

**Educational Support
Personnel
WORK RULES**

PUEBLO CITY SCHOOLS

315 W. 11th Street
Pueblo, Colorado 81003

BOARD OF EDUCATION

Kathy L. DeNiro, Ph.D.....	President
Mike Colucci.....	Vice President
Rose Holloway	Board Member
Patricia Milner, Ph.D.	Board Member
Phyllis Sanchez.....	Board Member

Non-Voting Members


Karen E. Cordova.....	Treasurer
Geri Patrone.....	Secretary/Assistant Treasurer

SUPERINTENDENT OF SCHOOLS

Constance A. Jones, Ph.D.

Paula Chostner, Executive Director for Human Resources

July, 2014

	<h3>MISSION STATEMENT</h3>
	<p><i>Pueblo City Schools – World-Class</i></p>
	<p>Our mission in Pueblo City Schools – a unique educational community strengthened by its diversity, culture and traditions – is to guarantee a “world-class education that prepares graduates to succeed in a global society”. This will be accomplished in a safe, secure environment through innovative state-of-the-art technologies, superior curricula, and highly-skilled educators driven by active partnerships with students, families and communities.</p>

Pueblo City Schools does not discriminate on the basis of race, color, creed, national origin, ancestry, sex, sexual orientation, age, disability, religion, or other status protected by law in admission or access to, or treatment and employment in, its programs and activities. Additionally, a lack of English language skills is not a barrier to admission or participation in activities, programs and employment. The following individual has been designated to handle inquiries regarding the non-discrimination policies: EEO/Affirmative Action/Title IX/Section 504 Compliance Officer, 315 West 11th Street, Pueblo, Colorado 81003, (719) 549-7154.

Si tiene alguna pregunta sobre esta información, por favor llame a la escuela de su niño.

TABLE OF CONTENTS

Introduction.....	4
School-Owned Vehicles.....	5
Student Transportation in Employees' Private Vehicles	6
Drug-Free Workplace (Drug and Alcohol Use by Staff Members).....	8
Staff Conduct (and Responsibilities)	10
Educational Support Personnel Conduct – Disciplinary Action	13
Discipline, Suspension and Dismissal of Educational Support Personnel.....	15
Educational Support Personnel Staff Conduct - Insubordination	18
Educational Support Personnel Conduct – Due Process Guidelines	19
Evaluation of Educational Support Personnel	19
Staff Use of Internet.....	20

INTRODUCTION

The purpose of this booklet is to improve the working conditions for all employees of Pueblo City Schools.

Employees who are informed of the rules and regulations concerning their job assignments are less apt to violate work rules, thus preventing problems from arising.

The Education Support Personnel Work Rules, formerly the Classified Employee Work Rules, are now posted on the Human Resources Intranet at

<https://sites.google.com/a/pueblacityschools.us/human-resources/classified-evaluation-documents-forms>.

ESP employees should access the Work Rules and read them carefully in order to be informed of the rules and regulations concerning job assignments. An electronic sign-off is not required. Please note: *All ESP employees will be held responsible for compliance with the Education Support Personnel Work Rules in their job assignments, so understanding the policies and procedures which guide job performance and prevent misunderstanding is essential.* For assistance in accessing the ESP Work Rules, contact the Office of Human Resources at

549-7138.

SCHOOL-OWNED VEHICLES (Policy EEBA)

The use of seat belts in school-owned vehicles is mandatory for all personnel using vehicles that are equipped with seat belts with the exception of off-road vehicles.

Drivers of all school vehicles except school buses shall be responsible for insuring that all passengers use safety belts. The driver shall not begin to move the vehicle until the driver and all passengers are belted.

An employee whose position requires operation of a district vehicle shall maintain all valid required driver's licenses and shall be insurable by the district's insurance carrier. A commercial driver's license also shall be required for bus drivers operating a bus with a gross ton weight of 26,001 pounds or more and all maintenance employees whose jobs may require them to drive a district vehicle (including trailers) with a gross ton weight of 26,001 pounds or more. This license shall also be required for employees that transport hazardous materials. Such vehicles are those that require specific operator licenses as defined by state and federal law.

Any employee who does not comply with this policy and its accompanying regulation shall be terminated unless that employee desires and is qualified for an available position that does not require operating a district-owned vehicle. Employees in this situation shall have their salaries adjusted appropriately.

SCHOOL TRUCKS

School trucks shall transport only materials owned, rented or leased by the district. No students shall be transported in school trucks. Students employed by the district to assist drivers shall be exceptions to this rule, however.

School trucks shall not be used for private or personal gain. Trucks shall be used to transport:

1. Supplies from the central stockroom to various buildings
2. Maintenance materials, supplies and equipment
3. Interschool mail and instructional equipment
4. Food service supplies and equipment and other needs as they may occur
5. Other goods as the need may occur

Adopted March 12, 1985

Revised to conform with practice: date of manual adoption

LEGAL REF.: C.R.S. 42-4-236

CROSS REF.: EEA, Student Transportation and subcodes

Pueblo School District No. 60, Pueblo, Colorado

STUDENT TRANSPORTATION IN EMPLOYEES' PRIVATE VEHICLES (Policy EAG)

An authorized employee may transport a student or group of students in the employee's personal motor vehicle for school-related purposes only if the employee has standing authorization to do so or with special permission covering the specific trip, for exceptional cases. The District's general practice and preference for transporting students is to use district-owned vehicles with approved, qualified employee drivers.

