The Discipline Process
A Guide for Principals and Department Heads

*Discipline is effective when it is fair, consistent and timely.*
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SETTING THE STAGE FOR SUCCESS

Outlining Rules and Expectations

The goal of employee discipline is to foster a positive work environment whereby all staff members are treated in a fair and equitable manner. In order for you to set the foundation to achieve that goal, it is important that your staff understand workplace rules and your expectations from the beginning. Workplace rules can easily be spelled out in an employee handbook; however, to reinforce your expectations, you should cover them in a staff meeting early in the school year.

Coaching and Correcting – Reinforcing the Rules

When you have a discipline infraction, it is important to remember that not all rule violations require the full gambit of the discipline process. Some employees only need verbal coaching to correct their behavior. For example: “Jane, I really need you to be here on time. When you’re late, we have parents waiting at the locked door in the morning” – may be all that Jane needs to hear to realize that you noticed she’s been late and that her performance needs to improve.

This type of corrective coaching is a measure that should be taken before beginning the Steps of Corrective Discipline. However, in case the behavior continues, you should make a note of the date that you first verbally addressed the issue.

For minor infractions, you could make a note on your calendar: “Spoke with JB re: late”.

For more serious infractions, you should document the incident with a memorandum. This corrective memorandum is called a Specific Incident Memorandum (SIM) and it is NOT a REPRIMAND. This memo should be written immediately after the behavior occurs. It should specify the behavior that violated the rule; explain the rule and your expectation; and be maintained for future reference.¹ The Specific Incident Memorandum is NOT A STEP IN THE DISCIPLINARY PROCESS. It is to be considered slightly more official than just a verbal request to improve; and should NOT be considered discipline of any kind.

¹ A Specific Incident Memorandum may not be filed in a folder that is indexed by the employee’s name. All SIM’s should be filed by school year (or semester) in a single file which is ordered chronologically.
SPECIFIC INCIDENT MEMORANDUM

TO:       Jack Ball
FROM:    I.M. The, Principal
DATE:    June 03, 2008
RE:       POLICY AND PROCEDURES (Tardiness)

During the last two weeks, I observed that you reported to school late on the following days: May 18, 19, 20, 28, and May 30, 2008. You arrived in the parking lot between 7:40 a.m. and 7:48 a.m. on the above mentioned dates.

School hours are posted in Section II of the Faculty Handbook. “Teachers’ duty day begins at 7:30 a.m. and ends at 3:00 p.m.”

You are directed to adhere to the Handbook on a daily basis.

Failure to comply with this directive will be considered insubordination and may result in disciplinary action up to and including termination.

Employee Signature of Receipt: _______________________________ Date: ______________
INVESTIGATING A COMPLAINT

Due Process

The Discipline Process begins when coaching and correction are not enough – or the level of the infraction exceeds that which can be dealt with in any other manner. The first step is to provide the employee the benefit of Due Process which is nothing more than acting on the principle that all discipline proceedings must be conducted in a manner that is fair and without malice. As a supervisor, your responsibility to the employee includes, but is not limited to:

- Conducting a fact-finding interview of all parties involved in the allegation,
- Conducting a Pre-Determination meeting (PDM) with employee and employee’s representative,
- Determining appropriate disciplinary action,
- Documenting disciplinary action,
- Administering disciplinary action and
- Informing the employee that he/she may submit a written rebuttal.

Do not let your fear of the employee’s Union Representative or Attorney prevent you from correcting discipline problems at your school. Employees’ rights are designed to protect them from abuse or maltreatment, not guarantee them the right to be insubordinate or to violate policy. This manual will serve as a guide to inform you of the various rights of the different Union Groups working within the Palm Beach County School District and provide you with the necessary tools for handling discipline problems at your site.
INVESTIGATING A COMPLAINT

Gathering the Facts

When you receive a complaint, you must conduct interviews with all of the parties that are involved. Potential witnesses could include:

- Complainant,
- Victim (if not the complainant),
- Co-Workers,
- Third Parties (i.e. students, parents, suppliers).
- Subject of the Complaint.

In order to identify more witnesses, you should ask each person involved in the complaint whom they believe might have more information to add. In addition, with each interview, it is imperative that you remind all parties involved that they are not to discuss the interview, allegation or complaint with any other person.

When Conducting an Interview

- Be objective.
- Do not disclose too much information to a witness.
- Do not discuss your opinion or conclusions with witnesses.
- Give the witness the opportunity to share everything he/she knows.
- Ask open-ended questions.
- At the beginning and end of every interview, remind the interviewee not to discuss the incident with anyone.

Examples of Interview Questions

- What happened?
- When did it occur?
- Where did it happen?
- Who was present?
- Who else may have witnessed the event?
- What is his/her relationship (social/historical/physical proximity) to the subject?

Written Notice of Charge of Wrongdoing

For CTA
Any information which may be relied upon to take action against an employee will be shared promptly with said employee and his/her Association representative as soon as possible. Copies of any written information/correspondence that is related to the action of the employee or the investigating administrator(s) will be provided promptly to the employee and his/her Association representative (Article II (M) (3)).

Furthermore, per Article II (F) (9) (a): No action shall be taken against an employee on the basis of a complaint by a parent/guardian or student or other individual, nor shall any notice thereof be
INVESTIGATING A COMPLAINT

Written Notice of Charge of Wrongdoing (continued)

included in an employee’s personnel file, unless the matter is first reported to the employee in writing. The employee shall have the right to attach a statement to the written complaint. Before any complaint is determined to be valid, it will be discussed with the employee in a conference. Once the investigation has been conducted, the employee shall be advised of any valid complaint.

For AESOP
An employee against whom action is to be taken under this Section shall have the right to review all of the information relied upon to support the proposed action and shall be given a copy upon request. No adverse action may be taken against an employee on the basis of any document which has not been previously provided to that employee (Article 3 (C) (4)).

For Florida Public Services Union (formerly NCF&O)
Written Notice shall be provided as soon as possible after the investigation has begun, to include specific charges against the employee.

Sending the Employee Home
Reassignments are designed to remove employees from situations where they are a danger to themselves or others or where they are obstructing an investigation. These reassignments are not punishment in and of themselves and should NEVER be used as discipline. That is not to say that a Principal should not send an employee home who needs a cooling off period. Principals have the authority to send an employee home for a period of one day. When necessary, an Area Superintendent can add an additional two days to the separation period. This was designed to allow for time to investigate an incident, not to act as an escalation to a disciplinary suspension. When using this tool, the Principal should be aware of the possible stigma associated with “being suspended” and the punitive perception of this action.

Interviewing the Subject of the Complaint

- Schedule an investigative interview with the subject.
- Prior to interviewing the subject, inform him/her as to the nature of the allegation.
- If the employee requests a union representative – allow the employee to contact one (see Weingarten Rights on next page).
- Interview, review and discuss.
- Ask if the subject has any further information, such as names of possible witnesses. Interviewing the “rebuttal” witnesses is an important part of assuring due process for the employee.
- Direct the subject, as with all other witnesses, not to discuss the matter with ANYONE. Failure to comply might, in itself, be grounds for disciplinary action.
INVESTIGATING A COMPLAINT

Weingarten Rights
EMPLOYEE’S RIGHT TO UNION REPRESENTATION

The right of employees to have union representation at investigatory interviews was announced by the U.S. Supreme Court in a 1975 case (NLRB vs. Weingarten, Inc. 420 U.S. 251, 88 LRRM 2689). These rights have become known as the Weingarten rights.

Employees have Weingarten rights only during investigatory interviews. An investigatory interview occurs when a supervisor questions an employee to obtain information which could be used as a basis for discipline or asks an employee to defend his or her conduct.

If an employee has a reasonable belief that discipline or other adverse consequences may result from what he or she says, the employee has the right to request union representation. Management is not required to inform the employee of his/her Weingarten rights; it is the employee’s responsibility to know and request.

The Supreme Court has also ruled that during an investigatory interview, management must inform the union representative of the topic of the interview. The representative must also be allowed to speak privately with the employee before the interview. During the questioning, the representative can interrupt to clarify a question or to object to confusing or intimidating tactics.

