

ADMINISTRATIVE PROCEDURE

SAN DIEGO UNIFIED SCHOOL DISTRICT

NO: 7767

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CATEGORY: **Personnel, Management/Supervisory Staff**

EFFECTIVE: **10-01-76**

SUBJECT: **Adverse Action Based on Performance or Conduct, Management/Supervisory/Confidential Employees**

REVISED: **6-27-03**

A. PURPOSE AND SCOPE

1. To outline district policies and procedures governing demotion, suspension, dismissal, and other adverse action based on performance or conduct of management, supervisory, and confidential employees.
2. **Related Procedures:**

Appeals procedure for management, supervisory, and confidential employees	7113
Adverse action resulting from reductions in funding or district programs, or administrative reorganization—management/supervisory/confidential employees	7765
Evaluation of classified staff	7520
Evaluation of management employees	7745
Recruitment, selection, promotion, and reassignment/transfer of management employees	7640
Selection and appointment of classified employees to confidential positions	7407

B. LEGAL AND POLICY BASIS

1. **Reference:** Board policy: C-3800, I-1200, I-1700, I-1800, I-6600, I-7150, I-7151, I-8500, I-8700, I-8750, J-8500; Education Code Sections 7002-7007, 22724, 44660-44665, 44892, 44896, 44907, 44922-44923, 44932-44961; Employment Regulations for the Classified Service of the San Diego Unified School District.

C. GENERAL

1. **Originating Office.** Suggestions or questions concerning this procedure should be directed to the Human Resources Division, Office of the Superintendent.
2. **Definitions**
 - a. **Management employee:** An employee designated by the Board of Education as having significant responsibilities for formulating district policies or administering district programs.

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- b. **Certificated management employee:** A management employee assigned to a position requiring certification qualifications.
 - c. **Classified management employee:** A management employee assigned to a position not requiring certification qualifications.
 - d. **Supervisory employee:** An employee designated by the Board of Education as having authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees; or responsibility to assign work to and direct them; or to adjust their grievances; or effectively to recommend such action if, in connection with the foregoing functions, exercise of such authority is not of a merely routine or clerical nature but requires use of independent judgment.
 - e. **Confidential employee:** An employee in a position designated by the Board of Education as a position assisting and acting in a confidential capacity to persons who formulate, determine, and effectuate management policies in the field of labor relations.
 - f. **Assignment:** A personnel action consummated by a Board of Education-approved "Personnel Action Form," which assigns an individual to a specific budget code location, salary grade classification, percent of time (workday or workweek), and work year.
 - g. **Demotion:** An involuntary change of assignment, based on employee performance, to a position at a lower salary grade.
 - h. **Suspension:** An action taken to relieve an employee of his/her duties and responsibilities, on a temporary basis, in accordance with provisions of state law or the Employment Regulations for the Classified Service of the San Diego Unified School District.
 - i. **Dismissal:** An action terminating an employee's employment relationship with the district, in accordance with provisions of state law or the Employment Regulations for the Classified Service of the San Diego Unified School District.
3. **General Policies.** All management, supervisory, and confidential employees are entitled to these continuing elements of due process:
- a. Provision of a specific and complete written description of professional duties and responsibilities expected to be fulfilled.

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- b. Provision of a full and impartial evaluation of professional performance on a regular and continuing basis.
- c. Provision of constructive counseling on a regular and continuing basis to upgrade performance.

4. **Policies for Certificated Management Employees**

a. **Demotion**

- (1) A certificated management employee may be demoted only if the employee's most recent performance evaluation was "less than effective," or if there is documentation verifying that employee, in terms of the full scope of the evaluation and supervision process, failed to comply with district requirements with regard to:
 - (a) Competency, determined in accordance with Education Code Sections 44660–44665.
 - (b) Duties and responsibilities of the particular position.
 - (c) Work rules common to all positions similarly situated.
 - (d) District regulations and procedures.
 - (e) Work methods common to the position class.
 - (f) Accomplishment of assigned organizational objectives.
 - (g) Commonly acceptable behavior for an employee in the job field.
- (2) Prior to implementation, the proposed demotion shall be reviewed and approved by the supervisor of the management employee initiating the demotion.
- (3) The certificated management employee whose demotion is proposed shall be entitled to the following elements of due process:
 - (a) Furnishing of reason(s) for proposed demotion, upon request.
 - (b) Provision of a fair and private conference, upon request.

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- (c) Right to be represented by the Administrators Association or other counsel.
 - (d) Right to appeal the proposed demotion in accordance with Procedure 7113.
 - b. **Suspension:** Refer to Education Code Sections 7002–7007, 44939–44942, 44946.
 - c. **Dismissal:** Refer to Education Code Sections 7002–7007, 44892, 44907, 44923, 44932–44961.
- 5. Nothing in this procedure shall entitle a certificated management employee, who receives notification of reassignment to a classroom teaching or other nonmanagement certificated position, pursuant to Education Code Section 44896, to avail him/herself of due process procedures as set forth in Section C.3 of this procedure or Procedure 7113. Such employee shall be entitled only to request a written statement of reasons from the chief human resources officer pursuant to Education Code Section 44896.
- 6. **Policies for Classified Management and Supervisory Employees:** For suspension, demotion, and dismissal, refer to the Employment Regulations for the Classified Service of the San Diego Unified School District.

D. IMPLEMENTATION

- 1. **Certificated Management Employees**
 - a. **Demotion**
 - (1) Continuing elements of due process in C.3. must have been provided prior to consideration of demotion of a certificated management employee.
 - (2) Whenever demotion of a certificated management employee is being considered, proposed action first shall be reviewed and approved by supervisor of individual initiating demotion.
 - (3) Employee then shall be advised of proposed action by his/her supervisor and, upon request, shall be furnished with reason(s) for action.

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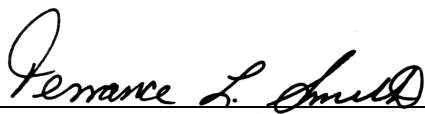
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- (4) Prior to formal action by the Board of Education and with the consent of the employee, the executive director and president of the Administrators Association San Diego shall be consulted concerning the proposed action.
 - (5) Prior to formal action by the Board of Education on proposed demotion, employee shall be provided with an opportunity for a private conference with appropriate division or department head, upon request.
 - (6) Appeals from the conference provided by D.1.a.(4) may be instituted in accordance with Procedure 7113.
- b. **Suspension:** Refer to C.4.b. of this procedure.
 - c. **Dismissal:** Refer to C.4.c. of this procedure.
2. **Classified Management and Supervisory Employees:** For suspensions, demotions, and dismissals, refer to the Employment Regulations for the Classified Service of the San Diego Unified School District.

E. FORMS AND AUXILIARY REFERENCES

F. REPORTS AND RECORDS

G. APPROVED BY



Chief of Staff, Terrance L. Smith
For the Superintendent of Public Education