

**Personnel – Certified/Non-Certified****Employee Discipline**

Unless otherwise provided by contract or law, the New Milford Board of Education employs individuals “at will”, which means they may be terminated at any time for any reason with or without prior warning. However, the Board has established disciplinary guidelines to promote fairness and consistency. The school administration shall endeavor to follow these guidelines except in circumstances when the administration deems it appropriate to act otherwise. These guidelines set forth below do not in any way create a contract or imply any rights to an employee inconsistent with their at will employment status.

All employees are expected to comply with the administration’s standards of work-related behavior and performance. When noncompliance becomes evident, the administration shall discipline in any manner it sees fit after taking into consideration any contractual and/or legal obligations that may exist, and the following guidelines.

**Non-certified employees**

At its sole discretion, except where prohibited by contract, the administration may provide a non-certified employee with an opportunity to remedy the problem through a progressive discipline process. The first step in that process shall be an oral warning, which will be documented by the employee’s supervisor and the employee will receive a copy of the documentation. The second step shall be a written warning, and a copy of the written warning and the documentation of the oral warning will be placed in the employee’s personnel file. The third step in the progressive discipline process shall be a suspension. The fourth step shall be termination from employment with the school district. In cases where the nature or pattern of an employee’s behavior or performance is unacceptable to the administration, the series of incidents that subject an employee to the progressive discipline process may not be related, and the administration may bypass a less severe disciplinary step.

In other cases, behavior or performance problems may warrant immediate severe disciplinary action including but not limited to suspension, demotion, or termination with or without prior warning. Some but not all misconduct and nonperformance that fits this category are listed below.

- Theft or inappropriate removal or possession of property;
- Immoral conduct, including but not limited to conviction of crimes involving moral turpitude and/or sex offense;
- Gambling, except school-sponsored bingo, bazaars or raffles;
- Dishonest or unlawful conduct at the workplace or during work time, or outside the workplace during non-work time if it impacts the school or the employee’s ability to perform his or her job;
- Engaging in conduct that interferes with or has the potential of interfering with other employees or school operations, including engaging in political activity during work times;

## **Personnel – Certified/Non-Certified**

### **Employee Discipline**

#### **Non-certified Employees Cont'd.**

- Unauthorized use of telephones, mail system, computers or other school-owned equipment or vehicles;
- Possessing or bringing on school premises or to school sponsored activities or on school transportation, any weapon, firearm or dangerous instrument including explosives, electronic defense and martial arts weapons, and chemical or pepper sprays or any device perceived to be a weapon, firearm or dangerous instrument;
- Failure to follow workplace rules, policies or procedures;
- Willful or negligent destruction and/or improper use of school district property or school vehicles, or engaging in violence or other conduct that endangers property;
- Fighting, threatening violence or other conduct endangering staff, students, visitors or others with whom the employee comes into contact with through his or her employment;
- Insubordination or failure to accept or follow work directives;
- Falsification of records or reports whether written or oral, including but not limited to false or misleading information in any application, interview for employment, time record, school record, incident report, or in response to any employment related inquiry during the course of employment with the district;
- Failure to meet job requirements;
- Excessive absenteeism or tardiness, failure to call in an absence, unauthorized absences, false reports of absences, abandonment of job or abuse of leave;
- Working while under the influence of alcohol or illegal drugs, except prescribed medications that do not impact the ability to safely and competently perform job responsibilities;
- Possession, distribution, sale, transfer or use of alcohol or illegal drugs on school premises, on school transportation or during school-related activities, except alcohol when served to staff at a school-related function;
- Smoking or using tobacco products, vapor products or electronic devices that simulate smoking in school facilities, on school grounds, on school transportation or during any school-sponsored activity involving students;
- Leaving a job site during the work day without the permission of management;
- Sexual or other harassment;
- Abusive, offensive or unprofessional treatment of other employees, students or visitors.

#### **Certified Employees**

The above guidelines shall also pertain to certified employees to the extent permitted by contract and the nature of their job responsibilities, except non-renewal or termination of a certified employee's contract shall be conducted in accordance with section 10-151 of the Connecticut General Statutes. This statutory provision sets forth the grounds and procedures for non-renewal and termination of contracts held by tenured and non-tenured staff, including the employee's right to appeal.

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#### **Notice of Disciplinary Action**

Notices of written warnings or more severe disciplinary action pursuant to this policy shall state all charges levied and provide a summary of the conduct upon which the discipline is based, and warn of the possible consequences should the same or similar misconduct or non-performance occur in the future.

#### **Complaint Procedure**

Nonunion non-certified and certified employees who have been disciplined and have a complaint concerning that discipline should immediately discuss it with his or her supervisor. If he or she is not satisfied with the response of his or her supervisor, he or she may bring the complaint to a higher-level supervisor or administrator, up to the level of the Superintendent. Or such employee may bypass his or her supervisor and bring his or her complaint immediately in writing to a higher-level supervisor or administrator. Complaints that are reasonably made in a timely fashion shall be listened to, investigated and promptly responded to.

Legal References: C.G.S. § 10-151 (Employment of Teachers)

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NEW MILFORD PUBLIC SCHOOLS  
New Milford, Connecticut