While the interview is in progress, the representative cannot tell the employee what to say; but he may advise the employee on how to answer a question. At the end of the interview, the union representative can add information to support the employee's case.

THE ROLE OF THE UNION REPRESENTATIVE

I) The representative’s role is to assist the employee and the representative may do so “by attempting to clarify the facts or suggest other employees who may have knowledge of them. Weingarten, 420 U.S. 251 (1975).

II) A representative oversteps his/her bounds in instructing an employee not to answer a question or questions during an interview. An employer may “eject” a representative who engages in such behavior because, “It is within an employer’s legitimate prerogative to investigate employee misconduct in its own facilities without interference from union officials.” Weingarten, 420 U.S. 251 (1975).

III) The representative must remain civil and refrain from hostile or adversarial behavior. If the representative engages in this type of conduct, the employer may eject him/her from the interview.
NOTICE OF CHARGE OF WRONGDOING

TO:         Elmer Fudd
FROM:       I.M. The, Principal
DATE:       September 4, 2008
RE:         PARENT COMPLAINT

On Tuesday, September 3, 2008, I was advised by the parent of Bugs Bunny that you have consistently used inappropriate and derogatory language when addressing her son in class. Furthermore, yesterday afternoon another staff member reported to me that you were heard making critical remarks about students with long ears in the teacher's lounge.

A full investigation into this matter is being conducted. For the time being, Bugs Bunny will be assigned to another class and you will continue to work your normal schedule. I am instructing you not to speak to and/or attempt to contact any witnesses or other parties involved in this investigation to discuss any matters or material in any way related to the allegations/investigation. Any attempt to do so could result in disciplinary action being taken against you.

I will be conducting interviews with the various student and staff witnesses this week. As this allegation could lead to potential disciplinary action, I will be contacting you to schedule a time to take your statement.

Employee Signature of Receipt: ___________________________ Date: _____________
Sample Leave/TDE for Sending an Employee Home

THE SCHOOL DISTRICT OF PALM BEACH COUNTY

Leaves/Temporary Duty Elsewhere (TDE) Application

NAME (last, first, middle init.)

Angry

AtYall

Position/Classification

Secretarial Clerk II

School/Department Name

Carrot Top High School

School/Dept. No.

1234

I. Request for Leave of Absence

I hereby apply for Leave of Absence on the following duty days. (List dates absent, identifying 1/2 days with A.M. or P.M.)

<table>
<thead>
<tr>
<th>PAID LEAVE (choose one only)</th>
<th>UNPAID LEAVE (choose one only)</th>
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<tbody>
<tr>
<td>☐ Sick (S)</td>
<td>☐ Extended Illness</td>
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<tr>
<td>☐ Personal (Charged to Sick Leave) (P)</td>
<td>☐ Maternity / Recovery / Child Care</td>
</tr>
<tr>
<td>☐ Line-of-Duty Injury or Illness (LOD)(L)</td>
<td>☐ Other Personal (Explain)</td>
</tr>
<tr>
<td>☐ Vacation - 12 month positions only (A)</td>
<td>☐ Personal (To be charged to an employee and submitted by Principal/Department Head due to improper procedures)</td>
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<tr>
<td>☐ Jury Duty / Paid Witness Duty (J)</td>
<td></td>
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<td>☐ Half Sick / Half Workers Comp. (V)</td>
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<tr>
<td>☐ Other (Explain)</td>
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</table>

Total duty hours absent

II. Request for Temporary Duty Elsewhere (TDE) (T)

List date(s) of Temporary Duty Elsewhere

Justification

Administrative Action

Destination

☐ In-county

☐ Out-of-county

Provide funding information below for the following:

1. Substitute teacher required? ☐ Yes ☐ No

2. Total estimated travel cost

3. Other costs (such as registration)

<table>
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<tr>
<th>DEPT</th>
<th>FUND</th>
<th>FUNC</th>
<th>ACCOUNT</th>
<th>PROG</th>
<th>BUDG MGR</th>
<th>LOCAL CODE</th>
<th>AWARD YR</th>
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III. Employee Signature/Approval Signatures

I certify that funds are available in the accounts shown above for the specified amount(s).

Area Superintendent signature required ONLY for Principal's Leave/TDE Application.

☐ Approved ☐ Disapproved

Signature of Supervisor

Date

☐ Approved ☐ Disapproved

Signature of Area Superintendent (Principal Leave/TDE only)

Date

PBSD 0032 (Rev. 7/5/2006)
INVESTIGATING A COMPLAINT

Criminal Investigations vs. Site Investigations

If the instructions for conducting an interview sound a little like police work to you – it’s not by accident. Criminal and non-criminal investigations are conducted using many of the same tools, objective interviews, leading questions, and confidentiality.

Who Should Investigate?

Principal or Department Head - Examples of Site Investigations

- Classroom Discipline (non-physical)
- Grade Discrepancies
- Code of Ethics Violations
- Misuse of District Time, Equipment or Technology
- Violation of Departmental Policies and/or Faculty Handbook
- Neglect of Duty
- Interpersonal Conflicts
- Employee Misconduct
  - Insubordination
  - Verbal Confrontation between Employees or between Employee and Student
  - Attendance
- Non-Criminal Parent Complaints

If you uncover facts or allegations of potential criminal activity, please contact the Employee Relations Hotline immediately.

357-5999 PX 2-5999

School Police Department - Examples of Criminal Allegations

- Arrest or Criminal Charges
- Assault/Battery
- Burglary/Theft
- Child Abuse
- Possession of Weapons
- Sexual Allegations
- Stalking
- Substance Abuse

The Employee Relations Hotline is your link to assistance with discipline complaints. This hotline will be available 24/7 with employees who can connect you to the help you need upon receiving a complaint.
INVESTIGATING A COMPLAINT

Documentation
Documentation is an important part of the discipline process. Having appropriate documentation is one way to demonstrate that an employee received Due Process for the disciplinary action. Supervisors should keep in mind, however, that these documents are open to public inspection under the Sunshine Law. Investigative documents become public record upon completion of the investigation. Memorandums, Reprimands and Rebuttals become public record ten to fifteen days after they are received by the subject minus any redacted information due to allowable exemptions. Examples of allowable exemptions include student/parent names, addresses and other related information which identifies involved the juveniles involved in the investigation.

Verbal Correction and Coaching
Personal Knowledge

Specific Incident Memorandum
Personal Knowledge – Credible Witness – Documented Performance

Verbal Reprimand with Written Notation
Personal Knowledge – Credible Witness – Documented Performance – Statements of Subject Employee – Pre-Determination Meeting Notes

Written Reprimand
Personal Knowledge - Credible Witness – Documented Performance – Statements of Subject Employee – Prior Discipline – Severity of Behavior – Pre-Determination Meeting Notes

Suspension/Termination
Prior Disciplinary Action – District Level Investigation

Records Retention:
Calendar notations and counseling notes are considered to be:

EMPLOYEE CONDUCT COUNSELING RECORDS GS1-SL Item #206
This record series documents initial coaching or counseling of an employee regarding performance or behavior issues which may lead to disciplinary action if not corrected. If disciplinary action is taken, this record becomes part of the employee’s disciplinary case file.

RETENTION:
a) Record copy. One (1) anniversary year after final action.
b) Duplicates. Retain until obsolete, superseded, or administrative value is lost.

Memoranda of Specific Incident, though corrective in nature, are not a step in the discipline process; therefore they are considered to be:

CORRESPONDENCE AND MEMORANDA: ADMINISTRATIVE GS1-SL Item #17
This record series consists of routine correspondence and memoranda of a general nature that are associated with administrative practices but that do not create policy or procedure, document the business of a particular program, or act as a receipt.

RETENTION:
a) Record copy. Three (3) fiscal years.
b) Duplicates. Retain until obsolete, superseded, or administrative value is lost.
INVESTIGATING A COMPLAINT

Verbal Reprimands with Written Notation, when not required to be a part of the personnel file (See Steps of Progressive Discipline), are considered to be Informal Discipline and should be maintained in the same manner as the Disciplinary Case File.

