

SECTION 6.04 PREDISCIPLINARY PROCESS AND CONFERENCE – MANAGEMENT EMPLOYEES

Notice of Charges and Pre-disciplinary Conference:

Prior to the demotion, suspension or removal of an employee, the Employer will notify the employee in writing of the charges against the employee. Unless the Board and the employee agree to binding arbitration as set forth below, the Employer will also hold a pre-disciplinary conference with the employee before imposing a demotion, suspension or removal, to give the employee an opportunity to learn the reasons for the intended disciplinary action and to explain his/her behavior. These procedures do not apply to lesser forms of discipline.

The pre-disciplinary conference shall be scheduled and conducted in accordance with Ohio law, as follows: The pre-disciplinary conference shall be held at least seventy-two (72) hours after the employee is given a copy of the charges against him/her, but no more than thirty (30) days after the employee receives notice of the charges. The pre-disciplinary conference will be held by the Superintendent or designee. If the removal, suspension, or demotion is directed against the Superintendent, the conference will be held by the members of the Board or the Board members' designees. The Employer may impose reasonable rules on the length of the conference and the conduct of the participants.

Within fifteen (15) days after the pre-disciplinary conference ends, the Superintendent shall notify the employee of the decision made with respect to the charges. If the removal, suspension, or demotion is directed against the Superintendent, the Board will notify the Superintendent within fifteen (15) days after the conference of the decision made with respect to the charges.

Appeal of Certain Types of Discipline:

An employee may appeal the decision resulting from the pre-disciplinary conference to the Board only as provided under Ohio law. Any such appeal shall be made and processed exclusively through the procedure set forth in the Ohio Revised Code and/or Ohio Administrative Code, as follows:

The decision may be appealed by filing with the Board a written demand for hearing. The demand for hearing must be filed within fifteen (15) days after the employee receives notice of the results of the pre-disciplinary conference. The employee may demand a hearing before the Board or before a referee. The Board may also request that

the hearing be before a referee.

The procedures governing any such appeal shall be as set forth in Ohio law, as follows:

- The Board shall set a time for the hearing which shall be within thirty (30) days from the date of receipt of the employee's written demand for hearing. The Board will also give the employee at least twenty (20) days' notice in writing of the time and place of the hearing.
- If hearing is requested before the Board, the hearing shall be conducted by a majority of the Board members and shall be confined to the charges enumerated at the pre-disciplinary conference. If either the employee or the Board requests a referee, the hearing will be conducted by a referee selected in accordance with the procedure set forth in the Ohio Revised Code. Ohio Revised Code Section 5126.23(F) currently provides for selection of a referee from a list of three names provided by the superintendent of public instruction, who will appoint a referee if the parties are unable to agree on one within five (5) days of receipt of the list.
- The Board will provide for a complete stenographic record of the hearing and will provide a copy of the record to the employee as required by the Ohio Revised Code.
- Whether the hearing is before the Board or a referee, it will be conducted in accordance with the requirements of the Ohio Revised Code. Ohio Revised Code Section 5126.23(G) currently provides that both parties may be present at the hearing, be represented by counsel, require witnesses to be under oath, cross-examine witnesses, take a record of the proceedings, and require the presence of witnesses in their behalf upon subpoena issued by the Board.
- If the hearing is by a referee, the referee shall file a report within ten (10) days after the termination of the hearing. After consideration of the referee's report, the Board shall accept or reject the referee's recommendation by a majority vote.
- If the decision after hearing is in favor of the employee, the Board will expunge the charges and record of the hearing from its minutes and, in the case of a suspension, will reimburse the employee for any salary he may have lost by reason of being suspended.
- Any employee affected by a determination of the Board under this policy may appeal to the court of common pleas in accordance with the provisions of the

Ohio Revised Code.

Arbitration Alternative:

When a notice of charges is issued to an employee relating to a removal, suspension or demotion, the Board and the employee have the option of agreeing to submit issues regarding the employee's removal, suspension or demotion to binding arbitration, in lieu of the pre-disciplinary conference and appeal hearings referenced above. If both the Board and the employee desire to submit those issues to binding arbitration, then an arbitration agreement must be signed by both parties.

The arbitration agreement should detail the method of selecting the arbitrator or arbitrators, the responsibility for compensating the arbitrator, and any other terms of the submission. An arbitrator shall be selected within fifteen (15) days after both parties have signed the arbitration agreement.