Standing authorization shall be granted by the Board to school administrators, school nurses and other student services personnel, including Community Advocates, and Transition Coordinators and Transition Coaches, as designated by the superintendent. Such authorization shall be reduced to writing using the form in Board Policy EEAG-E.

Special permission for providing student transportation may be granted in writing using the district-approved form in Policy EEAG-E in exceptional cases by the principal to other professional staff members such as coaches, music teachers and activity sponsors. Exceptional cases shall be determined by review of the number of students traveling, relative costs, safety factors, distance, etc. Exceptions shall be limited and rare. Use of personal motor vehicles shall not be approved to avoid adequate preplanning to request a school bus and driver.

Personnel with standing authorization or with special permission to use their personal motor vehicles for transporting students are required to show proof to the superintendent or his/her designee that such employees carry automobile liability insurance that complies with Colorado law as it currently exists or may from time to time change. A record of such coverage shall be placed on file with the appropriate administrative official at least two weeks in advance of the proposed trip. While transporting students in the scope of employment, employees may not deviate from normal duties and responsibilities (i.e., making personal stops with students in the vehicle).

Employees who are granted special permission to transport students in personal motor vehicles must hold a valid Colorado driver's license and shall submit their names for Department of Motor Vehicles background checks annually to the Department of Facilities. Such employees may be subject to random alcohol and drug screening tests in accordance with Board Policy EAEEA.

Personal motor vehicles approved for transporting students must be an automobile with seatbelts for every passenger, road worthy, in safe operating condition, and properly insured, registered and licensed. Employees shall submit proof of insurance, registration and licensure to the Department of Facilities annually.

Authorized employees who drive their personal motor vehicles to transport students do so at their own risk. The employee is responsible for the cost of fuel, oil, tires, maintenance, insurance, towing and wear-and-tear for, depreciation of, and damages to his/her personal motor vehicle. The Employee may submit a mileage reimbursement request for approved trips. The employee's personal automobile insurance is the primary coverage for accidents. The Colorado Governmental Immunity Act provides personal liability immunity to the district and employees.

Employees are entirely responsible for the cost of any motor vehicle violations and infractions. Any moving violation, including DUIs, incurred after approval for standing authorization or special permission for a trip shall revoke permission for the employee to transport students for 5 years and may face potential disciplinary action.

Only the pre-approved employee may drive his/her personal motor vehicle during the time of transporting students for either standing authorization or special permission trips. The only passengers permitted in the employee's vehicle are the students registered for the trip and any other adult chaperones (employees or approved volunteers) who are made known in the trip planning process to and pre-approved by the principal. At no time shall the employee also transport his/her own children in the vehicle during the approved trip unless the employee's children are also students in the school and activity who are participating in the trip.

Employees must adhere to the Drug/Alcohol testing for bus drivers Board Policy EAEEA and Board Policy GBEC, Drug-Free Work Place at all times when transporting students. Employees shall not use prescription drugs when transporting students that have warning labels not to drive motor vehicles while under their influence.

All employees who are approved to transport students in private vehicles must receive the district's Small Vehicle training and certification as provided by the Transportation Department on an annual basis in compliance with regulations by the Colorado Departments of Education and Transportation.

Adopted March 12, 1985

Revised March 14, 2006; September 21, 2010
Revised to conform with practice: date of manual adoption

DRUG-FREE WORKPLACE (Drug and Alcohol Use by Staff Members) (Policy GBEC)

The unlawful manufacture, distribution, dispensing, possession or use of alcohol or a controlled substance is prohibited in all workplace sites in Pueblo School District No. 60. Workplace site as used in this policy shall mean any place where a district activity is taking place, whether inside or outside the legal boundaries of the district. The definition of a controlled substance shall be the same as that found in the policy regarding student alcohol use/drug abuse. Additionally, failure of a drug screening test for medical marijuana is not a valid excuse and is considered a violation of this policy.

Observance of this policy is a condition of employment. A violation shall subject the employee to appropriate disciplinary action which may include termination and referral for prosecution. Disciplinary action shall be taken in accordance with applicable Board policies and negotiated agreements. In appropriate circumstances and at the district's discretion, disciplinary sanctions may include completion of an approved drug or alcohol abuse assistance or rehabilitation program in accordance with Board policy.

An employee knowingly in the possession of or under the influence of alcohol or any controlled substance shall be suspended immediately by the principal or supervisor if such use or possession is:

- On district property or in any district-owned vehicle, at any time, or in the employee's vehicle if used in the course of business under Board Policy EEAG, Student Transportation in Employees' Vehicles;
- At any school-sponsored or sanctioned activity or event off school property or en route thereto; or
- On the way to work.

An employee shall be suspended immediately after arrest for possession or being under the influence of a controlled substance. The superintendent and administrator in charge of Human Resources shall be notified immediately following the suspension of the employee.

After investigation, the superintendent may reinstate the employee if it appears to be in the best interests of the individual and the district. The matter must be reported in full to the Board of Education.

If the investigation causes the superintendent to continue the suspension in excess of 10 school days, the employee may request a hearing by the superintendent or designee to be conducted in a manner to insure that the individual suspended receives a fair, impartial hearing.