DISCIPLINARY CASE FILES: EMPLOYEES

This record series documents the investigation of allegations of employee misconduct and/or violation of department regulations or orders, state or federal statutes, or local ordinances. The series may include, but is not limited to, statements by the employee, witnesses, and the person filing the complaint. Cases include both formal and informal disciplinary proceedings relating to allegations that were determined as sustained, not sustained, unfounded, or exonerated. "Formal Discipline" is defined as disciplinary action involving demotion, removal from office, suspension, or other similar action. "Informal discipline" is defined as any disciplinary action involving written and verbal reprimands, memoranda, or other similar action. These records are filed separately from the employee personnel file, but the final action summary becomes part of the personnel file.

RETENTION:

a) Record copy. Five (5) anniversary years after final action.
b) Duplicates. Retain until obsolete, superseded, or administrative value is lost.

Written Reprimands and final action summaries should be submitted to the administrative office to be included in the personnel file.

For FPSU/SEIU employees the Written Notation of a Verbal Reprimand should also be submitted for inclusion in the employee’s personnel file.
INVESTIGATING A COMPLAINT

The Findings

After the Investigation is Complete

Once you have interviewed all of the witnesses and looked at all of the documented evidence, it’s time to make a decision. There are three possible outcomes for any complaint:

Substantiated
The available evidence clearly showed that the charges were true.

Unsubstantiated
The available evidence was not conclusive. The evidence did not clearly point to “guilt” or “innocence”.

Unfounded
The available evidence clearly showed the charges to be unsupported by the evidence.

A finding that is Unsubstantiated or Unfounded completes the investigation. It means that you don’t have enough cause for disciplinary action. The employee should be informed of these findings and that the investigation is complete. The investigatory file should still be maintained for a period of five years (See Disciplinary Case Files: Employees).

The Substantiated Complaint

In court, there is a standard by which allegations are judged called a Standard of Proof. For criminal court proceedings the Standard of Proof is ...beyond a reasonable doubt. For discipline matters, the standard of proof is a slightly reduced standard. To substantiate the case, the evidence should be clear and convincing. Clear and Convincing evidence means that the allegation(s) must be substantially more likely to have occurred than to not have occurred.

When you find that a complaint is substantiated, the next phase of the disciplinary process is the Pre-Determination Meeting.

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2 For AESOP the evidence only needs to be sufficient through a balance of probabilities (known also as preponderance of the evidence). This means that there should be a greater than 50% chance that an allegation is true.
June 22, 2008

Mr. Bugs Bunny
1111 Cherry Top Lane
Looney Tunes, FL 00000

Re: Investigative Findings - No Probable Cause

Dear Mr. Bunny:

Please be advised that the investigation into the facts surrounding the allegation listed below has been completed. After review, this allegation has been determined to be unfounded. Therefore the case is considered closed without probable cause for disciplinary action.

**Allegation: Inappropriate Use of the Word Gamete**

Please be advised that the investigative file is now closed. Pursuant to Section 1012.31, Florida Statues, when an investigation is concluded, all materials related to the investigation shall be treated as public record, subject to disclosure upon request, minus any allowable exemptions. In addition, you have the right to inspect this public record and to submit any written rebuttal information for enclosure into the public record within ten days of the receipt of this letter.

Thank you for your cooperation in this matter.

Sincerely,

I.M. The
Principal, Carrot Top High School

Employee Signature of Receipt: ____________________________ Date: ____________
The Pre-Determination Meeting

The Pre-Determination meeting provides due process to the employee that is the subject of an investigation. This meeting is held after the investigation is complete and prior to the decision as to whether disciplinary action is warranted.

Scheduling the PDM (See example letter page 17 of the Discipline Guide)
• A letter scheduling a Pre-Determination Meeting (PDM) is sent/delivered to subject employee
• The employee has the right to bring representation
• The employee has a right to view all evidentiary documentation that is going to be used as a part of the investigation prior to the meeting Note: The employee is not entitled to documentation during the fact finding stage of the investigation.
• Whatever information is supplied to the employee must have public records exempt information redacted prior to them receiving a copy. (Public Records exempt information includes student names and addresses, employee social security numbers, etc)
• The Investigatory Documents & Notice to Meet letter must be given to the employee at least 48 hours prior to the meeting taking place to give them time to review the file and contact representation.

During the PDM
• The PDM is not confrontational and should not be conducted in an accusatory manner
• The investigative part should be over at this time, however if the employee provides additional potential exculpatory information that warrants further investigation this information must be investigated.
• The employee will be allowed to offer explanations and other pertinent information that they wish to be considered.
• Detailed notes of what transpires should be taken and attendees of the meeting should be documented.
• After stating the purpose of the meeting and reported allegations ---the following questions are asked for the record:
  o Did you receive the documentation surrounding this investigation?
  o Have you had the opportunity to review those documents?
  o Is there anything you would like to state regarding this investigation?
    ▪ Additional clarifying questions may be asked during the PDM
    ▪ The employees’ representative is allowed to provide additional input—it can be at the beginning or end.
    ▪ The employee has the right to not speak during the meeting. The attorney/representative may do all the talking.

After the PDM
• The meeting notes are summarized and typed
• The employee is provided with a copy of the PDM summary notes
• The employee reviews, and make any necessary correction before signing them
• The employee and his/her representative are provided a copy of the summary notes
THE PURPOSE OF THE PRE-DETERMINATION MEETING (PDM)

Before a decision is made regarding the level of discipline that will be meted out to an employee, the employee has a right to be heard. This is done at the Pre-Determination Meeting. During this meeting, the employee will be allowed to tell his/her version of events and present other information that he/she believes should be considered when making this determination. These are called Loudermill Rights (see Loudermill Rights below).

LOUDERMILL RIGHTS
Cleveland Board of Education v. Loudermill (1985)

Loudermill Rights are associated with actions pertinent to suspension without pay, involuntary demotion, or involuntary termination when just cause is required. Prior to being disciplined, “The …tenured public employee is entitled to oral or written notice of the charges against him (or her), an explanation of the employer’s evidence, and an opportunity to present his (or her) side of the story.”

This right is known as the “Loudermill Right” based upon the 1985 U.S. Supreme Court decision in the case of Cleveland Board of Education v. Loudermill.

• Unlike Weingarten, the employer has an obligation to inform the employee of his/her Loudermill Rights.
• The employee has a right to speak or not to speak at the Loudermill (or Pre-Determination) hearing\(^3\). Also, the employee has a right to union representation and the union steward may speak on behalf of the employee. What the employee says can be used against him/her. What the Union Steward says can’t be used against the employee.
• Remember to take notes at the meeting and put them in your file. Suggest that the union steward do the same.

Supervisors should:

• Advise the subject of the need for a meeting in writing and provide a copy of the entire file to the employee.
• Remember to properly redact the file to remove any names/identifiers of students and parents.
• Always have a second administrative staff member (Assistant Principal, Head Secretary, etc.) present to document the meeting.
• Allow for a representative to be present (but remember YOU are in charge).
• Do not tape record the meeting or allow it to be taped by anyone else.
• Thank the subject for cooperating.
• State the proposed range of discipline.
• Provide a synopsis of the case against the subject and allow for exculpatory evidence\(^4\) or explanations.
• Allow the subject or the representative to make a statement or ask questions at the end of the meeting.
• Advise the subject that a decision and the proposed discipline will be forthcoming.

\(^3\) At the District Level the Garrity Rule can be exercised in order to compel an employee to speak in a hearing.

\(^4\) Exculpatory Evidence is the evidence favorable to the accused, which clears or tends to clear the accused of guilt.
Dear Mr. Bunny:

The purpose of this letter is to inform you that an administrative personnel investigation is nearly completed with public records implications resulting therefrom. This investigation is based on one or more of the following allegations and/or policy violations.

