

May 25, 2016

~~AMEND BOARD REPORT 13-0828-PO1~~

(EXCEPT CTU)

**THE CHIEF EXECUTIVE OFFICER RECOMMENDS THE FOLLOWING:**

That the Board amend the policy adopted under Board Report 13-0828-PO1 and also re-name this policy the "Employee Discipline and Due Process Policy for Union Employees (Except CTU)". The amended policy is attached hereto.

**DESCRIPTION:** Policy modifications are highlighted on the attached and include the following:

(1) Update the policy applicability to clarify that the policy applies to union employees, other than CTU

# Employee Discipline and Due Process Policy for School Board

## Union Employees (Except CTU)

**The Employee Discipline And Due Process Policy for**

**School-Based Union Employees (Except CTU)**

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I. INTRODUCTION AND SCOPE OF POLICY

Employees (Except CTU) ("Policy") applies to all school-based Employees represented by a labor organization, except Employees that belong to the Chicago Teacher Union's

## II. PROGRESSIVE DISCIPLINE

The Board embraces the concept of progressive and corrective discipline for

Employees. The Board encourages its managers and supervisors to use progressive discipline when they believe that an Employee is amenable to correcting his

misconduct.

Progressive discipline is a systematic approach to correct unwanted behavior and deter its occurrence by administering disciplinary actions based upon various

### III. DEFINITIONS

As used in this Policy, these terms are defined as follows:

~~1. Assistant Principal Under the direction and supervision of a principal in~~

~~charge of an attendance center in the absence of the principal, assists the~~

~~principal in directing and coordinating the educational and related~~

10. **Reviewing Officer** - An individual designated by the Director of the Office of

Employee Engagement or his designee to review an appeal of a suspension by

a Board Employee.

11. **School-Based Educational Support Personnel** - All full-time school-based non-teaching personnel.

12. **Staleness** - If the Board does not take disciplinary action against an Employee

IV. ACTS OF MISCONDUCT

GROUP I ACTS OF MISCONDUCT

1. Acts of Misconduct include the following:

1.4. Failure to submit lesson plans or other reports as directed by the Principal



GROUP 2 ACTS OF MISCONDUCT

[REDACTED]

GROUP 3 ACTS OF MISCONDUCT

3-1 Repeated or flagrant acts of Group 2 misconduct.

3-2 Using school or Board property or services without authorization

3-16 Failing to comply with the Board's student travel policy.

~~§ 47 ) (a) (i) (ii) School rules, Board rules, policies or procedures that result in behaviors~~

that disrupt the orderly educational process in the classroom, in the school, and  
may occur on or off the school grounds or assigned work location

GROUP 4 ACTS OF MISCONDUCT

Group 4 Acts of Misconduct includes the following acts that *seriously disrupt* the orderly educational process:

4-1 Repeated or flagrant acts of Group 3 misconduct.

4-2 Using racial, cultural, ethnic, or religious epithets, or threatening language.

Employee against any person on school grounds which results in physical contact; or provoking or inciting another person to engage in such conduct.

4-4 Using the office, work site, work locations, work vehicle, work tools, or work

4-15 Submitting false or fraudulent residency information in violation of the Board's residency policy.

4-16 Deliberately submitting false or fraudulent information to the Board.

Comprehensive Non-Discrimination, Title IX and Sexual Harassment Policy

4-26 Violating School rules, Board rules, policies or procedures that result in behaviors that seriously disrupt the orderly educational process in the classroom, in the

workplace or off the school grounds or assigned work location

### Disciplinary Options

- Suspension Without Pay (1-30 days);
- Discharge

GROUP 5 ACTS OF MISCONDUCT

Group 5 Acts of Misconduct includes the following acts that *grossly disrupt* the orderly educational process. (School-based discipline is not appropriate. Please contact the

Department).

