



Supervising
Classified
Employees

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1. Collective Bargaining Agreements, Just Cause, and Due Process

- What does your contract require regarding evaluation of employees?
- Look at when and how often employees must be evaluated;
- Is a Plan of Assistance required before certain actions may be taken?
- Does your contract contain a just cause standard; Does it spell out the procedure of standard for due process, discipline or dismissal?
- What does your contract require concerning maintenance of personnel files and what may be placed in them?
- What is your district's practice with respect to severity of discipline for similar offenses?

Just Cause

- The generally accepted standard for determining the appropriateness of discipline is commonly referred to as “just cause.” Though there is no statutory definition for “just cause,” many collective bargaining agreements provide their own accepted definition, or in the absence of such language, the definition can be culled from volumes of labor arbitrations. The key factors to consider are as follows:
 - Notice of the rule or standard;
 - Notice of the consequences associated with violating that rule;
 - Reasonableness of the rule or standard itself;
 - Was there a fair and thorough investigation of the alleged misconduct;
 - Sufficiency of proof of the violation;
 - Employer consistency in application of its policies and rules;
 - Is the punishment reasonably related to the offense.

Due Process

- Finally, many collective bargaining agreements speak directly to the type of process that must be afforded classified employees prior to discipline or termination.
- At a minimum, classified employees are entitled to notice of the allegations, notice of the sanctions being considered, and an informal opportunity to refute or address the allegations before a determination is made. If the employee is terminated, Oregon law requires a Board hearing if requested by the employee. See ORS 332.544.

2. Documentation and Communication

- Policies, handbooks, collective bargaining agreements
- Follow up verbal corrections or reminders with written confirmation
- Written Warnings, Letters of Reprimand, Plans of Assistance
- Documenting your investigation into misconduct

3. Attendance

- Gather the facts
- Policy for Reporting Absences/Tardies
- Put in writing your expectations
- Early intervention – Ask Questions
- Document – both expectations and performance
 - Use of sign in sheets

4. Theft

- Prevention
 - Background Checks and References
 - Inventory Control
 - Ethics Policies
- Supervision
 - Audit your resources
 - Make it difficult to steal
- Watch for: Theft of Time
- Consequences

5. Productivity

- Is the workload reasonable?
- How do you document employee productivity?
- Impacts from health or fitness problems.

6. Quality of Work

- How do you document or gather data?
- Addressing lack of initiative

7. FMLA/OFLA, ADA and work related injury issues

- Spotting the Issue:
 - Attendance
 - Decline in productivity or quality of work
 - Following a work related injury
- Importance of Process
 - Identifying FMLA/OFLA leave
 - ADA Interactive Process

FMLA/OFLA, ADA and work related injury issues Con't.

- Discipline in the face of ADA, FMLA/OFLA
 - Districts cannot consider absences covered by OFLA/FMLA
 - Leave beyond that protected by OFLA/FMLA may be a reasonable accommodation.
 - Districts are entitled to enforce performance and attendance standards
- Fitness for Duty or Medical Evaluations

8. Wage and Hour Issues

- Overtime and Compensatory Time
 - Written expectations
 - Approval Process
 - Audit
- Meal and Rest Breaks
 - Audit your practices
 - Clear expectations and training of managers

9. Professionalism

- Monitor climate in the workplace
- Address conduct before it ripens into a complaint
- Professional development for classified supervisors
- Understand your policies regarding Harassment complaints
- Document investigations, trainings, and expectations

10. Creating Value

- Offer training and professional development
- Include classified employees at District wide inservices and meetings
- Labor-Management committees