

PERSONNEL: Classified

TERMINATION FROM EMPLOYMENT [Separation ,Voluntary and Involuntary]

I. PURPOSE

- A. IT IS THE GOAL OF BALTIMORE COUNTY PUBLIC SCHOOLS (BCPS) TO TERMINATE THE EMPLOYMENT OF CLASSIFIED EMPLOYEES AS APPROPRIATE AND NECESSARY AND IN CONFORMANCE WITH ALL APPLICABLE LAWS AND REGULATIONS. THIS RULE PROVIDES GUIDELINES REGARDING TERMINATION OF EMPLOYMENT FROM BCPS.
- B. THIS RULE APPLIES TO ALL CLASSIFIED EMPLOYEES.

II. DEFINITIONS

- A. *CLASSIFIED EMPLOYEE* - AN EMPLOYEE WHO PERFORMS DUTIES THAT ARE TYPICAL OF THOSE DESIGNATED AS NON-EXEMPT UNDER THE PROVISIONS OF THE FAIR LABOR STANDARDS ACT.
- B. *TERMINATION* – THE ACT OF SEVERING THE EMPLOYMENT OF AN EMPLOYEE
- C. *VOLUNTARY TERMINATION* – IS A VOLUNTARY DECISION MADE BY AN EMPLOYEE TO RESIGN HIS/HER EMPLOYMENT.
- D. *INVOLUNTARY TERMINATION* – IS A DECISION BY BCPS TO TERMINATE THE EMPLOYMENT OF AN EMPLOYEE.

II. GUIDELINES

- A. Voluntary TERMINATION [- Any employee intending to resign is expected to give adequate notice to the appropriate supervisor]
 - 1. [a.] Resignation [-Should an employee give adequate written notice the file shall be noted “resigned.”]
 - a. RESIGNATION IS A VOLUNTARY TERMINATION FROM EMPLOYMENT WITH APPROPRIATE NOTICE ON THE PART OF THE EMPLOYEE.
 - b. EMPLOYEES WHO GIVE THEIR IMMEDIATE SUPERVISOR AT LEAST TWO WEEKS’ NOTICE OF THEIR RESIGNATION SHALL HAVE THEIR FILES NOTED AS “RESIGNED.”
 - 2. [b.] Quit, Insufficient Notice

- a. AN EMPLOYEE WHO FAILS TO GIVE AT LEAST TWO WEEKS' NOTICE OF HIS/HER RESIGNATION OR LEAVES THE JOB INDICATING AN INTENTION NOT TO RETURN TO WORK SHALL HAVE THEIR FILES NOTED AS "QUIT, INSUFFICIENT NOTICE" UNLESS APPROVAL FOR A SHORTER PERIOD IS APPROVED BY HUMAN RESOURCES

[–Should the employee fail to give two (2) weeks' notice, and should the immediate supervisor not see fit to approve a short period, the employee's file shall be noted "quit, insufficient notice."]

3. [c.] Quit, Without Notice

- a. AN EMPLOYEE WHO IS ABSENT FROM WORK IS REQUIRED TO NOTIFY HIS/HER SUPERVISOR ABOUT THE ABSENCE BY THE START OF HIS/HER REGULAR WORK SCHEDULE.

- b. AN EMPLOYEE WHO IS ABSENT FOR THREE (3) CONSECUTIVE WORK DAYS WITHOUT NOTICE IS DEEMED TO HAVE QUIT WITHOUT NOTICE, SHALL BE TERMINATED FROM EMPLOYMENT, AND HIS/HER FILE SHALL BE NOTED AS "QUIT WITHOUT NOTICE."

- c. THE ASSISTANT SUPERINTENDENT, HUMAN RESOURCES SHALL HAVE THE AUTHORITY TO REINSTATE SUCH AN EMPLOYEE WHEN WARRANTED.

[–Should an employee be absent from work for three (3) consecutive workdays without notifying the appropriate supervisor as to the reason for the absence, he/she shall be considered as having "quit without notice" and the file so noted. The Director of Personnel shall have the authority to reinstate such an employee if he/she feels circumstances were such as to make it impossible for the employee to notify the supervisor.]

B. [2.] Involuntary TERMINATION

1. [a.] Termination DURING PROBATION

- a. AN EMPLOYEE MAY BE SEPARATED FROM EMPLOYMENT DURING THE PROBATIONARY PERIOD DUE TO UNACCEPTABLE PERFORMANCE OR

MISCONDUCT AND THEIR FILES SHALL BE NOTED AS "TERMINATION."