- 5-1 Repeated or flagrant acts of Group 4 misconduct.
- 5-2 Absence without leave or authorization ("AWOL").
- 5-3 Losing one's professional or other license or failing to obtain prerequisites necessary to hold or renew professional or other license.
- 5-4 Falsifying employment records, or committing other fraudulent acts in attempting to secure employment.
- 5-5

5-14 Drinking, using, or possessing alcoholic beverages or illegal drugs, or using legal drugs in a manner not prescribed by a physician while at work

5-15 Engaging in any act or conduct prohibited by Board Rules, Municipal Code of the

federal statutes that may be deemed irremediable conduct.

5-16 Any communication in the presence of students that portrays person(s) as criminal, immoral, indecent, or lacking in virtue, or intended to incite hatred, violence, abuse, or hostility toward a person or group of persons by reason of an



**V. TYPES OF DISCIPLINARY ACTION**

The types of disciplinary action that may be imposed include the following:

1. **Written Reprimand** - A formal disapproval of the action(s) of an Employee, but which carries no loss of pay or benefits.

2. **Suspension** - The temporary removal from employment accompanied by

a concurrent and temporary loss of the privileges of employment, including the loss of pay and benefits. The loss of benefits shall include any benefits that would normally accrue during active employment such as

sick leave and sick days (e.g., health insurance, retirement, etc.)

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8. Witnesses are generally not allowed, however, the Board representative, in his discretion, may allow a witness if he deems it necessary. Rather, affidavits or signed and dated statements may be submitted and shall be duly considered by the Board representative.

After the conference has been completed, the ~~Chief Executive Officer, Chief Administrator, Union Employee's supervisor or Principal, or their designee~~, shall issue a decision as to the Misconduct section(s) that was found to have been violated, and what level of discipline, if any, is appropriate on a Notice of Disciplinary Action form. The ~~Chief Executive Officer, Chief Administrator, Union Employee's supervisor or Principal~~

~~or their designee~~ shall have the discretion and authority to issue a reprimand or a

suspension, without pay, from one (1) to thirty (30) days. If the evidence presented indicates that no violation of the Misconduct section occurred, then the ~~Chief Executive Officer, Chief Administrator, Union Employee's supervisor or Principal, or their designee~~

arguments submitted by the ~~Chief Executive Officer~~, Union Employee's supervisor or Principal, ~~or Chief Administrator~~ in support of the discipline imposed. The Employee shall be afforded an opportunity to respond to the documentation and/or arguments submitted by the ~~Chief Executive Officer~~, Union Employee's supervisor or Principal, ~~or Chief Administrator~~;

5. ~~The Director of the Office of Employee Engagement, or his designee, shall review the Reviewing Officer's recommendation. The~~

~~Director of the Office of Employee Engagement, or his designee, shall have the authority to accept or reject the recommendation, or request additional information from the Reviewing Officer. The Director of the~~

to issue a final decision as to whether the suspension imposed by the  
Chief Executive Officer, using Employee suspension or Disincentive

determination has not been made within (60) work days as to whether the Employee should be discharged, then the Employee will start receiving pay, and will be eligible for all benefits normally available during periods of active employment.

The Office of Employee Engagement ~~Chief Executive Officer, or his designee,~~ shall also possess has the right to remove, with pay and benefits, an Employee from his position on a temporary basis where the best interests of the Chicago Public Schools

by the determination by the Director of the Office of Employee

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The decision by the Director of the Office of Employee Engagement shall be final and may not be appealed by either party.

~~The Principal or Chief Administrator may discharge an Employee during the probationary period and shall notify the Office of the Office of Employee Engagement~~

~~Failure of the Principal or Chief Administrator to provide notification to the Office of~~

~~Employee Engagement shall not affect the termination. Probationary Employees have no right to their position. Accordingly, the Office of Employee Engagement Principal or Chief Administrator shall~~



~~Attorneys, the Board Secretary, and the Assistant Board Secretary are at will~~

~~continued employment. Said Employees may be discharged from their~~