

To Terminate or Not to Terminate? Discipline and Support Personnel

By Robert Safransky, Ph.D.



You're fired!" How many times has Donald Trump said those words on his television show, *The Apprentice*?

School business administrators and other education leaders do not have the luxury of simply uttering those words to employees whom they believe should no longer work for the district—especially in states with tenure and collective-bargaining agreements.

Rather, administrators must follow appropriate personnel procedures before recommending that a staff member be dismissed. The appropriate procedures for handling employee discipline cases ordinarily are found in the school board policy manual and union contracts, and it's well worth the time and effort for administrators to learn the policies, understand their application, and recognize the potentially expensive consequences of ignoring them.

Consider an incident in Florida that captured the local headlines. During his 20 years on the job in several schools, the head of plant operations at an elementary school in Pinellas County, Florida, had racked up almost 30 complaints in his personnel file for everything from excessive tardiness to lack of initiative. One teacher complained that it took the custodian a month to mount a pencil sharpener in her classroom; other school personnel alleged that the custodian's lack of supervisory skills compromised the cleanliness of the school.

Because all his write-ups were "conference summaries" and showed no progressively heavier penalties, a district policy known as "progressive discipline" dictated that he be demoted rather than fired. According to the *St. Petersburg Times* (Matus 2009), his file included 20 conference summaries, three "directive memos," two "cautions," and three "reprimands." Twelve of the

reports were filed between 1991 and 1999—when he worked at two other schools—but none were filed between January 18, 2005, and February 4, 2009.

The custodian alleged he was the victim of a “racially motivated principal.”

Progressive Discipline

At the June 16, 2009, school board meeting, the superintendent recommended that the school board dismiss the supporting services employee. However, the school board voted 6–1 for his demotion instead because the school district had not followed its own policy of progressive discipline in this case.

The school district generally follows a system of progressive discipline in dealing with deficiencies in employee work performance or conduct.

The school district policy on progressive discipline outlines the disciplinary guidelines for support personnel: The superintendent retains the right and the responsibility to manage the workforce. The school district generally follows a system of progressive discipline

in dealing with deficiencies in employee work performance or conduct. Progressive discipline may include, but is not limited to the following, as outlined in the district's 2010 policy manual (Section 4140):

1. Written counseling/conference summary. This is a written memorandum or letter detailing an area of concern that involves the performance or conduct of the employee. The first step in progressive discipline, it is intended to counsel and advise the employee of best practices.
2. Letter of caution. This letter is given to an employee who “has demonstrated problematic behavior or performance.” This second step alerts the employee that a problem was identified and needs to be corrected.
3. Reprimand. More serious than a caution, a written reprimand admonishes an employee who has behaved in an unacceptable way or whose performance is deemed unacceptable.
4. Suspension without pay. Suspension without pay is the temporary release from duty—without pay—for a specified number of days. It is applied when a “violation or repetition of violations of policies, contractual provisions, laws, or district expectations are serious enough to warrant suspension.”
5. Dismissal. This final step in progressive discipline applies when the employee misconduct is severe or in cases when the misconduct or unacceptable

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behavior or performance is repetitive and the progressive discipline procedures have not corrected the problems.

Tackling Termination

There are no simple solutions to complex personnel issues like this one, but the following actions may guide district administrators toward appropriate personnel decisions.

First, the superintendent should form a committee that includes principals and assistant principals, head plant operators, cafeteria managers, secretaries, maintenance foremen, bus drivers and supervisors, campus police, and union heads to discuss district policy on employee discipline. This committee will ensure that all employee groups and administrators are aware of the school board's mandate for the proper implementation of the district's employee discipline policy.

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Second, the school board, acting in conjunction with the superintendent, should direct the appropriate business and educational administrators to develop training materials on how to conduct a disciplinary conference and how the meeting should be recorded.

Third, all administrators should receive annual training in how to conduct an employee disciplinary conference. After the training session, they should be required

to pass a written test on the content of the training before they can conduct a disciplinary conference at their school or in their area of responsibility.

Other actions can help ensure that an employee discipline policy is implemented properly.

The personnel administrator should be informed in writing when any administrator conducts an employee disciplinary conference and should receive a report that outlines the results of the conference.

Before an employee's request for transfer to another school or department is approved, the employee's personnel file should be reviewed, and any past or pending disciplinary issues or actions should be reported to the prospective new administrator or department head.

The personnel department should develop a training program for all administrators on the proper procedures for observing a classroom teacher. Upon completion of the course, the administrators should be required to pass a test on how to conduct fair, accurate teacher observations.

Will these strategies solve all the problems involved in implementing appropriate progressive discipline policies? No, but they show that the education leaders are committed to treating employees fairly and consistently.

References

- Matus, R. 2009. Pinellas school custodian gets 29th chance to improve job performance. *St. Petersburg Times*, December 9.
School Board of Pinellas County. 2010. *Policy Manual*. Pinellas County, FL: School Board of Pinellas County.

Robert J. Safransky, Ph.D., is adjunct professor of school law and American government at Nova Southeastern University. E-mail: rjjs6296@tampabay.rr.com

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