

VII. EMPLOYEE DISCIPLINE

A. Performance/Discipline Framework

The following framework provides discipline options that may be taken when an employee violates employment policies or fails to adequately perform his/her duties. Progressive steps may be implemented in order to encourage improved performance or attitude but are not required. The District may take any of the following disciplinary actions, or any other action, in any order when a supervisor deems an action or performance of the employee to be serious enough to warrant a certain discipline.

B. Disciplinary Actions Available

1. The following actions are among the disciplinary actions that may be taken in response to personnel policy violations or performance deficiencies:

- a. Oral warning
- b. Written warning or reprimand
- c. Suspension without pay
- d. Demotion
- e. Dismissal

2. Conditions of maintaining employment that relate to particular performance/behavior issues may be established in conjunction with any of these actions.

C. Opportunity to be heard—Pre-Decision Hearing

1. All employees have the right to be heard in the event of contemplated demotion with a reduction in pay, suspension without pay or dismissal from employment related to job performance or conduct issues.

2. The opportunity to be heard is designed to be informal, allowing the employee to discuss the facts surrounding the proposed disciplinary action or performance-based personnel action and to provide any additional documentation that the employee believes would be helpful in explaining his/her actions, attitudes or behavior.

3. Failure by the employee to pursue this hearing procedure constitutes a waiver of this opportunity.

4. The following steps should be followed:

- a. The employee will be provided with a written notice of the reasons for the proposed personnel action, along with an explanation of the District's supporting information.

- b. The written notice will include a hearing date, time and place for the employee to be heard to discuss the proposed personnel action.
- c. The notice should state whether the employee is being placed on administrative leave pending the outcome of the opportunity to be heard, and whether any such suspension will be with or without pay.
- d. If the employee is unable to participate in the scheduled opportunity to be heard, he/she may request an alternate date. This request will only be granted once.
- e. The employee must notify the Director within two (2) business days of the date of the notice that he/she desires to be heard as scheduled. If notice of acceptance of the opportunity to be heard is not received within two business days, the opportunity to be heard will be vacated and deemed waived.
- f. As an alternative to a hearing, the employee may choose to provide a written response to the basis for the proposed personnel action. The employee must notify the Director within two (2) business days of the date of the notice that he/she intends to provide a written response. This written response must be submitted no later than the scheduled date and time initially set for the hearing.
- g. The hearing, if chosen, will be conducted by the Director and will last no longer than one hour. It will be limited to discussion of the issues contained in the notice and to any allegations by the employee of unlawful discrimination, harassment or retaliation in employment as provided for in the next section.
- h. The employee may have an attorney present and assist him/her at the employee's own expense. The employee must give the Director notice at least five (5) business days before the hearing if he/she intends to have an attorney present.
- i. The employee will be allowed to present testimony and/or written statements from witnesses about the issues contained in the notice.
- j. The Director may ask the employee questions.
- k. The Idaho Rules of Evidence do not apply to the opportunity to be heard.
- l. There will be a record maintained, including a tape recording of the discussion.
- m. The Director will render a written decision after considering the employee's responses, if any, to the allegations set out in the notice.

- n. Failure to participate in the opportunity to be heard constitutes a failure to exhaust administrative remedies under this policy, therefore the opportunity to be heard will be vacated and deemed waived.

D. Opportunity to be Heard— Post-Decision Hearing

1. All employees have the right to a post-decision hearing in the event the employee is demoted with a reduction in pay, suspended without pay, or dismissed from employment for reasons related to job performance or conduct issues.

2. Failure by the employee to pursue this hearing procedure constitutes a waiver of this opportunity.

3. The following steps should be followed:

- a. Within seven (7) calendar days of his/her termination, suspension without pay, or demotion with a reduction in pay, the employee must submit to the Board a written request for a post-decision hearing and state the basis for it.
- b. The employee and/or their representative must appear personally before the Board at the post-decision hearing. The employee may be represented by any person or attorney as he/she may select, at the employee's own expense, and may produce on his/her behalf relevant oral or documentary evidence. If the employee elects to be represented by an attorney, he/she must advise the District five (5) business days before the hearing.
- c. The Board will make a record of the hearing.
- d. The employee shall state his/her case first and, at the conclusion, opposition material by the District may then be presented.
- e. Rebuttal material, not repetitive, may then be presented by the employee.
- f. Cross examination of witnesses shall be permitted.
- g. The conduct and decorum of the hearing shall be under control of the Board, with due regard for the rights and privileges of the parties appearing before it.
- h. Hearings are conducted in private unless a public hearing is requested by the employee or District representative.
- i. The Board may exclude from the hearing, during the examination of a witness, any or all other witnesses in the matter being reviewed.

- j. The hearing need not be conducted according to technical rules relating to evidence and witnesses.
- k. Prior to the hearing the employee and/or the employee's representative and the District's representative will confer on witnesses to be called for the hearing and evidence to be presented.
- l. If the employee wishes to question his/her supervisor or other Library employees upon whose testimony the disciplinary decision relied, then the employee must notify the District ten (10) business days before the hearing.
- m. If the employee wishes to examine third-party witnesses, the employee will have to secure such persons' attendance at the hearing.
- n. The District will provide the employee all documentary evidence the disciplinary decision relied upon ten business days prior to the hearing.
- o. Within ten (10) calendar days after the hearing, the Library Board will render its decision in writing to the employee. The Board's decision will be final and binding.

E. Name-Clearing Hearing

1. In addition to the pre-decision opportunity to be heard and the post-decision hearing, a District employee who is terminated based upon allegations of dishonesty, immorality or criminal misconduct is constitutionally entitled to a post-decision name-clearing hearing when one is requested.
2. Failure by the employee to pursue this hearing procedure constitutes a waiver of this opportunity.
3. The name-clearing hearing is an opportunity to clear one's name and not to challenge the underlying termination decision. Allegations of dishonesty, immorality, or criminal misconduct are the only issues that will be heard in this procedure.
4. The procedure for the hearing is as follows:
 - a. Within seven (7) calendar days of his/her termination, the employee must submit to the Board a written request for a name-clearing hearing and state the basis for it.
 - b. A request for a hearing will be denied if the employee misses the deadline for submittal of the request or does not state a valid reason. An employee will be notified if a requested hearing is either granted or denied.

- c. The name-clearing hearing will be set for the next regular public meeting of the Board. The employee will be given 30 minutes to respond to the allegations of dishonesty, immorality, or criminal misconduct. The employee may present argument and/or documentary evidence at the hearing.
- d. A recording of the hearing will be made and maintained as part of the employee's personnel record.