Pursuant to law, any employee who is convicted or pleads nolo contendere under any criminal drug statute for a violation occurring in the workplace shall notify the superintendent no later than five days after the conviction. The district has an obligation under federal law to notify the appropriate federal agency within 10 days after receiving notice of such conviction if there is a relationship between federal funds received by the district and the convicted employee's work site.

Definitions

- **Controlled substance:** Controlled substances include, but are not limited to, narcotic drugs, hallucinogenic or mind-altering drugs or substances, amphetamines, barbiturates, stimulants, depressants, marijuana, anabolic steroids, and other controlled substances as defined in state or federal law. For the purposes of this policy, the following substances are also considered controlled substances and are prohibited:
 - *Alcohol or substances that contain alcohol* (i.e., cough syrup) used in a manner other than as prescribed;
 - *Prescription drugs* without a valid, current prescription identifying the person possessing the drug as the owner;
 - *Counterfeit drugs:* Any substance that is represented as a controlled substance or that is represented to be such by the employee, including, but not limited to, vitamins, supplements, or over-the-counter medications;
 - *Over-the-counter medications* when taken in a dangerous manner or in excess of the recommended dosage;
 - *Plants, mushrooms, herbs or other natural or synthetic substances* used for the purpose of altering the mind;
 - *Inhalants or mind-altering gases;*
 - *Medical or medicinal marijuana:* Dispensing, usage or possession by Amendment 20 (Colorado's Medical Marijuana Amendment) is not considered a "legal drug" under federal law or district policy.
- **Usage:** Lighting, chewing, smoking, inhaling, applying or otherwise ingesting a controlled substance.
- **Possession:** Bringing, possessing, carrying, or having in one's control a controlled substance or drug paraphernalia.
- **Sale:** Exchanging money or any other item of value in a transaction where a controlled **substance** is exchanged.

- **Distribution:** Providing a controlled substance to others regardless of the exchange of money or item of value.
- **Transfer:** Passing a controlled substance to others.
- **Solicitation:** Communicating about the sale, purchase, transfer, or distribution of a controlled substance.
- **Paraphernalia:** Any equipment, product or material which is used, intended to be used, or designed for use in the introduction of a controlled substance into the body.
- **Under the influence:** When an employee has ingested, inhaled, or applied a controlled substance or when an employee's behavior, condition, speech, appearance, odor, well-being, or the well-being of others is affected by the use of a controlled substance.

Awareness and prevention program

The superintendent shall establish a drug-free awareness program to inform employees about:

- The dangers of drug and alcohol abuse
- The Board's policy of maintaining a drug-free workplace
- Available drug and alcohol counseling, rehabilitation and employee assistance programs
- Penalties that may be imposed upon employees for drug and alcohol abuse violations occurring in the workplace

The Board shall conduct a biennial review of its drug and alcohol abuse prevention program to determine its effectiveness, to implement required changes and to insure that disciplinary sanctions are consistently enforced.

Federal grants

This policy shall apply to all employees, volunteers and contractors, although at times district personnel may certify that a particular federal grant may apply only to specific work sites. All employees who specifically work under a contract or grant which is federally funded shall acknowledge receipt of this policy and related information.

Annual notification to employees

Information about the standards of conduct required by this policy and a statement of disciplinary sanctions shall be communicated to employees in an appropriate manner on an annual basis. All employees, volunteers and contractors shall acknowledge receipt of this policy and related information.

Adopted April 25, 1989

Revised March 14, 2006

Revised March 29, 2011

Revised to conform with practice: date of manual adoption

LEGAL REFS: 20 U.S.C. §7117 (Safe and Drug-Free Schools and Communities Act of 1994)
 21 U.S.C. §812 (definition of controlled substances)
 41 U.S.C. §§701 and 702

CROSS REFS: EEAEAA*, Drug and Alcohol Testing for Bus Drivers
 GCQF, Discipline, Suspension and Dismissal of Professional Staff Members
 GCQD, Discipline, Suspension and Dismissal of Support Staff Members
 JICH, Drug and Alcohol Use by Students

Staff Conduct And Responsibilities (Policy GBEB)

All staff members have a responsibility to make themselves familiar with and abide by federal and state laws, as these affect their work, as well as the policies and regulations of the district.

As representatives of the district and role models for students, all staff shall demonstrate and uphold high professional, ethical and moral standards. Staff members shall conduct themselves in a manner that is consistent with the educational mission of the district and shall maintain professional boundaries with district students at all times. Interactions between staff members must be based on mutual respect and any disputes will be resolved in a professional manner.

Rules of Conduct

Each staff member shall observe rules of conduct established in law which specify that a school employee shall not:

1. Disclose or use confidential information acquired in the course of employment to further substantially personal financial interests.
2. Accept a gift of substantial value or substantial economic benefit tantamount to a gift of substantial value which would tend to improperly influence a reasonable person in the position to depart from the faithful and impartial discharge of the staff member's duties, or which the staff member knows or should know is primarily for the purpose of a reward for action taken.
3. Engage in a substantial financial transaction for private business purposes with a person whom the staff member supervises.
4. Perform an action which directly and substantially confers an economic benefit tantamount to a gift of substantial value on a business or other undertaking in which the staff member has a substantial financial interest or is engaged as counsel, consultant, representative or agent.

It shall not be considered a breach of conduct for a staff member to:

1. Use school facilities and equipment to communicate or correspond with constituents, family members or business associates on an occasional basis.
2. Accept or receive a benefit as an indirect consequence of transacting school district business.

