

# Multnomah Education Service District

Code: **GCPD-AR(1)**  
Adopted: 6/3/81  
Revised/Reviewed: 10/12/94; 10/18/05; 4/22/13

## Discipline and Dismissal of Employees

### Definitions

**“Board”**: Multnomah Education Service District Board of Directors

**“Cabinet Member”**: The person who is a director of a department.

**“Fair Dismissal”**: Termination of Teacher Standards and Practices Commission (TSPC) licensed employees with an education agency as per the Accountability for Schools for the 21st Century Law.

**“Final Program of Assistance for Improvement”**: A program of assistance for a teacher, which, if not met satisfactorily, will result in a recommendation for dismissal of the teacher by the supervisor, as defined by ORS 342.850(2)9b.\* It is important to note that the Final Plans of Improvement may or may not be preceded by Plans of Improvement for which other alternatives to recommendation for dismissal exist.

**“Satisfactory Performance”**: Performance by an employee which, in the judgment of the supervisor, fulfills the responsibility of the employee’s position.

**“Supervisor”**: Immediate supervisor of the employee.

**“Teacher”**: Any employee of the MESD who holds the status of permanent teacher as defined by the Accountability for Schools for the 21st Century Law.

### SUSPENSION WITH PAY

#### Rule for Suspension

1. In a situation in which a supervisor becomes aware of a problem so serious that he/she believes that cause exists for discipline up to and including the dismissal of an employee on a ground specified in Board policy and he/she believes that immediate suspension of the employee is necessary for the best interest of the MESD, the supervisor may suspend the employee with pay, without prior notice.
2. A situation in which immediate suspension is necessary includes, but is not limited to, any situation which endangers the safety of persons, MESD property or any situation which adversely affects the operation of the MESD and for which placing an employee on a plan of assistance would not be appropriate.

## **Procedure for Suspension**

1. In the event a supervisor suspends an employee, the supervisor will use GCPD-AR(2) – Suspension Notification Form and shall mail the employee notice of the suspension by certified mail no later than MESD’s next workday. This notice shall specify the factual basis for the suspension and copies of this notice shall be sent to the Superintendent, Cabinet member and the employee’s personnel file. The employee’s salary shall continue during the first five work days of the suspension period.
2. The Cabinet member shall conduct an investigation into the basis of the suspension and within five work days of the effective day of the suspension, the Cabinet member shall either send a written reinstatement, with or without a program of assistance, to the employee with copies to the Superintendent, the supervisor and the employee’s personnel file or send a memo to the Superintendent and the Director of Human Resource Services, in which the Cabinet member recommends dismissal of the employee and sets out the factual basis of the recommendation.

## **DISMISSAL PROCEDURES**

If the Cabinet member recommends dismissal, the Superintendent decides whether or not to recommend dismissal of the teacher to the Board. If he/she decides not to recommend dismissal, the Superintendent provides written notice to the Cabinet member and the teacher. If he/she decides to recommend dismissal, the Superintendent recommends dismissal of the Teacher Standards and Practices Commission licensed teacher to the Board as required by law.

### **Dismissal of Teachers and Administrators Subject to the Fair Dismissal Law**

1. A recommendation for dismissal must be for a reason deemed in good faith sufficient.
2. An appropriate evaluation, if practicable, or a suspension may precede a recommendation for dismissal.
3. A reasonable time before the proposed dismissal becomes effective, the teacher/administrator must be given a written statement which provides:
  - a. That the dismissal is proposed;
  - b. The factual basis for the proposed dismissal;
  - c. That the teacher/administrator may request a hearing before the Board, with representation, to appeal the dismissal action.

### **Contracted Staff Not Subject to the Accountability for Schools for the 21<sup>st</sup> Century Law\***

1. A recommendation for dismissal must be for a reason deemed in good faith sufficient.
2. An appropriate evaluation, if practicable, or a suspension must support and precede a recommendation for dismissal.
3. A reasonable time before the proposed dismissal becomes effective, the contracted employee must be given a written statement which provides:
  - a. That the dismissal is proposed;
  - b. The factual basis for the proposed dismissal;
  - c. That the employee is entitled to request a hearing before the proposed dismissal becomes effective;
  - d. That a hearing, if requested, shall be held by the Superintendent, except in those cases where the employee's immediate supervisor is the Superintendent. In the latter case, the hearing shall be held by the Board.

## **Dismissal of Noncontracted Staff**

1. Probationary Staff
  - a. Reason(s) for dismissal must be job related.
  - b. An evaluation and some assistance in remediating deficiencies (either formal or informal) may precede a recommendation for dismissal.
  - c. The Superintendent may summarily dismiss the employee who has committed a crime, when the employee created or is creating a hazardous condition or in cases where an evaluation and assistance in remediating deficiencies is not practicable.
  
2. Nonprobationary Staff
  - a. Sufficient reasons for dismissal must be job related.
  - b. An appropriate evaluation, if practical, or a suspension must precede a recommendation for dismissal.
  - c. A reasonable time before the proposed dismissal becomes effective, the employee must be given a written statement which provides:
    - (1) That the dismissal is proposed;
    - (2) The factual basis for the proposed dismissal;
    - (3) That the employee is entitled to request a hearing before the proposed dismissal becomes effective;
    - (4) That the hearing, if requested, would be held by the Superintendent except in those cases where the employee's immediate supervisor is the Superintendent. In the latter case, the hearing would be held by the Board.