**Allegation and Corresponding Policy Violations**

1. **Excessive Tardiness and Abuse of Leave**
   - School Board Policy 3.80(1), Leave of Absence
   - Florida Statute 1012.67, Absence without Leave
   - The Collective Bargaining Agreement with SEIU/FPSU (Regular), Article 22 (1)

2. **Gross Insubordination**
   - School Board Policy 3.10(6), Conditions of Employment

3. **Unethical Conduct**
   - School Board Policy 3.02(4)(a), (4)(f) and (4)(j), the Code of Ethics

4. **Failure to Follow Policy/Rule or Directive**
   - School Board Policy 1.013(1), Responsibilities of School District Personnel and Staff

**Other Supporting Authorities**

- The Collective Bargaining Agreement with SEIU/Florida Public Services Union (Regular), Article 17 (7)

**Pre-Determination Meeting**

A copy of the investigative file including any written complaint and/or report is attached for your inspection and review. You will be given an opportunity to respond to the aforementioned allegation(s) at a Pre-Determination Meeting. You should produce any documents that you believe would be supportive of your position, or rebut information in the material provided with this letter. The purpose of the Pre-Determination Meeting is to discuss the outcome of the investigation and provide you an opportunity to explain or rebut the findings in the investigation. Therefore, you are directed to attend a Pre-Determination Meeting for the record at Carrot Top High School on the following date and time.

**Pre-Determination Meeting**

4:00 p.m. on Friday, August 20, 2011

Please be reminded that you have the right to bring a representative to this Pre-Determination Meeting. In addition, we will explain the steps that are involved in processing and resolving your case. The potential consequences, should the allegation(s) be substantiated, range from verbal...
reprimand with written notation up to and including termination. However, if you fail to attend this Pre-Determination Meeting, we will take the allegation in the investigation to be true; and, therefore, you may be subject to disciplinary action, up to and including a recommendation for termination.

Public Records Notification
Pursuant to Section 1012.31, Florida Statutes, when an investigation is concluded, all materials related to the investigation shall be treated as a public record, subject to disclosure on request, minus any redacted information due to allowable exemptions. This letter is to inform you that the investigative materials and this letter will be released, upon request, minus any redacted information due to allowable exemptions, ten (10) days following your receipt of this document/or if this document was mailed but not retrieved, possibly fifteen (15) days after the date of this document or when the investigation is concluded, whichever occurs later.

Written Rebuttal Information
You have the right to inspect these materials relating to the investigation, to submit and attach any written rebuttal information to me as a response to any materials in the file, and to seek an informal inquiry into any material you believe to be false.

Should you have any questions, please contact me at (561) 000-0000.

Sincerely,

I.M. The, Principal
Carrot Top High School

cc: Representative Name, Title

Attachment

Employee Signature of Receipt: _______________________________ Date: ______________
August 23, 2011

Mr. Bugs Bunny
1111 Cherry Top Lane
Looney Tunes, FL 00000

Re: Pre-Determination Meeting Summary

Dear Mr. Bunny:

As you are aware, you attended a Pre-Determination meeting on June 8, 2011. During the meeting, you were able to respond to allegations presented to you. The Pre-Determination Meeting was held to give you the opportunity to provide additional information, dispute, explain or elaborate on the information that was reported.

Enclosed please find a copy of the Pre-determination Meeting Summary Notes which identifies those in attendance at the meeting, the documents you presented for consideration, and the information that you presented as a response to the investigation. If the summary in its entirety is sufficient, please sign the enclosed copy and return it to my office. If you would like to provide additional information or make changes to the information in the summary notes, please contact our office as soon as possible. If you do not respond to this letter within three (3) business days of your receipt, the summary and the notes, as written, will be used for consideration of disciplinary action.

Public Records Notification:

Pursuant to Section 1012.31, Florida Statutes, when an investigation is concluded, all materials related to the investigation shall be treated as a public record, subject to disclosure upon request, minus any allowable exemptions. This letter is to confirm that the above material will be released, upon request, minus any allowable exemptions, ten (10) days following your receipt of this letter or fifteen (15) days after the date of this letter.

Employee Signature of Receipt: ___________________________ Date: ______________
Pre-Determination Meeting Summary Notes

Employee Name: Bugs Bunny

Pre-Determination Meeting Date: 4:00 p.m. on Friday, August 20, 2011

In Attendance:
Bugs Bunny
Joe Black, Classroom Teachers Association
I.M. The, Principal
Rita Book, Principal's Secretary

Facts, information and/or documents presented for consideration:

1. Bugs Bunny stated he had the opportunity to review the report that was provided to him on August 3, 2011.

2. Bugs Bunny admitted that he is sometimes late for work, but that there is a lot of construction on the highway and he has been trying to get up earlier to be at work on time.

3. Bugs Bunny stated that all of his absences can be attributed to his pending divorce.

4. Bugs Bunny stated that he will do his best to be on time from now on and he hopes that the principal will not hold his past behavior against him.
STEPS OF PROGRESSIVE DISCIPLINE

Palm Beach County Police Benevolent Association________________________Article 29

Site Level Disciplinary Actions

Verbal Warning with Written Notification
- A Verbal Warning with Written Notation does not become a part of the employee’s personnel file.
- Not grievable.
- Previous charges or disciplinary actions that have been brought for the by the District may be cited against the employee if those previous acts are reasonably related to the existing charge. All previous charges of disciplinary actions must have been shared with the employee.

Written Warning
- A Written Warning does not become a part of the employee’s personnel file.
- Not grievable.

Written Reprimand
- Will be filed in the employee’s personnel file.
- Is grievable through the grievance procedure.

District Level Disciplinary Actions

Suspension without Pay
- Is appealable through the grievance procedure or Department of Administrative Hearings.
- Information is filed in the employee’s personnel file.
- Recommended by the Chief of Police to the Superintendent.
- Is actionable by the School Board.

Termination
- Is appealable through the grievance procedure or Department of Administrative Hearings.
- Recommended by the Chief of Police to the Superintendent.
- Is actionable by the School Board.

Skipping Disciplinary Steps
May do so for more serious cases or with just cause.
STEPS OF PROGRESSIVE DISCIPLINE

Classroom Teachers Association (CTA) Article II § M

Site Level Disciplinary Actions

Verbal Reprimand with Written Notification
- A Verbal Reprimand with Written Notification does not become a part of the employee’s personnel file.
- A formal grievance can be filed with the Principal or Area Superintendent.
- After twelve months the notation shall not be used to the further detriment of the employee.
- A written rebuttal may be attached to the notation.

Written Reprimand
- Must be signed by the giver and the receiver of the reprimand.
- Will be filed in the employee’s personnel file.
- A formal grievance can be filed with the Principal or Area Superintendent.
- A written rebuttal may also be placed in the personnel file.

District Level Disciplinary Actions

Suspension without Pay
- Is grievable through the Department of Labor Relations
- Length is determined by cause.
- Notice and specifics must be in writing.
- Information is filed in the employee’s personnel file.
- Recommended by the Employee Investigative Committee (EIC) to the Superintendent.
- Is actionable by the School Board.

Termination
- Is grievable through the Department of Labor Relations.
- Recommended by the Employee Investigative Committee to the Superintendent.
- Is actionable by the School Board.

Skipping Disciplinary Steps
May do so in cases which clearly constitute a real and immediate danger to the District or the actions/inactions of the employee constitute such clearly flagrant and purposeful violations of reasonable school rules and regulations.
STEPS OF PROGRESSIVE DISCIPLINE

Association of Educational Secretaries and Officer Personnel (AESOP) Article 3 § C

Site Level Disciplinary Actions

Verbal Reprimand with Written Notification
- A Verbal Reprimand with Written Notation does not become a part of the employee’s personnel file.
- Not grievable.
- Previous charges or disciplinary actions that have been brought forth by the District may be cited against the employee if those previous acts are reasonably related to the existing charge. All previous charges or disciplinary actions must have been shared with the employee.

Written Reprimand
- Must be signed by the giver and the receiver of the reprimand.
- Will be filed in the employee’s personnel file.
- Not grievable.
- A copy of the reprimand must be mailed to the employee by certified mail return receipt.
- Previous charges or disciplinary actions that have been brought forth by the District may be cited against the employee if those previous acts are reasonably related to the existing charge. All previous charges or disciplinary actions must have been shared with the employee.