Essential to the success of ongoing school operations and the instructional program are the following specific responsibilities which shall be required of all personnel:

1. Faithfulness and promptness in attendance at work.
2. Support and enforcement of policies of the Board and regulations of the school administration in regard to students.
3. Diligence in submitting required reports promptly at the times specified.
4. Care and protection of school property.
5. Concern and attention toward the safety and welfare of students, including the need to ensure that students are appropriately supervised.

Maintaining Professional Staff/Student Boundaries

In a professional staff/student relationship, school employees maintain boundaries with district students that are consistent with their professional code of conduct and obligations whenever they act within their job capacity.

A boundary invasion is an act or omission by a school employee that violates professional staff/student boundaries and has the potential to abuse the staff/student relationship. An inappropriate boundary invasion means an act, omission, or pattern of such behavior by a school employee that does not have an educational purpose; and results in abuse of the staff/student professional relationship.

Unacceptable Boundary Invasions

Examples of inappropriate boundary invasions by staff members include but are not limited to the following:

- Any type of inappropriate physical contact with a student or any other conduct that might be considered harassment under District policy;
- Showing or distributing pornography to a student;
- Singling out a particular student or students for friendship beyond the professional staff-student relationship;
- Socializing where students are consuming alcohol, drugs or tobacco;
- For non-guidance/counseling staff, encouraging students to confide or reveal their personal or family problems and/or relationships;
- Sending students on personal errands unrelated to any educational purpose;
- Banter, allusions, jokes or innuendos of a sexual nature with students;
- Disclosing personal, sexual, family, employment concerns, or other private matters to one or more students;

- Addressing students, or permitting students to address staff members with personalized terms of endearment, pet names, or otherwise in an overly familiar manner;
- Maintaining personal contact with a student outside of school, beyond homework or other legitimate school business, by phone, text messages, email, Instant Messenger or Internet chat rooms, social networking Web sites, or letters without including the parent/guardian and approval from the appropriate administrator;
- Giving or exchanging inappropriate personal gifts, cards or letters with an individual student;
- Socializing or spending time with individual students who are not relatives of the staff member (including but not limited to activities such as going out for beverages, meals or movies, shopping, traveling, and recreational activities) outside of school-sponsored events, except as participants in organized community activities or as invited guests of the student's parents or guardians who are also present at the activity;
- Giving a student a ride alone in a vehicle in a non-emergency situation; and/or
- Unnecessarily invading a student's privacy, (e.g. walking in on the student in the restroom).

Appearances of Impropriety

The following activities are possible examples of boundary invasions and can create an actual impropriety or the appearance of impropriety:

- Being alone with an individual student out of the view of others or in any room with the door closed;
- Inviting or allowing individual students to visit the staff member's home;
- Visiting a student's home for personal or other reasons unrelated to school business or activities and when a parent or guardian is not present; and/or
- Social networking with students for non-educational purposes or with these characteristics:
 - is hidden and/or secretive,
 - is loosely connected or has no connection to school,
 - supervisor has no knowledge of it,
 - parents are not aware of it taking place

Reporting Violations

Students and their parents/guardians should notify the principal (or other administrator) if they believe a teacher or other staff member may be engaging in conduct that violates this policy. If students or parents are uncomfortable or unsatisfied with reports to administrators at the school, the Assistant Superintendent of Human Resources or Superintendent should be contacted.

Staff members are required to promptly notify the principal (or other administrator) or the superintendent if they become aware of a situation that may constitute a violation of this policy. Administrators, in turn, should notify the Human Resources Department in all cases of suspected child abuse or when administrative leave may be necessary in order to further investigate suspected violations. To the extent permitted by law, the Superintendent or designee shall inform the Board when administrative leave has been authorized during any investigation under this policy.

There shall be no retaliation against any person who in good faith reports or participates in the investigation of any alleged violation of this policy.

Disciplinary Action

Staff violations of this policy may result in disciplinary action up to and including dismissal. The violation will also be reported to the district's Human Resources Department which may then report to the Colorado Department of Education (CDE), Office of Professional Services and Educator Licensure, when the alleged conduct involves grounds that could result in suspending or revoking a license issued by CDE and is supported by a preponderance of the evidence. Violations involving suspected sexual or other abuse will also result in an immediate report to law enforcement and CDE. All employees will receive periodic training on appropriate staff/student boundaries in conjunction with training in reporting suspected child abuse, as required by state law.

Child Abuse

All district employees who have reasonable cause to know or suspect that any child is subjected to abuse or to conditions that might result in abuse or neglect must immediately upon receiving such information report such fact in accordance with Board policy and state law. See C.R.S. § 19-3-308 (5.7) and Board Policy JLF, Reporting Child Abuse/Child Protection. The superintendent and designee are authorized to conduct an internal investigation or to take any other necessary steps if information is received from a county department of social services or a law enforcement agency that a person who is suspected of child abuse is a school district employee. Such information shall remain confidential except that the superintendent shall notify CDE of the child abuse investigation, as provided above.

Possession of Deadly Weapons

The provisions of the policy regarding public possession of deadly weapons on school property or in school buildings also shall apply to employees of the district. However, the restrictions shall not apply to employees who are required to carry or use deadly weapons in order to perform their necessary duties and functions.