[(1) Any employee, while in the probationary period, who fails to meet the minimum standards expected of similar employees, or who fails to demonstrate a capacity to progress in an acceptable manner, shall, with the approval of the appropriate division head, be separated and the file noted "termination." Where practical to do so, the employee shall be given two (2) weeks notice. Probationary employees shall not have the right of appeal where separation is an issue.]

2. TERMINATION FOR CAUSE

a. UNSATISFACTORY JOB PERFORMANCE

(1) EMPLOYEES WHO HAVE COMPLETED THE PROBATIONARY PERIOD, BUT WHO FAIL TO MAINTAIN ACCEPTABLE PERFORMANCE STANDARDS SHALL BE NOTIFIED IN WRITING OF THE DEFICIENCY.

(2) IF AN EMPLOYEE FAILS TO CORRECT DEFICIENCIES NOTED IN THE PREFORMANCE OF HIS/HER JOB, THE EMPLOYEE MAY BE TERMINATED, AND THE FILES SHALL BE NOTED "TERMINATION."

[(2) Permanent employees who have completed their probationary period, but who have failed to maintain acceptable standards, shall be notified in writing of the deficiency, which if not corrected, might result in their termination. Continuation of the unsatisfactory condition, or a recurrence of same could, with the approval of the appropriate division head, result in the employee's separation and the file noted to read "termination."]

b. ESSENTIAL FUNCTIONS

(1) EMPLOYEES WHO ARE NOT ABLE TO SAFELY AND EFFECTIVELY PERFORM THE ESSENTIAL FUNCTIONS OF THEIR POSITION WITH OR WITHOUT ACCOMODATIONS AND WHO HAVE NOT OBTAINED ANOTHER POSITION WITHIN BCPS SHALL BE TERMINATED FROM EMPLOYMENT. THEIR FILES SHALL BE NOTED "TERMINATION."

- (2) SUCH EMPLOYEES SHALL HAVE THE OPTION OF RESIGNING OR APPLYING FOR REGULAR OR DISABILITY RETIREMENT OR VOLUNTARY LONG-TERM DISABILITY (LTD), IF APPLICABLE, PRIOR TO TERMINATION.

[(3) Any employee who has some permanent or chronic physical or mental ailment or defect that incapacitates him/her from the proper performance of his/her duty, or which represents a hazard to him/herself and or coworkers, shall be subject to separation, the file to read "termination-medical." In such cases, however, every effort will be made to locate alternate employment for the displaced worker.]

c. MISCONDUCT [b. Discharge]

- (1) EMPLOYEES ALLEGED TO HAVE ENGAGED IN BEHAVIOR THAT CONSTITUTES MISCONDUCT SHALL BE IMMEDIATELY SUSPENDED OR PLACED ON ADMINISTRATIVE LEAVE BY THE APPROPRIATE ADMINISTRATOR, OR PENDING THE INVESTIGATION OF THE CHARGES.
- (2) TERMINATION MAY BE IMMEDIATE FOR GROSS MISCONDUCT
- (3) GROSS MISCONDUCT MAY INCLUDE, BUT IS NOT LIMITED TO, THE FOLLOWING:
 - i. THE USE, POSSESSION, SALE, AND/OR BEING UNDER THE INFLUENCE OF ILLEGAL DRUGS, ALCOHOL, OR PRESCRIPTION MEDICATION WITHOUT A PRESCRIPTION WHILE AT WORK, WHILE ON BOARD OF EDUCATION OF BALIMORE COUNTY (BOARD)-OWNED OR LEASED PROPERTY, OR WHILE ON BOARD BUSINESS;
 - ii. DISORDERLY CONDUCT WHILE ON DUTY TO INCLUDE CREATING A DISTURBANCE, FIGHTING, THREATENING, AND/OR ATTEMPTING TO INFLICT BODILY HARM ON ANOTHER PERSON;
 - iii. THEFT AND/OR MISUSE OF BOARD FUNDS OR BOARD PROPERTY;

- iv. WILLFULLY DESTROYING OR DEFACING BOARD PROPERTY;
- v. FALSIFICATION OF RECORDS, INCLUDING EMPLOYMENT APPLICATIONS;
- vi. PLEADS GUILTY OR NOLO CONTENDERE WITH RESPECT TO, RECEIVES PROBATION BEFORE JUDGMENT WITH RESPECT TO, OR IS CONVICTED OF A SERIOUS CRIME, INCLUDING THOSE INVOLVING MORAL TURPITUDE.