District Level Disciplinary Actions

Suspension Without Pay
- Is grievable through either PERC or DOAH, but not both.
- Length is determined by cause.
- Information is filed in the employee’s personnel file.
- Recommended by the Employee Investigative Committee to the Superintendent.
- Is actionable by the School Board.

Termination
- Is grievable through either PERC or DOAH, but not both.
- Recommended by the Employee Investigative Committee to the Superintendent.
- Is actionable by the School Board.

Skipping Disciplinary Steps
May do so in cases that constitute a real and immediate danger to the District or other flagrant violation.
Steps of Progressive Discipline

Florida Public Services Union (FPSU – Formerly NCF&O)  Article 17-Regular (Group B)
Article 13-Paraprofessional II (Group D)
Article 15 Supervisory (Group F)

Site Level Disciplinary Actions

Verbal Reprimand with Written Notification
- Becomes a part of the employee’s personnel file.
- Is grievable through either the Department of Administrative Hearings or the Department of Labor Relations. Such choice must be made within fifteen days of written notification of disciplinary action and the District must be notified accordingly.
- Shall not be used to the further detriment of the employee unless there is another reasonably related incident by that same employee within a 24 month period.

Written Reprimand
- Must be signed by the giver and the receiver of the reprimand.
- Will be filed in the employee’s personnel file.
- Must be sent by certified mail to the employee
- Is grievable through either the Department of Administrative Hearings or the Department of Labor Relations. Such choice must be made within fifteen days of written notification of disciplinary action and the District must be notified accordingly.

District Level Disciplinary Actions

Suspension Without Pay
- Is grievable through either the Department of Administrative Hearings or the Department of Labor Relations. Such choice must be made within fifteen days of written notification of disciplinary action and the District must be notified accordingly.
- Length is determined by cause.
- Notice and specifics must be in writing.
- Information is filed in the employee’s personnel file.
- Recommended by the Employee Investigative Committee to the Superintendent.
- Is actionable by the School Board.

Termination
- Is grievable through either the Department of Administrative Hearings or the Department of Labor Relations. Such choice must be made within fifteen days of written notification of disciplinary action and the District must be notified accordingly.
- Recommended by the Employee Investigative Committee to the Superintendent.
- Is actionable by the School Board.

Skipping Disciplinary Steps
May do so in cases which clearly constitute a real and immediate danger to the District or the actions/inactions of the employee constitute such clearly flagrant and purposeful violations of reasonable school rules and regulations.
<table>
<thead>
<tr>
<th>Union Group</th>
<th>Verbal Reprimand</th>
<th>Written Reprimand</th>
<th>Suspension</th>
<th>Skipping Steps</th>
</tr>
</thead>
<tbody>
<tr>
<td>Palm Beach County Classroom Teachers Association (CTA)</td>
<td>Verbal Reprimand with Written Notation</td>
<td>Written Reprimand</td>
<td>Suspension without Pay</td>
<td>May do so in cases which clearly constitute a real and immediate danger to the District or the actions/inactions of the employee constitute such clearly flagrant and purposeful violations of reasonable school rules and regulations.</td>
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<tr>
<td>Article II §M</td>
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<td>- length determined by just cause.</td>
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<td></td>
<td>- not used after 12 months of the action/inaction</td>
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<td></td>
<td>leading to discipline.</td>
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<td>- dated</td>
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</tr>
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<td>Florida Public Services Union (Formerly NCF&amp;O)</td>
<td>Verbal Reprimand with Written Notation</td>
<td>Written Reprimand</td>
<td>Suspension without Pay</td>
<td>May do so in cases which clearly constitute a real and immediate danger to the District or the actions/inactions of the employee constitute such clearly flagrant and purposeful violations of reasonable school rules and regulations.</td>
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<td>- dated</td>
<td>- length determined by just cause.</td>
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<td>Article 15-Supervisor</td>
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<td>- Notice and specifics must be in writing</td>
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<td>- filed in personnel file</td>
<td>- dated</td>
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<td></td>
<td>employee by certified mail</td>
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<td>- signed</td>
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</tr>
<tr>
<td>Association of Educational Secretaries and Office Personnel (AESOP)</td>
<td>Verbal Warning (Written Notification)</td>
<td>Written Reprimand</td>
<td>Suspension without pay with Board Approval</td>
<td>May do so in cases that constitute a real immediate danger to the District or other flagrant violation.</td>
</tr>
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<td>Article 3 §C</td>
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<td>- signed</td>
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<td>- filed in personnel file</td>
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</tr>
<tr>
<td>Union Group</td>
<td>Verbal Reprimand</td>
<td>Written Reprimand</td>
<td>Suspension</td>
<td>Skipping Steps</td>
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<tr>
<td>Palm Beach County Police Benevolent Association</td>
<td>Verbal Warning (Written Notification) Not filed in personnel file Not grievable</td>
<td>Written Reprimand -dated -signed In personnel file</td>
<td>Suspension without pay with Board Approval</td>
<td>May do so in serious cases with just cause.</td>
</tr>
<tr>
<td>Article 29</td>
<td>Written Warning Not filed in personnel file Not grievable</td>
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Discipline Process Overview

Incident Occurs and is Reported

Site Administrative Review
Notification of Employee
Investigation into the “who, what, where, when and why”

Initial Determination of Allegations and Findings

Unsubstantiated
End of Complaint

Substantiated

Unfounded
End of Complaint

Pre-Determination Meeting
Opportunity for the Employee to Respond

Site Disciplinary Action
Verbal Reprimand (With Written Notation)
Written Reprimand

Employee Investigative Committee

Superintendent Recommendations

Board Action
April 25, 2011

Jack Ball
1111 Laffy Lane
Greenacres, Florida 00000

Re: Verbal Reprimand (Written Notation)

Dear Mr. Ball:

This correspondence is given to you as a Written Reprimand for failure to follow School District of Palm Beach County Purchasing Card Procedures.

Specifically, on June 18, 2009, you were issued a Purchasing Card. You attended training and signed a binding contract with the District. After signing the contract, you violated the provisions detailed within by failing to collect receipts in order to reconcile the monthly statement.

You are directed to comply with the procedures for the proper use of Purchasing Cards as described in Chapter 24 of the Internal Accounts Manual. Further you are directed to fulfill the responsibilities of any contract that you sign with the district.

Additionally, as a District Employee, you are subject to the Code of Ethics described in School Board Policy 3.02 which applies to your conduct both on school district property and off. As a public employee, it is imperative that you act in the highest ethical manner and preserve the public trust.

You are directed to conduct yourself in accordance with the Code of Ethics and to follow all purchasing procedures and regulations. Further, you are to desist from engaging in violating the procedures and policies, described above, by the same or similar actions in the future. Failure to do so will result in further disciplinary action up to and including termination.

Please be advised that the above referenced case and related investigative file is considered administratively closed. Pursuant to Section 1012.31, Florida Statutes, when an investigation is concluded, all materials related to the investigation shall be treated as a public record, subject to disclosure upon request, minus any allowable exemptions. In addition you have the right to inspect this public record and to submit any written rebuttal information into the public record after receipt of this letter.

Sincerely,

I.M. The, Principal
Carrot Top High School

cc: Joe Black, Union Representative
    Personnel File (If a member of Florida Public Services Union)

Employee Signature of Receipt: ____________________________ Date: _______________
June 25, 2011

Mr. Bugs Bunny
1111 Cherry Top Lane
Looney, Florida 00000

Re: Written Reprimand

Dear Mr. Bunny:

This correspondence is given to you as a Written Reprimand for off-the-job use or involvement with illegal drugs, alcohol, or other controlled substances and ethical misconduct.

Specifically, on March 9, 2011, you pled guilty to a violation of Florida Statute 316.193.1, Driving under the Influence. You then entered into a Pre-trial Intervention Agreement. School Board policy 3.96(4)(b), The Drug and Alcohol Free Workplace Policy, prohibits off-the-job use or involvement with illegal drugs, alcohol, or other controlled substances.

