

Discipline, Suspension and Dismissal of Support Staff

Support staff employees, unless otherwise designated by notice of assignment, shall be considered "at will" employees who serve at the pleasure of the Board and shall have only those employment rights expressly established by Board policy. Support staff members shall be employed for such time as the district is in need of or desirous of the services of such employees.

The Board delegates to the superintendent the authority to dismiss classified personnel. The superintendent may delegate this authority to other appropriate personnel such as the director of personnel. All dismissals of classified employees shall be reported to the Board at its next regular meeting.

The superintendent also may suspend employees from their assignments as a disciplinary measure, with or without pay.

If an employee is dismissed or resigns as a result of an allegation of unlawful behavior involving a child, including unlawful sexual behavior, which is supported by a preponderance of evidence, the superintendent is delegated the responsibility for immediately notifying the Colorado Department of Education (CDE) and for providing any information requested by the department concerning the circumstances of the dismissal or resignation. The district also shall notify the employee that information concerning the dismissal or resignation is being forwarded to CDE unless such notice would conflict with the confidentiality requirements of the Child Protection Act.

If the district learns that a current employee has been convicted of, pled nolo contendere to, or received a deferred sentence or deferred prosecution for any felony or misdemeanor crime involving unlawful sexual behavior or unlawful behavior involving children, the superintendent shall immediately report this information to CDE.

The district shall not obtain consumer credit reports on a current employee unless the district is evaluating the employee for promotion, reassignment or retention. In all cases where credit reports are obtained and/or relied upon for purposes of reassigning, terminating or denying the promotion of an employee, the district shall comply with the Fair Credit Reporting Act.

Adopted: July 10, 1990

Revised: September 14, 1993

Revised: May 24, 1994

Revised: October 12, 1999

Revised: December 14, 1999

Revised: July 11, 2000

Revised: October 12, 2010

LEGAL REFS.: C.R.S. 19-3-301 *et seq.* (*Child Protection Act of 1987*)
C.R.S. 22-2-119 (*duty to make inquiries prior to hiring*)
C.R.S. 22-32-109.7 (*specific duties regarding hiring inquiries and reporting*)
C.R.S. 22-32-110 (1)(h) (*power to discharge/terminate employment*)
C.R.S. 22-32-126 (3) (*principals recommend employment actions*)
15 U.S.C. 1681 *et seq.* (*Fair Credit Reporting Act*)

CROSS REF.: GD, Support/Classified Staff

Swink School District #33, Swink, Colorado