Felony/Misdemeanor Convictions

If, subsequent to beginning employment with the district, the district has good cause to believe that any staff member has been convicted of or pled *nolo contendere* to, or received a deferred or suspended sentence for any felony or misdemeanor other than a misdemeanor traffic offense or infraction, the district shall make inquiries to CDE for purposes of screening the employee.

In addition, the district shall require the employee to submit a complete set of fingerprints taken by a qualified law enforcement agency. Fingerprints must be submitted within 20 days after receipt of written notification of the above facts. The fingerprints shall be forwarded to the Colorado Bureau of Investigation for the purpose of conducting a state and national fingerprint-based criminal history record check utilizing the records of the Colorado Bureau of Investigation and the Federal Bureau of Investigation.

Disciplinary action, which could include dismissal from employment, may be taken against personnel if the results of fingerprint processing provide relevant information. Non-licensed employees shall be terminated if the results of the fingerprint-based criminal history record check disclose a conviction for certain felonies, as provided in law. Employees shall not be charged fees for processing fingerprints under these circumstances.

Unlawful Behavior Involving Children

The District may make an inquiry with CDE concerning whether any current employee of the school district has been convicted of, pled *nolo contendere* to, or received a deferred or suspended sentence or deferred prosecution for a felony or misdemeanor crime involving unlawful sexual behavior or unlawful behavior involving children. Disciplinary action, including termination, may be taken if the inquiry discloses information relevant to the employee's fitness for employment.

Personnel Addressing Health Care Treatment for Behavior Issues

School personnel are prohibited under state law from recommending or requiring the use of psychotropic drugs for students. They are also prohibited from testing or requiring testing for a student's behavior without giving notice to the parent/guardian describing the recommended testing and how any test results will be used and obtaining prior written permission from the student or from the student's parent/guardian. See the Board's policy concerning survey, assessment, analysis or evaluation of students. School personnel are encouraged to discuss concerns about a student's behavior with the parent/guardian and such discussions may include a suggestion that the parent/guardian speak with an appropriate health care professional regarding any behavior concerns school personnel may have.

Adopted: March 12, 1985

Revised: April 9, 1991

Revised: December 2, 1996

Revised: August 8, 2000

Revised: August 28, 2001

Revised: March 14, 2006

Revised: March 18, 2014

LEGAL REFS.: C.R.S. 18-12-105.5 (*unlawful carrying/possession of weapons on school grounds*)

C.R.S. 18-12-214 (3)(b) (*school security officers may carry concealed handgun pursuant to valid permit*)

C.R.S. 19-3-308 (5.7) (*child abuse reporting*)

C.R.S. 22-32-109 (1)(ee) (*duty to adopt policy prohibiting personnel from recommending certain drugs for students or ordering behavior tests without parent permission*)

C.R.S. 22-32-109.1 (8) (*policy requiring inquiries upon good cause to department of education for purpose of ongoing screening of employees*)

C.R.S. 22-32-109.1 (9) (*immunity for teachers or other persons acting in good faith and in accordance with the student conduct and discipline code*)

File: GBEB

5 of 6

C.R.S. 22-32-109.7 (*duty to make inquiries prior to hiring*)

C.R.S. 22-32-109.8 (6) (*requirement to terminate non-licensed employees for certain felony offenses*)

C.R.S. 22-32-109.9 (*licensed personnel – submittal of fingerprints*)

C.R.S. 22-32-110 (1)(k) (*power to adopt conduct rules*)

C.R.S. 24-18-104 (*government employee rules of conduct*)

C.R.S. 24-18-109 (*local government employee rules of conduct*)

C.R.S. 24-18-110 (*voluntary disclosure*)

CROSS REFS.: JLC, Student Health Services and Records

JLDAC, Screening/Testing of Students

JLF, Reporting Child Abuse/Child Protection

KFA, Public Conduct on District Property

Pueblo School District No. 60, Pueblo, Colorado

4821-1148-3417, v. 2

File: GBEB

EDUCATIONAL SUPPORT PERSONNEL CONDUCT (Disciplinary Action)

Clearly defined procedures concerning disciplinary action are a mutual goal of the Board and all employees of the district. It is, therefore, essential that the administration deal consistently with employees who require discipline due to inappropriate action on their part which relates to their work assignments. All incidents calling for disciplinary action shall require a proper investigation, including due process for the employee. The following shall be considered district procedure for conducting disciplinary action concerning educational support personnel:

Significant work deficiencies shall be handled by one of the following:

