

ARTICLE 14

CORRECTIVE ACTION

Reprimands

- 14.1 An employee may receive from an appropriate administrator an oral and/or written reprimand. Oral and written reprimands shall be considered corrective action.

As used in this Article, the term “written reprimand” shall refer to any written communication from an appropriate administrator to an employee that criticizes or otherwise comments negatively upon the persona/professional conduct and/or job performance of the employee if that written communication is placed in the personnel file. Performance evaluations or notices of performance expectations or rules and regulations do not constitute a reprimand.

- 14.2 An employee may request a conference with the administrator who issued the reprimand to discuss the reprimand. Such a request shall not be unreasonably denied. The employee may be represented at such a conference by another employee or a Union Representative. Upon the employee's request, there shall be a review of the written reprimand at the next level of supervision.

- 14.3 A written reprimand shall be placed in the official personnel file of the affected employee and shall be subject to Article 13, Personnel File. The employee shall be provided with a copy of a written reprimand.

- 14.4 An employee shall have the right to attach a rebuttal statement to a written reprimand in their official personnel file.

Paid Administrative Leave

- 14.5 The President may give paid administrative leave to an employee for reasons related to (a) the safety of persons or property; or (b) the prevention of the disruption of programs and/or operations, or (c) investigation for formal notice of disciplinary action.

- 14.6 The President shall notify the employee of the immediate effect of a temporary suspension. Such notice will inform the employee of what conduct is being investigated.
- 14.7 The President may terminate or extend paid administrative leave and shall so notify the employee. A temporary suspension shall automatically terminate upon service of formal notice of disciplinary action or thirty (30) days after its commencement, whichever occurs first, unless the temporary suspension is extended by the President.

Discipline

- 14.8 Sanctions imposed in a disciplinary action shall be limited to dismissal, demotion, or suspension without pay.

Notice of Discipline

- 14.9 A notice of disciplinary action shall be served on the employee by the appropriate administrator in person or by certified mail at the employee's last known address. Refer to Provision 9.5, "Respond and File" for determination of the date the employee is to use to calculate the timeline for appealing under the appropriate administrative procedure.

Skelly Review

- 14.10 A permanent employee shall have the right to a Skelly review, either orally or in writing, consistent with Skelly v. State Personnel Board and any subsequent decisions, prior to the imposition of formal disciplinary action under Education Code Section 89535 (suspension without pay, involuntary demotion, or dismissal). The employee may be represented at the hearing by a union representative or one person of the employee's choosing. The Skelly review right does not apply to "corrective action" or "informal discipline" unless attached to the notice of disciplinary action, nor does it apply to probationary employees rejected during probation.