Additionally as a School District employee and a teacher, you are subject to the Code of Ethics described in School Board Policy 3.02 which applies to your conduct both on school district property and off, and the Code of Ethics of the Education Profession in Florida, 6B-1.001, F.A.C. As a public employee and a teacher, it is imperative that you act in the highest ethical manner and preserve the public trust.

You are directed to conduct yourself in accordance with the Code of Ethics and to obey local, state and national laws, codes and regulations. Further, you are to desist from engaging in violating the policies, described above, by the same or similar actions in the future. Failure to do so will result in further disciplinary action up to and including termination.

Please be advised that the above referenced case and related investigative file is considered administratively closed. Pursuant to Section 1012.31, Florida Statutes, when an investigation is concluded, all materials related to the investigation shall be treated as a public record, subject to disclosure upon request, minus any allowable exemptions. In addition you have the right to inspect this public record and to submit any written rebuttal information into the public record within ten (10) days after receipt of this letter.

Sincerely,

I.M. The, Principal
Carrot Top High School

cc: Joe Black, Classroom Teacher Association Representative
    Personnel File

Employee Signature of Receipt: ________________________________  Date: __________
A Review of the Investigative & Disciplinary Process

Incident Occurs and a Complaint is Received From:
- A School Official
- School Police Communications Center
- Reported Victim or Victim’s Parent
- Eyewitness
- Department of Children & Families
- Department of Education
- A Citizen
- Anonymous

The Investigation Begins:
- At the Site by Administrators
  - Administrative Violations
- By School Police
  - Criminal Allegations
- By Employee Relations
  - Serious or Repeat Policy Violations
  - Closed Criminal Investigations
  - Department of Education Complaints
  - Progressive Discipline Cases that have potential sanctions of suspension or termination.

At any time during the course of one of the above listed violations the process could shift from one investigating entity to another. For example, during an administrative investigation a Principal may discover that the allegations have potential criminal elements that should be investigated by the School Police Department and subsequently turns the investigation over to them. At any rate, a thorough investigation into the allegations must occur. To see what is involved for each level, see pages 34-36.

For each investigating entity the process is similar:
1. Investigation takes place
2. The reported victim is interviewed (if applicable)
3. The reported witnesses are interviewed
4. Evidentiary materials are collected
5. Subject employee is interviewed
6. Follow-up interview(s)/investigation is conducted if new information is obtained from subject employee and/or witnesses
7. Written documentation of investigation is prepared.
8. If the allegation cannot be substantiated, a No Probable Cause letter is issued to the employee. If the allegation is substantiated then the following steps occur.

For Site Administrators and Employee Relations the next steps are:
9. Pre-Determination Meeting is scheduled (See Page 37 for more about the PDM)
10. A copy of the investigatory materials (with exempt information redacted) is provided to the subject employee and/or their representative.
11. A meeting is held with Employee and Representative if requested. Employee may add any further information that he/she wants to be considered.
12. Follow-up investigation will be conducted, if necessary.
13. Cases that meet a level of discipline – Written Reprimand or Below - are turned over to the Human Resources Managers to work with Area Superintendents and site administrators regarding appropriate discipline.
For Site Administrators the next steps are:
14. Implementing Disciplinary Action. Site Administrators prepare Verbal Reprimand with Written Notation or Written Reprimand.

For Cases that meet a disciplinary level above that of Written Reprimand the next steps for Employee Relations are:
15. Employee Relations prepares the case for review by the Office of Chief Counsel and the Employee Investigation Committee (EIC).
16. At the EIC meeting, the Office of Chief Counsel explains the legal standard to the committee members and answers any questions regarding legal issues. The members discuss the case and make a recommendation to the Superintendent.
17. The case findings and the EIC recommendation(s) are then reviewed by the Chief Learning Officer for discussion with the Superintendent.
18. The Superintendent makes a recommendation to the Board.
19. The Board implements Disciplinary Action.
20. The Employee may appeal said Board Action by requesting an administrative hearing.
The Role of the Site/School Administrator:

- Interview reported victim (if applicable)
- Interview reported witnesses
- Interview subject employee
- Conduct follow-up interview(s)/investigation if new information is obtained from subject employee or witnesses
- Provide written documentation of administrative investigation-if any-to subject employee prior to Pre-Determination meeting
- Conduct Pre-Determination meeting
- Evaluate allegations and Determine Findings
- Substantiated- the available evidence clearly showed the charges were true.
- Unsubstantiated- the available evidence was not conclusive. The evidence did not point to “guilt” or “innocence”.
- Unfounded-the available evidence clearly showed the charges to be unsupported by the evidence.
- Either Take Administrative Action
  - Counseling/ Conference Notes/ Coaching
  - Memorandum of Specific Incident
- Or Administer Discipline
  - Verbal Reprimand (Written Notation)
  - Written Reprimand

Examples of Incidents handled at Site/School Level:

- Inappropriate language with a student
- Tardiness
- Failure to follow directive (insubordination)

Notation: Employee Relations may accept cases from the school site:

- If the school asks for assistance.
- Progressive Discipline has previously been administered and the employee is still displaying the same behavior.
- A case can skip straight to Suspension or Termination depending on the severity of the situation.

The Role of the Human Resources Managers:

The Human Resources Managers provide one-on-one assistance to the Principals in the Schools. They work closely with Employee Relations and ensure that the schools are kept aware of the status of ongoing investigations and complaints. The Human Resources Managers are often called upon to screen parent complaints for validity and make the Principal and/or Employee Relations aware of incidents that need to be investigated. They assist schools with reassignments and discipline cases that are referred back to them for action by Employee Relations.
The Role of School Police:
- Interview reported victim
- Interview reported witnesses
- Collect evidentiary materials (photographs, videos, written notes, lab results, audit reports, subpoena records)
- Interview subject employee (utilizing Miranda and/or Garrity Warning)
- Conduct follow-up interview/investigation if new information is obtained from subject employee or witnesses.
- Determine if probable cause exists.
- Prepare written reports.
- Complete State Attorney Criminal Filing Packet (includes identifiable substantiated criminal charges, probable cause affidavit, police reports, supplemental reports and evidentiary collection).
- Effect an arrest (if applicable) or forward to the State Attorney's Office.
- The investigation is then turned over to Employee Relations for review and administrative action (See Page 32).

Key Terminology:
Miranda Warning the requirement set by the U. S. Supreme Court in Miranda v. Alabama (1966) that prior to the time of arrest and any interrogation of a person suspected of a crime, he/she must be told that he/she has the right to remain silent, the right to legal counsel, and the right to be told that anything he/she says can be used in court against him/her.

Garrity Warning - the Garrity rule comes from the United States Supreme Court case of Garrity v. New Jersey. An employee can be compelled to give a statement during an investigation when he/she is advised that the statement cannot be used in a criminal proceeding against them. Examples of when Garrity Rights are exercised include, but are not limited to: Cases involving violence, safety of others, physical abuse, financial issues and incidents where there are no adult witnesses other than the subject employee.

Probable cause - A reasonable belief that a person has committed a crime. The test the court of appeals employs to determine whether probable cause existed for purposes of arrest is whether facts and circumstances within the officer's knowledge are sufficient to warrant a prudent person to believe that a suspect has committed, is committing, or is about to commit a crime.

Probable cause affidavit - a written arrest document sworn upon by the investigating/arresting officer that probable cause exists to charge an individual with a crime.

