

EVALUATION OF PROFESSIONAL & SUPPORT PERSONNEL

An approved evaluation instrument will be used to evaluate professional/support personnel on the basis of job performance as listed on their job description. A copy of the evaluation will be given to the employee and a copy will be placed in the employee's personnel file. Evaluations of professional/support employees will be completed no later than April 1st of each year.

**REDUCTION IN FORCE OF
PROFESSIONAL AND SUPPORT PERSONNEL
(All full-time Employees other than Certified Teachers)**

The technology center believes that every reasonable effort should be made to avoid a reduction in force at any level. However, if it should become necessary to reduce the number of full-time professional/support employees due to lack of funds or lack of work in a particular area or due to a reorganization, the position or program will be the determining factor and not the individuals who occupy the position or serve the program.

An employee is considered to be a full-time employee if the number of hours worked are the number of hours customarily worked in that position and if that position is designated as a full-time position by the board.

A reduction in force may occur for lack of funds, lack of work because of a decline in enrollment, consolidation of programs or positions, elimination of positions, or other circumstances as determined by the board.

If termination of employment should become necessary, notices of such terminations will be made as set forth in the policy governing suspension, demotion, or termination of professional/support employees found elsewhere in this manual.

Any necessary terminations shall begin by dismissing temporary, seasonal, or part-time employees within the job category affected. These employees shall be terminated at the discretion of the board or the board's designee.

If normal attrition and the release of temporary and part-time employees does not sufficiently reduce the professional/support staff, the following items will be considered in the reduction process in the order listed:

1. Performance history;
2. Job qualification by training and experience;
3. Attendance and punctuality; and
4. In the event that two or more employees in the affected category are equal in the above factors, termination shall be made on the basis of seniority within each general job category.

Supervisors and directors shall serve at the pleasure of the board and shall not be subject to the prescribed seniority order for reductions in force. Personnel whose positions are eliminated in one category may be considered for a position in another category.

Seniority shall be defined as the total length of continuous service as a professional/support employee within this technology center. Employees who are terminated and subsequently reinstated shall retain cumulative seniority for all periods worked except for the period of termination.

Demotions in position, due to a reduction in force, shall follow the same procedure as terminations.

**SUSPENSION, DEMOTION, TERMINATION OR NONREEMPLOYMENT OF
PROFESSIONAL AND SUPPORT EMPLOYEES**

1. Definitions

- A. "Professional/Support Employee" shall mean an employee of the technology center who provides those services, not performed by certified educators or licensed teachers, which are necessary for the efficient and satisfactory functioning of the technology center. At NWTC this includes Professional Staff as well as Support Staff.
- B. "Full-time Professional/support Employee" shall mean a professional/support employee who regularly works the standard period of labor which is generally understood to constitute full-time employment for the type of services performed by the employee and who is employed by the technology center for a minimum of 172 days per year.
- C. "Suspension without pay" shall mean the temporary denial of a professional/support employee's right to work and receive any pay and other benefits during the term of the suspension. "Suspension without pay" may be as a disciplinary measure as provided in paragraph 4.B(1), below or as a suspension pending investigation as provided in paragraph 4.B(2), below. If a final decision is made under the procedures stated below that a suspension without pay was improper, the professional/support employee shall receive full pay and other benefits for the period of suspension.
- D. "Suspension with pay" may occur in those situations in which the superintendent or his or her designee, or a supervisor of the professional/support employee perceives a significant hazard in keeping the support employee on the job, in which event the professional/support employee may be asked to immediately leave the technology center's premises and the professional/support employee is temporarily relieved of his or her duties pending a hearing under paragraph 4, below.
- E. "Demotion" shall mean a reduction in pay during the term of the professional/support employee's contract. "Demotion" shall not mean a change in job description or work assignment or duties.
- F. "Termination" shall mean the discharge of the professional/support employee from his/her employment with the technology center during the term of his/her contract and does not include the cessation of employment upon expiration of the professional/support employee's contract.

