advance of the conference.
 - b. If an employee indicates they will make an audio recording of the conference, the administrator/supervisor shall also make an audio recording of the proceedings and maintain this recording in the employee's file.
6. An administrator/supervisor should not schedule a Verbal Counseling or Disciplinary Meeting with an employee at any level during the lunch time of the employee, except under extraordinary circumstances.
7. An employee who receives a Letter of Concern or a Letter of Direction may submit a written rebuttal letter to the supervisor within ten (10) business days.
8. At the conclusion of a Disciplinary Conference, certified employees shall be provided with a summary of the evidence presented. In addition, the employee will be informed of their applicable due process rights, e.g. Fair Dismissal rights.
9. Upon request, a certified employee who has no due process hearing rights under O.C.G.A. § 20-2-940 (see Section A. above) may request a review of the decision of a Disciplinary Conference by submitting a written request for review within three (3) business days of the date of the decision to the Deputy Superintendent or his/her designee prior to being disciplined. Untimely requests will not be considered. Within ten (10) business days of the receipt of the request, the District shall issue a written decision on the review to the employee. The review shall be confined to the record of the Disciplinary Conference. Information that was not provided at the conference may not be considered on review. Only one review is permitted under this policy and no additional reviews shall be permitted.
10. Certified employees shall be given at least three (3) business days to make a decision regarding their applicable due process rights.

C. INVESTIGATIONS:

1. An Investigative Conference is described as any conference held between an employee and the Employee Relations office regarding the employee's conduct or job performance.
2. Questions or requests for information from an employee's supervisor(s) or the District's Department of Public Safety related to the employee's conduct or job performance are not considered an Investigative Conference.
3. Except in cases involving serious offenses, employees shall also be allowed to have a representative of their choosing (see item B.3. above) present during an Investigative Conference. However, the availability of a representative or the lack thereof shall not delay an investigative conference from occurring.
4. Employees are required to cooperate and provide assistance with any type of investigation conducted by the Employee Relations office. This includes activities such as cooperating in interviews, answering questions related to the performance of official duties, and producing requested documents. Failure to adhere to these requirements will be considered insubordination and may result in disciplinary action.
5. Except in rare occasions, employee investigations shall be concluded within twenty (20) business days. At the conclusion of an investigation, the employee shall be notified of the results of the investigation in writing within ten (10) business days.
6. Pending an investigation or outcome thereof, an employee may be placed on Administrative Leave with Pay.
7. Employees may only be placed on Administrative Leave with Pay by the Superintendent or his/her designee.
8. No employee may be subject to retaliatory action for the exercise of their applicable due process rights.

Adopted: 8/13/08

Revised: 9/9/09; 1/18/12; 6/13/12

Revised and re-coded: 7/19/12 (Previously coded as Administrative Rule GCQF)

Revised: 12/11/13; 1/31/14; 4/22/16; 1/26/17; 1/18/19

Legal Reference

O.C.G.A. 20-2-940

Grounds/procedure for terminating or suspending contract of employment (Fair Dismissal law)