Filing Packet - Submitted documents prepared by the investigating officer to the State Attorney’s Office in the form of a packet that contains all documents (i.e. police reports, statements, evidence, probable cause affidavit) related to the investigation.
The Role of Employee Relations:

- Review the investigation from School Police or Site Administrator in its entirety.
- Follow-up investigation is conducted (DOE records are examined, any past disciplinary actions are reviewed, additional interviews are conducted if warranted.)
  - If the seriousness of the allegation does not rise to the level of Suspension or Termination the case will be returned to the school or department site for appropriate disciplinary action,
  - If the situation rises to the level of Suspension or Termination---Employee Relations may follow through with the discipline process listed below:

- A Pre-Determination Meeting (PDM) is scheduled
- Follow-up interviews are conducted if new exculpatory information is obtained during the PDM or further clarification of evidence is needed.
- The Office of Chief Counsel reviews the disciplinary file for legal sufficiency.
- The case is then presented to the Employee Investigatory Committee (EIC) to recommend proposed discipline to the Superintendent. At the EIC, the Office of Chief Counsel explains the legal standard to the committee members and answers questions regarding legal issues.
- The case findings and the EIC recommendation(s) are then reviewed by the Chief Learning Officer for discussion with the Superintendent
- The Superintendent makes his recommendation(s) to the Board.
- Employee Relations prepares the Executive Summary and the Superintendent’s letter to the employee.
- The Executive Summary and Superintendent’s letter are reviewed and approved by the Office of Chief Counsel.
- The subject employee is notified of impending board action/date.
- Employee Relations posts documents on the E-agenda for board action.
- Employee Relations processes notifications to the Department of Education of District and Board Action.

Key Terminology:

Legal sufficiency: viewing the evidence in the light most favorable to the District and determining that a rational trier of fact could find that the basic elements of the discipline process were followed and the essential elements of the alleged offense exist.

Employee Investigations Committee (EIC): is comprised of an Area Superintendent and three principals (one each from elementary, middle and high schools), a District Administrator, a representative from Employee Relations and an Associate General Counsel.

Legal Standard: the standard for determining probable cause is based upon the collective bargaining agreement which pertains to the employee involved.

Probable cause: the existence of facts and circumstances within one’s knowledge and of which one has reasonable trustworthy information, sufficient to warrant a person of reasonable caution to believe that the proposed disciplinary action has a fair chance and probability to be sustained if challenged. These facts must either be shown through Sufficient Evidence or Clear and Convincing Evidence.

Sufficient Evidence: less than a preponderance of the evidence but more than a mere possibility. Such evidence, in character, in weight, or amount, as will legally justify the official action demanded. (Tibbs v. State, 397 So.2d 1120 (Fla. 1981), aff’d 457 US 31 (1982).) This is the Standard used for cases with PBA and AESOP.

Clear and Convincing Evidence: an intermediary standard of proof; the proposition is substantially more likely true than not. (Less than Beyond a Reasonable Doubt but more than Preponderance of Evidence). This is the Standard used for cases with CTA and FPSU.

Preponderance of the Evidence: The proposition that it is more likely true than not true.
Investigations that are RETURNED to the SITE for ACTION

After a case is investigated by School Police, the investigation is turned over to (TOT) the Department of Employee Relations for administrative action. If the seriousness of the allegation or the facts uncovered in the investigation do not rise to the level requiring Suspension or Termination the case will be returned to the school or department site for appropriate action.

For Schools, the cases will be sent to you through your Human Resources Relationship Manager. The Principal will receive the entire police investigative file and any other additional information supplied by Employee Relations. The Principal may choose to address the allegation utilizing: Corrective Coaching, Conference Notes or to conduct a Pre-Determination Meeting, to determine whether formal discipline is appropriate.

In cases where formal discipline is issued by the Department or School, the supervisor must maintain the police investigation, PDM Notice, PDM Summary Notes and the documented Disciplinary outcome for a period of five years from the final action.
May 24, 2011

Ms. I.M. The, Principal
Carrot Top High School
1234 Bunny Rabbit Lane
Looney Tunes, Florida 00000

RE: Bugs Bunny, Case 7001543

Dear Ms. The:

The attached investigation is being turned over to you for your review. Please take the disciplinary action that you deem appropriate.

Please call me if you have any questions.

Sincerely,

Sandra Gero

Sandra Gero, Director
Department of Employee Relations

SG: mb

attachment

_______________________________  _______________________
Principal’s Signature    Action Taken
UNDER THE INFLUENCE

School Board Policies 3.96 and 3.961
The School District of Palm Beach County is committed to maintaining a drug and alcohol free workplace. This commitment is outlined in full in policies 3.96 and 3.961. 3.96 applies to all District employees, job applicants and volunteers. 3.961 applies to Safety Sensitive Personnel. Employees who violate these policies shall be subject to disciplinary action.

What to Do The first thing that you should know is that only a supervisor trained by the District can make a reasonable suspicion determination. That does not mean that all non-trained personnel are exempt from responsibility. If you have a suspicion that someone on your site is under the influence of drugs or alcohol and you have not been trained, you should attempt to find a trained person to do an evaluation. This can be done by asking other supervisors or by calling Employee Relations 434-8893 to find someone who can come to your site.

On-Site Reasonable Suspicion Testing Step by Step
1. A trained supervisor makes a reasonable suspicion determination
2. The supervisor contacts Employee Relations and completes a Reasonable Suspicion Documentation Form
3. The supervisor faxes the Reasonable Suspicion form to Employee Relations and contacts them to discuss the information contained on the form.
4. If there is reasonable suspicion Employee Relations will contact the testing lab to send a trained technician to the site to test the employee. Both blood and urine will be collected as a part of the exam.
5. While waiting for the technician the supervisor must not leave the employee alone, the employee should not be allowed to eat or drink anything (other than a small quantity of water) or use the restroom.
6. Employee Relations will prepare the Assignment to Your Residence with Pay letter and fax it to the site.
7. The supervisor will give the Assignment to Your Residence with Pay letter to the employee who will sign and date it for receipt. The supervisor will then fax the signed letter back to Employee Relations.
8. Upon completion of the testing the employee will be sent home. The employee should not be allowed to drive themselves home. Other transportation arrangements should be made.
9. The employee will be reassigned home with pay until the results of the drug test have been submitted to Employee Relations by the Medical Review Officer.

If the Test Comes Back Positive If the test comes back positive for any of the prohibited substances, the employee will be directed to attend a Pre-Determination Meeting. During this meeting the employee will be allowed to present any additional information that they wish to have considered when making the determination for discipline. Employee Relations will determine the disciplinary action and arrange for the employee to meet with an EAP Counselor. The EAP Counselor will determine when the employee can return to work. From the time that the drug test results come back until the employee returns to work the employee will have to utilize leave time. If the employee does not have sufficient leave to cover the absence, the employee will be unpaid. Due to strict HIPAA laws that protect employees’ medical information, the supervisor will not receive a copy of the drug test results. However should discipline be imposed, the supervisor will receive a copy of the disciplinary action stating that School Board Policy 3.96 or 3.961 was violated.

If the Test Comes Back Negative The employee will be immediately returned to work. There may still be disciplinary action or a referral to the Employee Assistance Program for the behaviors that led up to the referral.
WHEN AN EMPLOYEE IS ARRESTED

Employees are required to notify their immediate supervisors within forty-eight hours of the arrest in writing. If an employee reports to you that they have been arrested:

1. If verbally notified – have the employee put the information in writing.
   a. Employee Name
   b. Employee ID Number
   c. Date of Arrest
   d. Arresting Agency
   e. All charges from the arrest paperwork
   f. Who they reported it to
   g. When the arrest was reported

   A template of this information is available on the Employee Relations Website – District Form Pending http://www.palmbeacheschools.org/er/documents/SelfReportInfo.pdf /

   Note: If the employee is incarcerated or otherwise unable to provide the information in writing, please get as much of the information above as you can from the employee.

2. Contact Employee Relations regarding the arrest and fax the information to the Department of Employee Relations.

3. Though arrests are public record, it is important that you use discretion when discussing allegations against an employee. Not everyone who is arrested will end up being convicted of a crime. Sharing this information with co-workers and parents could generate bad will in the workplace and effect the person’s ability to remain effective at their job.

4. Employee Relations will –
   a. Request a copy of the Police Report
   b. Review the information regarding the arrest.
   c. Conduct a PDM, if necessary and
   d. Issue the appropriate discipline which could range from a Verbal Reprimand to Termination of Employment depending on the nature of the charge and the circumstances of the incident.

