

POLICY	BOARD OF EDUCATION OF FREDERICK COUNTY, MARYLAND	
SUPPORT PERSONNEL DISCIPLINE POLICY		POLICY 323
323.1 Code of Conduct 323.2 Consequences 323.3 Administrative Leave with Pay		

323.1 Code of Conduct

- A. The Board of Education of Frederick County recognizes the dedication and commitment of support employees. This policy is adopted in order to assure satisfactory performance and conduct to meet the needs of the board in managing the school system. Support employees are expected to observe basic rules of good conduct. It is important to understand the code of acceptable conduct and the penalties for breaking that code. Examples of behaviors that are not acceptable for support employees are listed below. The list of examples is not exhaustive. Support employees may be disciplined or terminated for other actions and behaviors not on the list, which in the opinion of supervisory staff, are unacceptable. However, due process will be provided in the administration of the discipline policy.
- B. This policy applies to acts committed on or off school property, during or not during working hours, when such acts may impact the employee's employment. Criminal prosecution is not required for dismissal. Criminal proceedings may be relied upon when assessing wrongdoing, including the disposition and admissions, evidence, or findings of culpability.
- C. Examples of Behaviors
1. Unsatisfactory Work Performance
 - Tardiness
 - Leaving early (without permission)
 - Absenteeism
 - Failure to provide notice of or reason for absence
 - Failure to complete work on time
 - Neglect of duty
 - Inadequate or unsatisfactory job performance
 - Failure to fulfill assigned functions
 - Incompetence

Legal Reference	§4-102 Criminal Law Article, <i>Annotated Code of Maryland</i>		
	§4-101 Criminal Law Article, <i>Annotated Code of Maryland</i>		
	§4-104 Criminal Law Article, <i>Annotated Code of Maryland</i>		
	§4-109 Criminal Law Article, <i>Annotated Code of Maryland</i>		
	18 U.S Code §921		
Policy History		Adopted: 10/10/07	

2. Violations Against Persons
 - Assault
 - Battery
 - Weapon possession¹ on school property or during school business
 - Firearm possession² on school property or during school business
 - Fighting on school property or during school business
 - Verbal or physical abuse on school property or during school business
 - Harassment

3. Violations Against Property
 - Extortion
 - Theft
 - Defacing school property
 - Damaging, defacing, mishandling, or unauthorized removal of property or equipment
 - Assisting any person to gain unauthorized entrance onto school property
 - Unauthorized use of public school premises or property after working hours

4. Violations Against Public Decency and Good Morals
 - Discrimination on the basis of race, religion, color, national origin, age, marital status, disability, sexual orientation, gender identity or sex
 - Gambling
 - Vulgarity or profanity
 - Inappropriate conduct or communications to workers, students or other individuals
 - Contributing to the delinquency of a minor
 - Misconduct
 - Immorality

5. Violations Against Public Health and Safety
 - Possessing, manufacturing, distributing, dispensing or using a controlled substance, an illicit drug, or a nonauthorized prescription drug, look-alike drug or drug paraphernalia
 - Use, possession or being under the influence of alcohol during working hours
 - Use of tobacco products in violation of law or school system regulations
 - Violations of safety regulations or in anyway jeopardizing the health and safety of another employee or student
 - Arson
 - Possessing explosive devices
 - Failure to pass a required physical or drug test

6. Violations Against the Board of Education or its Policies and Procedures
 - Insubordination
 - Embezzlement
 - Forgery
 - Dishonesty
 - Falsifying records, reports or information
 - Misuse of funds
 - Distribution of confidential information to unauthorized persons
 - Failure to report suspected child abuse or neglect, accidents or injuries
 - Inappropriate employee attire

¹ Cross-reference FCPS Regulation 300-39 *Weapon Possession on School Property*.

² Cross-reference FCPS Regulation 300-39 *Weapon Possession on School Property*.