G. "Non-reemployment" shall mean the failure to offer a professional/support employee a new contract for the next successive school year after the contract under which the professional/support employee is presently employed has expired.

2. Policy On Suspension, Demotion, Termination Or Non-Reemployment Of Full-Time Professional and Support Employees

A full time professional/support employee who has been employed by the technology center for more than one year shall be suspended, demoted, terminated or non-reemployed during the term of his/her contract only for cause as provided in this policy. In addition to the definition of cause stated in section 3 of this policy, "cause" shall also specifically include lack of funds or lack of work. Any professional/support employee who has been employed by the technology center for less than one year (12 months) is not entitled to invoke the procedures of this policy and such employee's contract can be terminated at any time without cause.

3. Cause For Suspension, Demotion, Termination Or Nonreemployment

A. A professional/support employee may be suspended, demoted, terminated or non-reemployed during the term of his/her contract for any of the following:

- i. Violation of any rule, regulation or requirement issued by the office of the superintendent or board of education of the technology center; or
- ii. Conduct not otherwise specified in the above rules, regulations or requirements which constitutes insubordination, neglect of duty, incompetency in job performance, dishonesty, or causing or allowing damage, destruction or theft of technology center property.

B. The rules, regulations and requirements referred to above and the Rules for Conduct shall be furnished to each professional/support employee at the time of his/her initial employment. In the event these rules are updated, a copy shall be timely distributed to professional/support employees.

4. Procedures For Suspensions Without Pay, Terminations And Demotions

A. Any full-time professional/support employee is subject to disciplinary action in the form of a suspension without pay, demotion or termination. Prior to instituting any such disciplinary action the full-time professional/support employee shall receive the following hearing rights:

- i. The superintendent or his or her designee shall orally advise the professional/support employee of the cause or basis for the proposed disciplinary action;

- ii. The superintendent of the technology center or his or her designee shall explain to the professional/support employee the evidence against the professional/support employee;
 - iii. The superintendent of the technology center or his or her designee shall allow the professional/support employee an opportunity to present his or her side of the matter.
- B. After the professional/support employee is afforded the above hearing rights the superintendent of the technology center or his or her designee may take any of the following actions:
- i. Suspension without pay for ten (10) working days or less as a disciplinary measure;
 - ii. Suspension without pay pending investigation as to whether cause exists for the termination of the professional/support employee;
 - iii. Demotion of the professional/support employee;
 - iv. Termination of the professional/support employee;
 - v. Conclude that no disciplinary action is appropriate.
- C. The professional/support employee shall have the right to appeal to the board of education a suspension without pay as a disciplinary measure, a demotion or a termination as set forth in the Procedures for Appeal to the board of education in section 6 below.

5. Procedures For Non-Reemployment

Prior to being non-reemployed, a full-time professional/support employee who has been employed by the technology center for more than one (1) year shall be entitled to the following hearing rights:

- A. The board of education or the superintendent of the technology center or his or her designee shall advise the professional/support employee, in writing, of the board's intention to consider and act on the non-reemployment of the professional/support employee for the subsequent fiscal year;
- B. The written notification shall set out the cause(s) for such action;
- C. The professional/support employee shall have the right to contest his or her non-reemployment before the board of education as set forth in the Procedures for Appeal to the board of education in section 6 below.

