

Disciplinary Action and Discharge

Staff who fail to fulfill their job responsibilities or follow the reasonable directions of their administrators or who conduct themselves on or off the job in ways that affect their effectiveness on the job may be subject to disciplinary action or discharge. Behavior, conduct, or action which provides sufficient cause may warrant disciplinary action or discharge. Such behavior, conduct, or action may include, but is not limited to:

1. Incompetence.
2. Inefficiency.
3. Misappropriation or misuse of ESD 123 property.
4. Neglect of duty.
5. Insubordination.
6. Conviction/guilty plea of any crime which adversely affects the employee's ability to perform a job including any felony crime involving:
 - A. The physical neglect of a child.
 - B. The physical injury or death of a child.
 - C. Sexual exploitation of a child.
 - D. Sexual offenses.
 - E. Promotion of a minor for prostitution purposes.
 - F. The sale or purchase of a minor child.[employees are required to report in writing to the Superintendent any conviction or guilty plea of the above-referenced crimes (and of any other crimes that are workplace-related) within five (5) days of conviction or guilty plea].
7. Malfeasance.
8. Misconduct.
9. Inability to perform job functions.
10. Willful violation of ESD 123 policies and procedures or laws and regulations.
11. Mistreatment, abuse, or assault of fellow workers, students, or members of the public.
12. Conflict of interest.
13. Abuse of leave.
14. Sexual harassment, verbal abuse, physical abuse, or sexual misconduct.
15. Manufacture, possession, distribution, sale, or being under the influence of alcohol or controlled, illegal, addictive, or harmful substances including anabolic steroids.
16. Conduct (whether on the job or off the job) that has a substantial negative impact on performance.
17. Mental or physical inability to perform the essential job duties.
18. Intemperance that negatively impacts performance.
19. Intentional discrimination.
20. Vulgar speech or actions.
21. Use of habit-forming drugs without pharmaceutical prescription by a doctor of medicine licensed to practice in the state of Washington.
22. Use of alcoholic beverages on ESD 123 premises or at an ESD 123 sponsored activity off ESD 123 premises.
23. Use of ESD 123 supplies and equipment for personal betterment or financial gain or other improper purposes.

In the event that allegations or charges are made against a staff member for misconduct with minors, the Superintendent may contact the Child Protective Services central registry for evidence regarding whether the staff member is an adjudicated or admitted perpetrator of child abuse or neglect. Appropriate reports

will also be made to law enforcement, the Office of the Superintendent of Public Instruction, and the student's parents or guardians, as required by law.

Abuse and Sexual Misconduct

ESD 123 will not enter into any contract that is contrary to law to suppress information about verbal or physical abuse or sexual misconduct by a present or former employee and will comply with all legal requirements regarding such misconduct.

Suspension of Staff

The Superintendent or designee is authorized to suspend a staff member immediately as deemed appropriate.

First Reading: 11/16/2021

Second Reading: 12/16/21

Adoption: 12/16/21

Reference:

[RCW 28A.310.180 ESD board—Compliance with rules and regulations—Depository and distribution center—Cooperative service programs, joint purchasing programs, and direct student service programs including pupil transportation.](#)

[RCW 28A.310.200 ESD board—Powers and duties—Rules.](#)

[RCW 28A.310.220 ESD board—Delegation of powers and duties to superintendent.](#)

[RCW 28A.310.250 Certificated employees of district—Contracts of employment—Nonrenewal of contracts—Notice.](#)

[RCW 28A.310.260 Certificated employees of district—Adverse change in contract status—Notice—Probable cause—Review—Appeal.](#)

[RCW 28A.400.320 Crimes against children—Mandatory termination of classified employees—Appeal—Recovery of salary or compensation by district.](#)

[RCW 28A.400.340 Notice of discharge to contain notice of right to appeal if available.](#)

[RCW 28A.405.300 Adverse change in contract status of certificated employee—Determination of probable cause—Notice—Opportunity for hearing.](#)

[RCW 28A.405.310 Adverse change in contract status of certificated employee, including nonrenewal of contract—Hearings—Procedure.](#)

[RCW 28A.405.470 Crimes against children—Mandatory termination of certificated employees—Appeal—Recovery of salary or compensation by district.](#)

[RCW 28A.410.090 Revocation or suspension of certificate or permit to teach—Reprimand—Criminal basis—Complaints—Investigation—Process.](#)

[RCW 49.44.200 Personal social networking accounts—Restrictions on employer access—Definitions.](#)

[WAC 181-86 Professional certification—Policies and procedures for administration of certification proceedings](#)

[WAC 181-87 Professional certification—Acts of unprofessional conduct](#)

WAC 180-44-060

WAC 180-75-043

Cross Reference:

[Policy 5240 - Staff Evaluation](#)

[Policy 5280 - Separation from Employment](#)