5. If you are notified of the arrest of an employee by someone other than the employee:
   a. Get as much detail about the arrest as you can.
   b. Contact Employee Relations regarding the arrest information.
   c. You may be asked to speak to the employee about the arrest.
IF AN EMPLOYEE STOPS COMING TO WORK

Quite often employee attendance issues can be the easiest to identify and the most difficult to manage. Employees need to either arrive to work or provide valid reasons for not being able to work. All supervisors struggle with managing excessive absenteeism and related issues that may include tardiness and abuse of unauthorized leave time. **The key is to address these issues in a timely manner** before they negatively affect either the morale of your team or the operations of your school and/or department. Although attendance may be addressed within a performance evaluation, **the issue may also be addressed through disciplinary means**. Contact the Department of Employee Relations or your Area Human Resource Manager for assistance in documenting attendance standards and expectations, and using progressive discipline as a tool to hold employees accountable to the standards and expectations set forth.

On occasion, the course of action taken by an employee with respect to their attendance may lead to job abandonment. Job abandonment may be considered if:

1. The employee has been absent from the worksite for three (3) consecutive workdays and has not called in or received advanced approval for leave.
2. The employee has been absent from work for ten (10) consecutive non-compensated workdays. (Note, the employee may be calling in to report their absences.)

A template of this Job Abandonment action request can be found on our website – District Form Pending [http://www.palmbeachschoools.org/er/documents/JAMemo.doc](http://www.palmbeachschoools.org/er/documents/JAMemo.doc)

**Contact the Human Resources Leave Office (4-6393), if...**

a) An employee fails to return to work following an approved leave of absence.

Please note once the Job Abandonment letter has been issued and employee will still have the right to return to work until after job action has been taken by the Board. The employee may still be subject to disciplinary action for failure to follow procedures regarding leaves.
EMPLOYEES AND THE AMERICANS WITH DISABILITIES ACT

Who Is Covered?
Under the ADA, a person has a disability if the person has a physical or mental impairment that substantially limits a major life activity. A substantially limiting impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, caring for oneself, learning or working. An individual with a disability must be qualified to perform the essential functions of the job with or without reasonable accommodation in order to be protected by the ADA. This means that the applicant or employee must:

- satisfy the job requirements for educational background, employment experience, skills, licenses, and any other qualification standards that are job related; and
- be able to perform those tasks that are essential to the job, with or without reasonable accommodation.

Note: Marginal or non-essential tasks should not be considered when determining if an individual is qualified.

The following are not covered under the ADA:
- Conditions resulting from current illegal use of drugs
- Environmental, cultural and economic disadvantages
- Gender identity disorders or other sexual disorders
- Homosexuality and bisexuality
- Minor conditions, such as poor vision that is correctable with eyeglasses
- Normal deviations in height, weight or strength
- Personality traits or behaviors
- Physical characteristics (eye and hair color, left-handedness)
- Pregnancy *See Below*
- Temporary conditions, such as a broken leg *See Below*

What is Reasonable Accommodation?
Reasonable accommodation is any change or adjustment to a job or work environment that enables an employee with a disability to perform the essential functions of a job. For example, reasonable accommodation may include:

a. Making existing facilities used by employees readily accessible to and usable by individuals with disabilities;

b. Job restructuring;

c. Part-time or modified work schedules;

d. Acquisition or modification of equipment or devices;

e. Appropriate adjustment or modifications of examinations, training materials or policies;

f. The provision of assistance by other personnel (e.g. qualified readers or interpreters);

g. Permitting the use of accrued paid leave or providing additional unpaid leave for necessary treatment.

h. Reassignment to a vacant position for which the employee is qualified, if the disabled person is unable to perform the original job. (Reassignment should only be considered when there are no possible accommodations that would allow the employee to perform the current position without creating an undue hardship on the employer.)
**Procedure for Requesting Accommodation**

As a general rule, the individual with a disability -- who has the most knowledge about the need for reasonable accommodation -- must inform the supervisor or the EEO Coordinator that an accommodation is needed. The employee

- may use "plain English"
- need not mention the ADA or use the phrase "reasonable accommodation"
- only has to request that the employer provide an adjustment or change at work due to a medical condition
- does not have to put the initial request in writing (although they are sometimes initiated when an employee provides a doctor’s note)
- may request accommodation in conversation or may use any other mode of communication

Once an employee requests an accommodation, the employee should be referred to the EEO Coordinator. The employee should also be directed to complete the ADA Request for Accommodation, Form 2160, and the Authorization for Release of Medical Information, Form 2161. [http://www.palmbeachschools.org/Forms/](http://www.palmbeachschools.org/Forms/). If the employee has questions or concerns regarding the forms, the employee should be referred to the District’s EEO Coordinator.

Although the general rule is that the employee should initiate the accommodation process, **you should initiate the reasonable accommodation process by contacting the EEO Coordinator without being asked if you:**

1. know that the employee has a disability,
2. know, or have reason to know, that the employee is experiencing workplace problems because of the disability, and
3. know, or have reason to know, that the disability prevents the employee from requesting a reasonable accommodation.

If the individual with a disability states that s/he does not need a reasonable accommodation, the employer will have fulfilled its obligation.

**Note:** No accommodation for a disability as defined in Policy 3.06 in accordance with the Americans with Disabilities Act (ADA) shall be provided without the approval of the ADA Coordinator.

**Exception: Deaf and Hard of Hearing (DHH) Interpreter Services**

In order to provide timely and appropriate interpreter services, requests for interpreter services are **processed differently** than all other requests for accommodations. Interpreter services are available upon timely request (more than 48 hours notice) and funded by the District; however, they are **processed by the District’s lead interpreter**. Please note: There are occasions when a provider is not available and rescheduling may have to take place. Furthermore, all PBSD 1320 requests for interpreter services with **less than 48 hours advanced notice** must be accompanied by an email to the lead interpreter with all information included.

**Employees:**

- Give DHH employees a point of contact in your department for interpreter service requests, i.e. a direct phone number or email.

- Give advance notice to employees of events to enable them to decide whether they are planning to attend and request accommodation.

- Complete a PBSD 1320 and fax to the District’s lead interpreter (745-3423 or PX 43423) with more than 48 hours notice. Instructions are available by calling the lead interpreter, at 745-3420 or PX 43420, or emailing Ali Blaylock at Blaylao@palmbeach.k12.fl.us.
• Interpreter service for regularly scheduled meetings required for all employees (staff, LTM, etc.) should be requested at the time the schedule is developed. Each meeting must be on a separate PBSD 1320.

• Performances, graduations, meetings, etc. will require preparation; therefore, relevant materials such as lyrics, CDs of music, speeches, and agendas must be forwarded to the lead interpreter for dissemination to assigned interpreters.

• Confirmation of interpreter services will be sent to the point of contact prior to the assignment.

• Complete and download a **PBSD 2172 for the interpreter to sign in and out**, recording the actual time the interpreter was on site (not the requested time). Fax the completed form to the lead interpreter at 745-3423 or PX 43423.

• Concerns regarding interpreter services should be directed to the lead interpreter.

**Family members of students/Adult students/General public:**

• Give family members/adult students a single point of contact for all interpreter requests, i.e. direct phone numbers and email. (This may be the principal's secretary, the ESE coordinator, or another employee that is available during the day to receive the information. Classroom teachers are generally not available.)

• Inform other staff who the point of contact person is.

• Remind teachers of students with deaf parents that advance notice of events is essential in order to give adequate time to the parents to decide on attendance and request accommodations from the school's point of contact.

• Interpreter services may be provided for PTO meetings, SAC meetings, parent-teacher conferences, performances, field trip chaperones, and anything else in which parents/members of the public have the opportunity to participate. Interpreter services may also be provided for adult students attending classes in the District.

• Performances, graduations, meetings, etc. will require preparation; therefore, relevant materials such as lyrics, CDs of music, speeches, and agendas, must be forwarded to the lead interpreter for dissemination to assigned interpreters.

• Complete a **PBSD 1320** and fax to the lead interpreter (745-3423 or PX 43423) with more than 48 hours notice. Instructions are available by calling the lead interpreter at 745-3420 or PX 43420, or emailing Ali Blaylock at Blayloa@palmbeach.k12.fl.us.

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