[(1) Gross misconduct on the part of an employee shall result in immediate suspension by the appropriate administrator or supervisory personnel. Such suspensions shall be valid until such time as the appropriate division head can investigate the facts pertaining to the suspension, and based upon the findings, discharge or reinstate the alleged offender. Normally, this should take no longer than five (5) workdays. When practical, the conditions contributing to the suspension should be brought to the attention of the appropriate division head before notifying the employee. A decision to discharge an employee following a suspension and investigation of the charges can be made only by a division head, and such action shall be recorded in the file as “discharged.” Examples of gross misconduct are:

- a. Being under the influence of or possessing intoxicants or narcotics during working hours.
- b. Stealing, willfully destroying, or defacing Board of Education property.
- c. Being convicted of a criminal offense of a serious nature.
- d. Fighting or creating a disturbance.
- e. Falsifying records.

Should the allegations pertaining to the employee’s suspension prove to be unfounded, the employee shall be

reinstated with back pay for time lost. Should the suspension result in termination, however, the termination date shall be consistent with the last day worked.]

IV. ADMINISTRATIVE LEAVE OR SUSPENSION

A. ADMINISTRATIVE LEAVE

1. THE ADMINISTRATOR WHO INVESTIGATES EMPLOYEE MISCONDUCT MAY CONSIDER WHETHER REMOVING THE EMPLOYEE FROM THE WORK ENVIRONMENT BY IMPLEMENTING ADMINISTRATIVE LEAVE IS ADVISABLE IN ORDER TO INVESTIGATE THE ALLEGATION OF MISCONDUCT. THE ADMINISTRATOR MAY IMPLEMENT ADMINISTRATIVE LEAVE WITH PAY.

B. SUSPENSION

1. AN ADMINISATRATOR MAY IMMEDIATELY SUSPEND AN EMPLOYEE, WITHOUT PAY, FOR PERFORMANCE PROBLEMS THAT HAVE NOT BEEN SATISFACTORILY CORRECTED THROUGH THE USE OF ORAL OR WRITTEN REPRIMANDS OR FOR MISCONDUCT OR SERIOUS VIOLATIONS OF POLICY OR PROCEDURES.

V. DUE PROCESS [(2) Employee Recourse]

EMPLOYEES WHO MAY BE SUBJECT TO DISCIPLINARY ACTION SHALL BE AFFORDED DUE PROCESS. THE EMPLOYEE SHALL HAVE THE RIGHT TO CHALLENGE THE ACTION IN ACCORDANCE WITH BOARD THE PROCEDURES OUTLINED IN THE APPLICABLE MASTER AGREEMENTS. [Should the employee feel that the separation has been effected without just cause, he/she shall have the right to challenge the separation as a grievance, and the matter shall be handled in accordance with the appropriate procedure.]

[(3) Discipline

Disciplinary action or measures shall consist of: oral reprimand, written reprimand, suspension, and discharge. Where possible progressive discipline is to be utilized; however, where the offense is deemed to be of gross enough nature, preceding steps may be waived. Where a reprimand is in order, it should be accomplished in

a manner that will not embarrass the employee before other employees or the public.

Also see Master Agreement between Council 67/Local 434 of AFSCME< AFL-CIO and the Board of Education]

LEGAL REFERENCES: *ANNOTATED CODE OF MARYLAND, EDUCATION ARTICLE §4-205, POWERS AND DUTIES OF COUNTY SUPERINTENDENT.*

RELATED POLICIES: BOARD OF EDUCATION POLICY 4001, *DRUG-FREE WORKPLACE*
BOARD OF EDUCATION POLICY 4002, *PRECEPTS, BELIEFS AND VALUES OF THE BALTIMORE COUNTY PUBLIC SCHOOLS*
BOARD OF EDUCATION POLICY 4008, *OBLIGATIONS OF THE EMPLOYEES OF THE BOARD OF EDUCATION OF BALTIMORE COUNTY*
BOARD OF EDUCATION POLICY 4011, *MEDICAL EVALUATIONS*
BOARD OF EDUCATION POLICY 4115, *EMPLOYEE CONDUCT AND RESPONSIBILITIES*
BOARD OF EDUCATION POLICY 4300, *EVALUATIONS*
BOARD OF EDUCATION POLICY 8339, *APPEAL BEFORE HEARING EXAMINER*
BOARD OF EDUCATION POLICY 8340, *APPEAL BEFORE THE BOARD OF EDUCATION*
BOARD OF EDUCATION POLICY 8410, *FRAUD REPORTING*

Rule

Superintendent of Schools

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