1. Counseling Session
 - a. Discuss with the employee the policy or rule violated, the date, and the time.
 - b. Make recommendations for correction.
 - c. Allow reasonable amount of time for correction.
 - d. Provide assistance for correction of the deficiency.
 - e. Document the session and keep record in the supervisor's office.
2. Verbal Reprimand (Witnessed)
 - a. Make a written record of policy or rule violated and the date, time, and action taken.
 - b. Make recommendations for correction.
 - c. Allow a reasonable amount of time for correction.
 - d. Provide assistance for correction of the deficiency.
 - e. Give copies of the documentation to the employee and place in the employee's official district personnel file.
3. Written Disciplinary Action Report
 - a. Make a written record of the policy or rule violated, and the date, time, and action taken.
 - b. Indicate how the policy or rule was violated.
 - c. Indicate what action was taken.
 - d. Indicate the penalty.
 - e. Remind the employee that future violations on his/her part shall bring further disciplinary action and/or dismissal.
 - f. Give copies of the documentation to the employee and place in the employee's official District personnel file.
4. Employees who receive three disciplinary action reports and/or commit a Class III offense shall be considered for dismissal.
 - a. Supervisors shall advise the appropriate assistant superintendent when any employee receives the third disciplinary action report.
 - b. The Director for Human Resources and the supervisor shall meet and review the situation.
 - c. Dismissal recommendations, if warranted, shall be made by the appropriate assistant superintendent to the director for human resources and the superintendent.
 - d. The employee shall be notified of the decision by the director for human resources or his/her designee.
 - e. The Director for Human Resources shall take steps, if warranted, requesting Board approval of dismissal action.
5. Violations which may require immediate dismissal proceedings are as follows:
 - a. Insubordination - failure or refusal to accept or perform job assignments as directed by the supervisors
 - b. Theft
 - c. Committing physical violence upon another person on district property
 - d. Using, possessing, or being under the influence of drugs or alcoholic beverages on duty time
 - e. Job abandonment
 - f. Immoral or indecent acts

- g. Gross misconduct - evident, obvious, intentional violations of work rules, laws, or behavioral standards
- 6. The administration reserves the right to waive or eliminate any of the above procedures if, in the judgment of administration, the severity of the violation warrants such action.
- 7. The administration reserves the right to suspend employees who are involved in policy or rule violations, with or without pay, pending the outcome of an investigation.

Effective 3/12/85
Revised July 2011
Revised July 2014

**Discipline, Suspension and Dismissal of Classified Staff
(Policy GDQD)**

Violation of Board policies or regulations by a classified staff member may result in suspension or dismissal.

The Board delegates to the superintendent the authority to dismiss classified personnel. The superintendent may delegate this authority to other appropriate personnel. All dismissals of classified employees shall be reported to the Board at its next regular meeting.

The superintendent also may suspend employees from their assignments for good cause as a disciplinary measure.

Classified employees generally shall be given notice of their dismissal two weeks prior to the effective date.

If an employee is dismissed as a result of an allegation of unlawful behavior involving a child, including unlawful sexual behavior, which is supported by a preponderance of evidence, the superintendent is delegated the responsibility for immediately notifying the Colorado Department of Education (CDE) and for providing any information requested by the department concerning the circumstances of the dismissal. The district also shall notify the employee that information concerning the dismissal is being forwarded to CDE unless such notice would conflict with the confidentiality requirements of the Child Protection Act.

The dismissal of classified staff members as a disciplinary matter shall be separate and distinct from decisions the Board makes as needed about employment or continued employment of classified staff members.

The Board shall develop written regulations providing mandatory procedures to be followed in situations pertaining to improper and/or unprofessional employee behavior or conduct.

Adopted March 12, 1985

Revised April 9, 1991

Revised October 12, 1993

Revised March 14, 2006

LEGAL REFS.: C.R.S. 19-3-301 *et seq.* (Child Protection Act of 1987)
C.R.S. 22-32-109.7
C.R.S. 22-32-110 (1)(h)
C.R.S. 22-32-126 (3)

CROSS REF.: GD, Classified Staff

CONTRACT REFS.: Custodial and Maintenance Employees' Agreement, Article Eighteen, Work Rules, 18-2 through 18-6
Educational Assistants' Agreement, Article Ten, Work Rules, 10-1
Educational Support Personnel Agreement, Article Twelve, Work Rules, 12-3
Food Service Employees' Agreement, Article Fifteen, Management rights, 15-1
Paraprofessional Education Association Agreement, Article Four, Association Rights and Paraprofessional Rights, 4-4; Article Ten, Management Rights, 10-2-2
Print Shop Employees' Meet and Confer Agreement, Article 1, Work Rules
Security Guards' Meet and Confer Agreement, Article 1, Work Rules

DISCIPLINE, SUSPENSION AND DISMISSAL OF CLASSIFIED STAFF (DISCIPLINARY ACTION) Administrative Rule GDQD-R

The Board, with due regard for the rights and interest of employees, reserves the right to adopt policies and regulations deemed necessary for efficient operation of its work force. Acts of commission or omission on the part of a classified employee which might result in harm to the District or which tend to interfere with the rights or proper interest of other employees, patrons or students may subject offending employees to disciplinary action.

Inasmuch as it is impossible to list a set of rules that will cover every circumstance, management reserves the right to identify unlisted offenses as they become evident, make determinations as to the severity of offenses, waive progressive disciplinary steps, and determine commensurate disciplinary penalties when appropriate.

The following rules and corresponding disciplinary actions are listed in ascending order of severity and constitute examples of infractions detrimental to the goals of the District.

