



Neat and Tidy

June 2015

What we will cover

This training will also provide administrators with tools to address and document performance and/or behavioral issues among staff, including knowing when to call ER for assistance.

Probationary Employees

- SRP 60 work days
- NNB 97 work days
- Instructional first year of employment
 - Factors to consider:
 - Break in service
 - Previous employment in the district
 - Hired at the end of the year and starts the next school year

Instructional Probationary Period

- What do you do if you are observing serious performance problems?
 - Monitor the performance of your new hires carefully, especially those hired closer to the end of the school year.
 - If you have ongoing questions or concerns about the behavior or performance of any employee in his/her probationary period, please contact Employee Relations for assistance as soon as the need is identified.

Non-reappointment

- Any employee on an annual contract can be non-reappointed. It is imperative that the mandated notification timelines are met, but can be done minimal documentation.
 - Deadlines:
 - Teachers – April 1st
 - NNB

Non reappointment

- When should I consider this process/option?
- What are the requirements
- What is the process....

Two types of problems

Work/Job Performance

- An employee will assume their performance is considered to be satisfactory unless notified otherwise.
- Regular monitoring and communication with the employee is essential.

Behavioral Problems

- Immediate steps should be taken to identify and correct inappropriate behavior.
- Regular monitoring and communication with the employee is essential.

What is Just Cause...

- For most instructional employees, dismissal during the term of the contract can only be for just cause.
- Just cause includes, but is not limited to, the following instances, as defined by rule of the State Board of Education:
 - immorality,
 - misconduct in office,
 - incompetency,
 - gross insubordination,
 - willful neglect of duty, or being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any crime involving moral turpitude.

What is Just Cause....

- Or because of an instructional employee's evaluation
 - two consecutive annual performance evaluation ratings of unsatisfactory
 - two annual performance evaluation ratings of unsatisfactory within a 3-year period
 - three consecutive annual performance evaluation ratings of needs improvement or a combination of needs improvement and unsatisfactory

What is Just Cause....

- Real example
 - Board was justified in terminating a teacher who had a pattern of excessive absences for gross insubordination and repeatedly failed to submit lesson plans in advance so they would be available for substitutes.
 - This teacher had previously been directed to: be in regular attendance and on time, communicate intent to be absent directly to the Principal, and submit lesson plans to the Principal per school policy.
 - This teacher had also been advised that further excessive absences will result in disciplinary action, including dismissal.

Dolega v. School Bd. of Miami-Dade County, 840 So.2d 445 (3d Dist. 2003)

What is Just Cause....

- Real example
 - Board was justified in terminating a teacher who obtained academic credits for a course without doing any work when he used these credits to obtain his teacher certification.
 - *Mitchell v. School Bd. of Miami-Dade County*, 972 So. 2d 900 (3d Dist. 2007)

Call Employee Relations: We want to help you

- Student safety
- Excessive parent complaints
- Insubordination
- Communication/interactions with others, including students
- Student boundary issues
- Leaving campus without permission
- Smoking on a non-smoking campus
- Inappropriate pranks or jokes
- Engaging in social media that is disruptive to the workplace (be aware of protected activity)
- Timesheet fraud
- Breaching student confidentiality
- Improper use of school network
- Anything else you are concerned about

Call Employee Relations

- First observation score of Needs Improvement
- First summative evaluation of Needs Improvement or Unsatisfactory
- Any subsequent observation or summative evaluation of Needs Improvement or Unsatisfactory

Focus on the issue

At the onset of the concerns...

- Sit down and clearly define the problem for yourself
- Meet with the employee and explain the concerns ASAP
- Follow-up with documentation in a timely manner

Focus on the issue

Should the same concerns continue...

- Contact Employee Relations for advice if needed
- Meet with the employee, discuss the concern, what needs to be done to improve, and the past discussions on the issue
- Depending on the severity of the problem, anything from an informal letter up to and including a letter of recommendation for termination may be appropriate
- Follow up with documentation in a timely manner

Focus on the issue

Still no improvement...

- Contact Employee Relations for advice
- Meet with the employee, and discuss the concern, what needs to be done to improve, and the past discussions on the issue
- Several options are available
 - Performance
 - Issuing a Notice of Performance Concerns
 - Potential termination
 - Behavior
 - Issuing formal or informal documentation
 - Potential suspension or termination

Things to Remember



Be specific. Tell the employee what the concern is and what they need to do to fix the problem.

Be consistent. The process you use for one employee should most likely be used for all employees.

Be fair. Try and treat each employee as if they were your most productive worker.

Focus on Behavior

- Progressive Discipline
 - Verbal Informal Warning
 - Written Conference Summary
 - Informal Written Warning/Letter of Caution
 - Formal Letter of Reprimand
 - Suspension
 - Termination

Informal v. Formal Action

Informal Action

- Initial response
- Unsigned by employee
- Does not go into official personnel file

Formal Action

- For serious or recurring problems
- Signed by employee
- Goes into official personnel file

When an Unsatisfactory Evaluation is Issued

- A NEAT Letter must accompany it.
- The employee should be given the opportunity to attach a statement or rebuttal to the NEAT letter.
- Copies must go to Human Resources and Employee Relations
- The employee must be monitored and evaluated again. (Try and identify the timeline in the NEAT letter).

NEAT Process

N is for Notify

E is for Explain

A is for Assistance

T is for Time

This process is built into the Observation cycle.

Contact Employee Relations for a template and process guidelines should you get to this stage with an employee.

Focus on Attendance

When is there a problem in the area of attendance?

If an employee's attendance is bad enough, I can ask that they be terminated without any other documentation. After all, their leave record tells the story. (True or False)

Leave time should be considered to determine how many days of work an employee has missed? (True or False)

Equity in Attendance Monitoring

Select a threshold for attendance monitoring and address it consistently for all staff.

It is not necessary for employees to go into an unpaid status before you address the concern.

Consider patterns, leaves, and past time off.

Any Questions?

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