7. Violations While Operating a Board of Education Vehicle (Covering all Drivers of BOE Vehicles, County Bus Drivers and Contract Bus Drivers)
 - Reckless driving
 - Accumulation of points
 - Suspension, revocation or loss of license
 - Violation of motor vehicle laws
 - Accidents
 - Unauthorized or misuse of vehicle
 - Private use of Board of Education vehicle

8. Violations While Operating a Personal Vehicle
 - Accumulation of points
 - Suspension, revocation or loss of license
 - Accidents

323.2 Consequences

Immediate supervisors are primarily responsible for addressing the support employee's unacceptable performance or behavior; and, in consultation with the appropriate department director or human resources personnel, will determine the suitable consequence.

The following process is recommended:

<u>Discipline</u>	<u>Issued by</u>
Verbal Warning	Immediate supervisor
Reprimand	Immediate supervisor
Suspension without pay	Immediate supervisor with review and approval of the department director or senior manager-human resources for support staff
Termination	Immediate supervisor with review and approval of the department director or senior manager-human resources for support staff

The review and approval for suspension without pay or termination actions are to ensure appropriate investigation and due process is administered.

Note: When criminal charges are involved inclusive of child abuse, the supervisor of Security and Emergency Management will serve as the contact to retrieve necessary information from law enforcement and the Department of Social Services.

Below is a list of guidelines for progressive discipline; however, the Board reserves the right to deviate from the suggested guidelines and issue a more severe consequence when deemed appropriate.

- A. Unsatisfactory Work Performance
 1. Verbal warning
 2. Written reprimand
 3. Suspension without pay with a suggested written plan for improvement
 4. Termination

- B. Unacceptable Behaviors and Conduct
 - 1. Oral or written reprimand
 - 2. Written reprimand or suspension without pay
 - 3. Termination
- C. Unacceptable Operation of a Vehicle
 - 1. Support Employees Who Drive Board of Education Vehicles
 - a. A support employee will be suspended from driving a Board of Education vehicle for 1 year if they accumulate more than 3 points in a 12-month period or 6 points in a 24-month period or if his/her Maryland driving license is suspended, revoked, or terminated.
 - b. If driving a vehicle is part of the employee's job, the accumulation of points or the suspension, revocation, or loss of a Maryland driving license may result in termination.
 - 2. County and Contract Bus Drivers
 - a. The accumulation of 3 or more points within 1 year or having 2 preventable accidents involving appreciable damage or personal injury in any 24-month period will result in termination, unless the FCPS transportation manager can document good and sufficient reason.
 - b. School bus drivers will also be terminated for failing to pass a required drug or physical test or to comply with the drug testing law or policy.
- D. Except in extenuating circumstances, suspensions without pay or terminations will not be implemented without prior notice.
- E. Some actions by employees may result in immediate termination. The following list is cited by way of example: theft, battery, weapon or firearm possession, distribution or possession of drugs, embezzlement, immorality, and criminal offenses. This listing of examples does not preclude the appropriate school official from immediately terminating employees for other offenses when appropriate in the judgment of the school system.
- F. Annual Performance Evaluation

Support employees will be evaluated a minimum of once annually.

323.3 Administrative Leave With Pay

Occasionally, the nature of an allegation or the needs surrounding an investigation will require that the employee be placed on paid administrative leave or reassigned. Administrative leave may only be authorized by the department director or senior manager-human resources.

The decision to place an employee on administrative leave or reassign the employee depends on the particular circumstances. Factors to be considered include:

- Whether the allegations suggest that the employee may engage in conduct with students or staff which is inappropriate, intimidating, threatening, and may compromise the investigation.
- The seriousness of the alleged conduct.
- The weight of evidence that suggests the employee engaged in the conduct.
- The benefits of removing the employee from the workplace to prevent potential disruption or to assist the employee.
- The need to remove the employee from the workplace in order to conduct an investigation without compromise or preserve possible evidence.
- The need to remove the employee in order to prevent possible retaliatory acts.

In making this decision, it can be helpful to consider what the disciplinary consequences would be assuming the allegations are proven. For example, if a disciplinary consequence to an alleged incident would be to counsel with the employee or issue a letter of warning, it is typically unnecessary to place the employee on administrative leave.