Class I Offenses

- Leaving a duty assignment early, except in the case of personal injury or with prior approval of the supervisor
- Absenteeism or tardiness of concern* (using 50-75% of the annual allotment of annual leave or Department limit without a valid excuse from a health care provider or tardy to work 3-4 times in a contract year). Exceptions that will not affect the accounting of 50% or more usage: use of approved personal leave or vacation, having a valid excuse from a health care provider, or negotiated or meet-and-confer agreement language that stipulates other absence allowances
- Failure to properly report absences from duty by established procedures
- Violation of fire and safety rules
- Smoking or use of tobacco products, including, but not limited to, chewing tobacco or snuff, at any time on school district property, in district vehicles, or at district events
- Misusing duty time, particularly for personal business, including use of mobile phones for personal calls or texting during work time
- Unauthorized use of District materials, equipment, or facilities
- Permitting family or friends on the work site during duty time without administrative approval. Children may not be present at work sites if daycare or babysitting arrangements cannot be made. In general, family and friends should not be present at work except for emergencies. Such visits must be short in duration and must have administrative approval
- Failure to follow building clearance policies
- Non-compliance with staff or department uniform or dress code expectations

* Tardiness is 1-15 minutes late arriving for a shift. Lateness beyond 15 minutes that is not properly accounted via advanced notification to the supervisor and by calling the automated district call-off system may result in pay docks in one hour increments.

Class II Offenses

- Unsatisfactory work performance either in quality or quantity
- Sleeping, lying down, or participating in recreational activities during duty hours
- Misusing or intentionally damaging District property or equipment
- Unauthorized disposal of District property
- Using threatening or abusive language with students, patrons or staff
- Possession of unapproved non-deadly weapons, such as a legal-length knife, which if otherwise approved by Administration, would not be used in the employee's normal scope of work as tools
- Problematic absenteeism or tardiness (using 76 – 100% of the annual allotment of leave or Department limit without a valid excuse from a health care provider or 5 times tardy to work in a contract year). The same exceptions apply from Class I, #2.
- Abusing leave policies
- Divulging confidential information, including unauthorized forwarding of District emails, electronic records, sharing of passwords, or posting of confidential, discriminatory, defamatory or harassing information on Internet social sites

- Non-compliance with the District's Staff Use of the Internet (Acceptable Use), Board Policy GBEE

Class III Offenses

- Insubordination – failure or refusal to accept or perform job assignments as directed by supervisors or any other administrator in the chain of command
- Excessive absenteeism or tardiness (using more than 100% of the annual allotment of leave or Department limit without a valid excuse from a health care provider or 6 or more times tardy to work in a contract year). The same exceptions apply from Class I, #2
- Theft
- Vandalism of District property or of property belonging to students, patrons or staff
- Behavior on or off school property that is detrimental to the welfare or safety of students or of school personnel, including behavior that creates a threat of physical harm to students or staff
- Engaging in verbal or physical altercations among staff, students, or patrons
- Using, possessing, distributing, or being under the influence of illegal drugs, non-physician prescribed prescription drugs, or alcoholic beverages on duty time or at any time on district property or at district events, including medical marijuana
- Failing a random or reasonable suspicion drug or alcohol test, including for medical marijuana
- Job abandonment
- Immoral or indecent acts
- Harassment of students, staff or patrons, including bullying, discrimination, physical and/or sexual harassment
- Unlawful behavior involving a child, including unlawful sexual behavior
- Conviction of a felony or of any crime involving children, including child abuse
- Possession of deadly weapons or explosives on school property, in school buildings or at District events
- Gross misconduct – evident, obvious, intentional violations of work rules, laws, or behavioral standards

Progressive Disciplinary Penalties Guidelines

Class I Offense

- 1st offense – written reprimand*
- 2nd offense – three-day suspension without pay
- 3rd offense – five-day suspension without pay and/or issuance of a last chance letter of warning
- 4th offense – recommendation for dismissal

Class II Offense

- 1st offense – three-day suspension without pay
- 2nd offense – five-day suspension without pay
- 3rd offense – five or more days suspension without pay and issuance of a last chance letter of warning, or recommendation for dismissal

Class III Offense

- may range from five or more days suspension without pay to recommendation for dismissal

* For minor offenses or first time Class I Offenses, the supervisor has the discretion to utilize a counseling session or verbal reprimand in advance of issuing a written reprimand or other consequence. An official verbal warning may be documented in the personnel file. Such meetings should be documented in the supervisor's notes and referred to if any subsequent disciplinary actions are copied to the employee's official personnel file located in the Human Resources Department at 315 W. 11th Street, Pueblo, CO 81003.

While conducting investigations, the administration may place an employee on paid administrative Leave. Such paid administrative leave is not a disciplinary consequence but is intended for purposes of conducting an impartial investigation.

The District reserves the right to report any suspected criminal behavior of employees to the proper law enforcement or social services authorities.

The superintendent of schools is authorized by the Board of Education in Board Policy GDQD with the authority to dismiss classified employees. Notice will be given to the Board of Education via the monthly personnel report.

**EDUCATIONAL SUPPORT PERSONNEL
CONDUCT - INSUBORDINATION
(Administrative Actions)**

In the event an educational support personnel of the district engages in an alleged insubordinate act or withholding of service, the employee's supervisor shall take the following action:

1. Ascertain that the employee is insubordinate, withheld service, or absented himself/herself from an assignment.
2. Arrange immediate verification of the alleged act by securing a witness. The witness should preferably be an administrative officer of the district. If an administrator is not available, a secretary may be utilized to witness the alleged act of insubordination.
3. The directive that has been refused shall be repeated in the presence of the witness.
4. If the employee again refuses, the administrator shall request the reason for refusal and evaluate the response. Should the administrator determine the reason unacceptable, the following action shall be taken:
 - a. The employee shall be notified that such action is considered insubordination, a contract violation, and may result in dismissal from the district.
 - b. The administrator shall document, in writing, the employee's name, date, time, refusal, and reason on the "Withholding of Service" form.
 - c. The supervisor and witness shall sign and date the "Withholding of Service" form.
5. The supervisor shall call the office of human resources and give details of the problem.
6. Upon direction of the office of human resources, the supervisor shall proceed with suspension steps or other appropriate action.
7. The supervisor shall submit the "Withholding of Service" form to the office of human resources and an investigation shall begin.
8. Appropriate action shall be taken as a result of the investigation.