6. Procedures For Appeal To The Board Of Education

- A. After any suspension without pay as a disciplinary measure, or prior to the effective date of any demotion, termination during the term of his/her contract or non-reemployment, the professional/support employee shall receive notice of his/her right to a hearing before the board of education as herein provided.
- B. All notices shall be sent to the professional/support employee by certified mail at the address of the professional/support employee shown on the school records. If the professional/support employee refuses to accept the notice or fails or refuses to pick up the notice after being notified by the post office to do so, then the professional/support employee shall be deemed to have received the notice on the date that the notice was postmarked. The postmark shall be used to determine the timeliness of the notice.
- C. A professional/support employee who has been notified in writing of his/her suspension without pay as a disciplinary measure, demotion or termination during the term of his/her contract or non-reemployment may notify the clerk of the board of education of the technology center within ten (10) working days of the postmark on the notice if the professional/support employee desires a hearing before the board of education. If the professional/support employee fails to notify the clerk of the board of education of the technology center in writing within ten (10) working days of the postmark on the notice that the professional/support employee requests a hearing, the professional/support employee shall be deemed to have waived the right to a hearing and the suspension without pay as a disciplinary measure, demotion or termination action shall be final and, in the case of a non-reemployment, the board may take final action to non-reemploy the employee without further notice or hearing rights.
- D. Hearing before board of education:
 - i. Upon timely notice as set forth above, the professional/support employee shall be entitled to a hearing before the board of education. The hearing shall be conducted at the next, or next succeeding, regularly scheduled meeting of the board of education if the request for the hearing was received at least ten (10) days prior to the next, or next succeeding, regularly scheduled board of education meeting. At the request of the professional/support employee or at the discretion of the board of education, the board of education shall call a special meeting to conduct the requested hearing, which special meeting shall be held no earlier than ten (10) days nor later than thirty (30) days after receipt of the professional/support employee's request.
 - ii. At the hearing before the board of education, the professional/support employee shall be entitled to be represented by counsel, to cross-examine witnesses presented by the technology center, to present witnesses on his/her behalf and to present any relevant evidence or statement which the professional/support employee desires to offer. The hearing shall be conducted in "open" session. The hearing shall commence with a statement to the professional/support employee of his or her rights at the hearing. Following this statement, the technology center administration

shall present facts showing the cause for the professional/support employee's suspension without pay as a disciplinary measure, demotion, termination or non-reemployment. The burden of proof shall be upon the technology center administration. The professional/support employee shall then have the right to present his/her side of the matter. After both the technology center administration and the professional/support employee have fully presented their respective positions, the board of education shall deliberate on the evidence in executive session. The board of education shall announce its findings and decision immediately in open session by individual voice vote. The decision shall be made by a majority of the board of education members present at the meeting.

- iii. As to suspension as a disciplinary measure, demotion or termination, the board of education may affirm, modify or reverse the action taken against the professional/support employee, including increasing or decreasing the severity of the original action. As to non-reemployment, the board may reemploy or non-reemploy the employee for the subsequent fiscal year.
- iv. The decision of the board of education at the hearing shall be final and non-appealable.

7. Miscellaneous

This policy shall be effective immediately upon adoption by the board of education and shall supersede all previous policies regarding the subject matter contained herein. The board of education reserves the right to modify or amend this policy from time to time in any manner consistent with applicable law.

Nothing contained in this policy shall prevent the board of education from acting on its own volition in matters pertaining to suspension, demotion, dismissal or non-renewal of professional/support employees.

PROFESSIONAL AND SUPPORT EMPLOYEE RULES FOR CONDUCT

A professional/support employee may be suspended, demoted, terminated or nonreemployed for violation of any of the following Rules for Conduct, as well as other standards of conduct included in school district policies:

1. Falsification of personnel or other records.
2. Unexcused failure to be at work station at starting time.
3. Leaving work station without authorization prior to lunch periods, or end of work day.
4. Abandonment of job (3 or more consecutive or non-consecutive absences in a rolling 6 month period without following the proper reporting procedures).
5. Unapproved or excessive absenteeism.
6. Chronic absenteeism for any reason.
7. Unapproved or excessive tardiness.
8. Chronic tardiness.
9. Wasting time or loitering during working hours.
10. Leaving work area during work hours, without permission, for any reason.
11. Possession of weapons on school premises¹, in school district vehicles or while on duty.
12. Removing technology center property or records from the premises without proper authority.
13. Willful abuse, misuse, defacing, or destruction of technology center property, including tools, equipment, or property of other employees.
14. Theft or misappropriation of property of employees or students of the technology center.

