

# REGULATION

## MONTGOMERY COUNTY PUBLIC SCHOOLS

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**Related Entries:** GJD-RA, GJD-EA, GKB-RB, BLB, Negotiated Agreements

**Responsible Office:** Deputy Superintendent for Planning, Technology, and Supportive Services

### Discipline or Discharge of Supporting Services Employees

#### I. PURPOSE

To establish responsibility for conducting investigations of employee problems, determining the appropriate disciplinary actions and discharge of employees, and to provide procedures for appeal

#### II. BACKGROUND

##### A. Discipline and Discharge

1. A suspension, demotion, discharge, or other disciplinary action may only be taken against supporting services employees for proper cause.
2. Any suspension of an employee for the purpose of investigation shall be with full pay. Normally, such investigations will be completed within five (5) duty days.
3. Written notice of charges with specifications will be given to the affected employee at the time disciplinary action is taken.

#### III. DEFINITIONS

- A. *Administrator/Supervisor* is the person responsible for signing the employee's time voucher, evaluating the employee, or other related supervisory tasks. Examples are principal, office director, department or division director, or supervisor.
- B. *Disciplinary actions* are adverse actions which may be taken against an employee for proper cause; e. g., letter of reprimand, reduction of salary within grade, demotion, involuntary transfer or reassignment, disciplinary suspension without pay, or dismissal. A combination of disciplinary actions may also be implemented.

- C. A *discharge* is the termination by the employer of an employee for reasons other than a reduction in force.

#### IV. PROCEDURES

##### A. Initial Complaint

1. The administrator/supervisor, after consultation with the appropriate associate superintendent/deputy superintendent, will recommend to the associate superintendent for personnel services that an employee be removed from service when the administrator/supervisor deems such action to be necessary.
  - a. The recommendation will be in writing and include the reasons for such recommendation.
  - b. The employee must initial the recommendation and be given the opportunity to attach his/her comments.
  - c. The administrator/supervisor may handle an emergency situation by contacting the associate superintendent for personnel services.
2. Appropriate staff in the Office of Personnel Services will review the administrator's recommendation and determine if the situation warrants immediate removal of the employee pending further investigation. If it is determined that the employee should be suspended from service and an investigation conducted, the employee will be placed on administrative leave with pay (unusual and imperative leave with pay for payroll purposes) for usually no more than five (5) duty days while the charges are investigated, and the employee will be advised in writing of this action.

##### B. Investigation, Recommendations, and Decision

1. Appropriate staff in the Office of Personnel Services are responsible for conducting an investigation and forwarding a recommendation to the associate superintendent for personnel services.
2. After a review of the investigation and recommendation, the associate superintendent for personnel services determines whether to forward the recommended discharge or disciplinary action, to the deputy superintendent.

- a. If the deputy superintendent concurs with the recommendation, the employee is notified by the deputy superintendent of the alleged charges, findings and conclusion, the action to be taken, the effective date of such action, and the employee's right of appeal.
- b. If the deputy superintendent decides that the recommended discharge or disciplinary action is not warranted or appropriate, the deputy superintendent may take whatever action is deemed equitable and appropriate.

## V. APPEALS

### A. General

Written notice of charges with specifications will be given to the affected employee at the time the disciplinary action is taken.

### B. Discipline or Discharge

1. A permanent status employee who has been discharged or otherwise disciplined may appeal the action through the grievance/arbitration procedures outlined in Administrative Regulation GKB-RB: *Grievance - Supporting Services Personnel* as modified below or through the MCPS Policy BLB: *Rules of Procedure for Appeals and Hearings*.

Discipline or discharge appeals of supporting services employees will not be subject to binding arbitration. Appeals from Level III will be submitted to advisory arbitration following the procedures in Administrative Regulation GKB-RB: *Grievance-Supporting Services Personnel*. At the time of the request for arbitration the American Arbitration Association and prospective arbitrators will be advised that an advisory decision will be provided to the superintendent. The superintendent will review the recommended decision and issue his/her written decision within 30 days. Further appeal to the Board of Education can be made in accordance with MCPS Policy BLB: *Rules of Procedure for Appeals and Hearings*.

2. Probationary Employee

The procedures set forth above are applicable for a probationary employee except that the associate superintendent for personnel services reviews a recommendation for discharge or discipline of a probationary employee and determines whether the action is appropriate or what alternative action is to be taken.

- a. A probationary employee may request an appeal hearing before the deputy superintendent by making a written request to the deputy superintendent's office within ten (10) duty days of the date the disciplinary action becomes effective.
- b. A hearing will be scheduled and the deputy superintendent will render a decision within ten (10) days after the hearing. A probationary employee is not eligible to request redress through the grievance procedure and does not have the right of appeal to the Board of Education.

*Administrative History:* Formerly Regulation No. 415-12; revised October 1982; revised February 1986; amended by the Agreement Between the Board of Education and the Montgomery County Council of Supporting Services Employees, 1984-87; revised June 22, 1994.