Effective 3/12/85

EDUCATIONAL SUPPORT PERSONNEL CONDUCT (Due Process Guidelines)

The supervisor shall apply, but is not limited to, the following guidelines in determining that due process is followed:

1. **Employee Awareness** — Did the employee have the opportunity to be aware of a violation of Board policy, administrative rule, or employee contract?
2. **Fact** — Did the incident occur?
3. **Adverse** — How did or could the incident adversely affect the operation of the school and/or district?
4. **Penalty** — Was the penalty appropriate for the violation and have similar violations under similar circumstances been consistently applied?
5. **Timelines** — Was the employee allowed sufficient time to make improvement?
6. **Consistency** — Is the supervisor consistent in dealing with the violation? If not, why not?

Effective 3/12/85

Evaluation of Classified Staff (GDO)

In order to assure a high level of classified staff performance, to advance the educational programs and services of the district, to help classified staff members increase their effectiveness, to provide a continuing record of the services of each employee and to provide objective evidence upon which to base decisions on assignment and re-employment, the Board shall require periodic evaluations of all classified staff members. Formal evaluations shall be conducted by the administration of all first year probationary classified staff personnel and for all other classified staff personnel as the administration deems necessary.

Classified staff evaluations shall be based on employee job descriptions and on specific annual goals and objectives mutually agreed upon by the classified staff member and supervisor in accordance with the district's classified staff performance review plan.

Evaluations shall be put in writing and discussed by the supervisor and employee. A copy of each evaluation shall be signed by the employee (indicating receipt of a copy) and placed in the employee's official district personnel file. Copies of the evaluation shall be given to the employee, the supervisor and the superintendent. No formal evaluations shall be completed and filed in the employee's official district personnel file without the full knowledge of the employee being evaluated. The employee shall sign the evaluation acknowledging that the evaluation took place or a refusal to sign shall be attested to by signature of a witness. Employees shall be given the opportunity to add any remarks to the evaluation they consider relevant.

Classified staff members receiving low evaluations shall be given assistance for improvement from their supervisor. Continued low evaluations shall result in appropriate action determined by the superintendent, consistent with negotiated agreements and the classified staff performance plan.

Adopted March 12, 1985
Revised September 1, 1992
Revised March 14, 2006

Staff Use of Internet (Policy GBEE)

The Internet is a vast collection of educational resources for staff and students and provides access to local, national and international sources of information and collaboration vital to intellectual inquiry. The Internet is considered an extension of school libraries and other media/resource centers with a goal of promoting resource sharing, research innovation, communication and opportunity for collaborative work. Email is considered to be an Internet application and is covered by this policy.

The Board of Education supports the use of the Internet by staff to improve teaching and learning through interpersonal communication, access to information, research, training and collaboration and dissemination of successful educational practices, methods and materials.

It is impossible to control all materials on a global network, and an industrious user may discover controversial information. The Board firmly believes that the valuable information and interaction available on this worldwide network far outweighs the possibility that users may procure material that is not consistent with the educational goals of the district.

The Board directs the superintendent to develop procedures for staff use of the Internet. Such procedures should address issues of privacy, ethical use of information, illegal and/or unauthorized uses of the networks and other conditions of usage. Procedures may include monitoring Internet use to the extent allowable by law.

Use of this education resource demands personal responsibility and an understanding of the acceptable use procedures for the Internet. Staff use of the Internet is a privilege, not a right. General rules for behavior and communications apply when using the Internet. Failure to follow the acceptable use procedures will result in the loss of the privilege to use this tool and may result in disciplinary action.

Adopted 6/8/99

EMPLOYEE ACKNOWLEDGMENT FORM
DRUG-FREE WORKPLACE
(GBEC-E)

PUEBLO SCHOOL DISTRICT NO. 60, d.b.a., PUEBLO CITY SCHOOLS

I, THE UNDERSIGNED EMPLOYEE, VOLUNTEER OR CONTRACTOR OF PUEBLO SCHOOL DISTRICT NO. 60, d.b.a. Pueblo City Schools, have received a copy of the Drug-Free Workplace policy and:

1. I agree to abide by the terms of the policy.
2. I agree to notify my supervisor if I am convicted of violating a criminal drug statute in the workplace no later than five days after the date of such conviction.

Employee's/Volunteer's/Contractor's name (printed or typed) Employee ID#

Employee's/Volunteer's/Contractor's signature

Date

EMPLOYEE ACKNOWLEDGMENT FORM
STAFF USE OF THE INTERNET
(Acceptable Use Agreement)

I understand and will abide by the above agreement. I further understand that a violation of the regulations above is unethical and may constitute a criminal offense. Should I commit any violation, my access privileges may be revoked, school disciplinary action and/or appropriate legal action may be taken, including dismissal.

Your signature on the Acceptable Use Agreement is legally binding and indicates that you have read the terms and conditions carefully and understand their significance.

Signature _____ Date _____