¹ Support personnel with a valid handgun license pursuant to the Oklahoma Self Defense Act may possess a handgun in the school parking lot but that weapon must be stored in the employee's vehicle pursuant to Oklahoma law.

15. Sabotage.
16. Distracting the attention of others.
17. Refusal to follow instructions of supervisor.
18. Refusal or failure to do work assignment.
19. Unauthorized operation of machines, tools, or equipment.
20. Threatening, intimidating, coercing or interfering with employees or supervisors.
21. Threatening, intimidating, coercing or exploiting students.
22. The making or publishing of false, vicious, or malicious statements concerning any employee or supervisor.
23. Creating a disturbance on school premises including but not limited to engaging in quarrelsome behavior and fighting.
24. Creating or contributing to unsanitary conditions.
25. Actions or omissions that jeopardize the health, safety, life, or property of self or others.
26. Practical jokes injurious to other employees, students or technology center property.
27. Possession, consumption, or reporting to work under the influence of beer, alcoholic beverages (including wine), non-prescribed drugs, or controlled dangerous substances.
28. Disregard of known safety rules or common safety practices.
29. Unsafe operation of motor driven vehicles or equipment.
30. Operating machines or equipment without using the safety devices provided.
31. Gambling, lottery, or any other game of chance on technology center property.
32. Unauthorized distribution of literature, written or printed matter of any description on technology center property.
33. Posting or removing notices, signs, or writing in any form on bulletin boards of school district property at any time without specific authority of the administration.
34. Poor workmanship.

35. Immoral conduct or indecency including abusive and/or foul language.
36. Excessive personal calls during working hours, except for emergencies. This includes in-coming and out-going calls.
37. Walking off job.
38. Clocking in or out on another employee's time card or time sheet.
39. Smoking or using tobacco products in an unauthorized area, including the use of e-cigarettes, personal vaporizers and other similar devices, regardless of whether those devices are used with cartridges containing nicotine.
40. Refusal of job transfer, if the transfer does not result in a demotion.
41. Abuse of "breaks" (rest periods) or meal period policies.
42. Insubordination of any kind.
43. Dishonesty of any kind, including withholding pertinent information from a supervisor.
44. Wrongdoing of any kind.
45. Violation of a law or regulation.
46. Sexual harassment of an employee, a student or a third party such as a patron or vendor.
47. Violation of a policy or rule enacted to ensure orderly and proper job performance or for the safety of self or others.
48. Misuse or abuse of any technology center leave policy or guidelines.
49. Any intentional act or omission which constitutes a material or substantial breach of job duties, responsibilities or obligations.
50. Any conduct which the employee knew or should have reasonably known was a violation of school rules or policies.
51. When it is in the best interest of the technology center, any professional/support personnel may be suspended, demoted, terminated or nonreemployed.
52. Because of the difficulty of retaining competent professional/support employees on a temporary basis over an extended period of time, a professional/support employee shall be subject to termination or nonreemployment for inability to perform the essential job requirements if the employee is unable due to illness or accidental injury to return to work for his or her regularly scheduled hours and to

perform all of the essential duties of the position (with or without reasonable accommodation) within 12 work weeks or the number of work days equal to the employee's total accumulated sick leave days, whichever is longer, measured from the date of the first absence due to the condition resulting in the extended absence.

RESIGNATION OF PROFESSIONAL AND SUPPORT EMPLOYEES

Professional and Support employees may submit a written resignation from employment with the technology center at any time. The resignation must be written, dated, signed and specify the date upon which it is effective. The resignation must be mailed to the superintendent by certified mail, return receipt requested, or delivered to the superintendent's office. An acknowledgment of receipt of hand-delivered copies shall be placed on the face of the resignation.

The superintendent is authorized to accept the written resignation of any professional/support employee and shall advise the professional/support employee in writing that the resignation has been accepted. The superintendent shall advise the board of education of the professional/support employee's resignation and whether he/she has accepted the resignation.

Payment of final compensation shall be processed and disbursed at the scheduled times.