

## **TEACHER APPLICANT**

An applicant seeking a teaching position in elementary or secondary education must have a Bachelor's degree or higher in an education field and a valid Alabama Professional Certificate.

If an applicant recently completed an Alabama Approved Program in the field of education, and issuance of Alabama certification is pending, a letter of completion is acceptable. This letter of completion should come from the university and must include the degree type, completion date, and a statement that an application for certification has been forwarded to the Alabama State Department of Education.

This letter of completion is only available upon request by the graduate.

## **CERTIFIED APPLICATION PROCEDURES**

### **STEP 1: CREATE ONLINE APPLICATION**

- Applicants working **outside the Mobile County Public School System** must complete the ALSDE Online Application, which can be accessed at: [https://ats1.searchsoft.net/ats/app\\_login?COMPANY\\_ID=00008500](https://ats1.searchsoft.net/ats/app_login?COMPANY_ID=00008500).
- **Current MCPSS employees** must complete the online Internal Employee Application, which can be accessed at: [https://ats1.searchsoft.net/ats/trans\\_login?COMPANY\\_ID=00008512](https://ats1.searchsoft.net/ats/trans_login?COMPANY_ID=00008512).

### **STEP 2: APPLY FOR ADVERTISED VACANCY**

- All certified applicants must apply to an MCPSS advertised vacancy through their online application by the application deadline to be eligible for hire in that position. Log into your online application to view/apply to advertised vacancies.

### **STEP 3: MAKE CONTACT**

- Contact our schools and let them know of your interest in employment with them. A current list of schools can be found on our website at: [www.mcpss.com](http://www.mcpss.com) under OUR SCHOOLS.

### **STEP 4: INTERVIEW**

- Selected applicants will be contacted directly by the school administration for on-site interviews.

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4. Any other documentation deemed necessary by Employee Relations to substantiate a continued inability of the employee to perform the functions of his/her job.

**Report job related injuries to the supervisor immediately (within 24 hours of occurrence).** The employee's supervisor shall investigate the circumstances of the accident and question any witnesses and complete an accident report. The accident report and any investigative report will be forwarded to the Office Nurse in Health Services or the Employee Relations Office. Light duty assignments, as established by the department to which the employee is assigned, can be utilized with the approval of the employee's supervisor.

**Alabama State Board of Adjustment**

Out of pocket expenses may be reimbursed from the State Board of Adjustment in Montgomery. Code of Ala. 1975, § 41-9-60 provides that an employee may apply to the State Board of Adjustment for any expenses not covered by insurance or any days of work missed exceeding the ninety days continuation of pay.

The statute requires that a claim be filed within one year of the date of injury. No exceptions will be granted by the Board of Adjustment for this time requirement.

The Board of Adjustment will require documentation of all expenses claimed and will also require proof that the employee did not receive reimbursement from his/her insurance carrier. It usually takes a while for the state to approve the claim, so the sooner all documents are filed with the Board of Adjustment, the quicker reimbursement will be forthcoming.

**Critical Points to Remember:**

- All job related incidents must be reported to the immediate supervisor within twenty-four (24) hours of the incident.
- A completed Report of Injury/Accident form must be sent to Employee Relations and Health Services Nurse.
- The employee must use his/her own insurance for any medical expenses. The system does not pay for medical treatment of job-related injuries.
- If the employee requires medical attention for the job related injury, he/she must submit the *Job-Related Injury Program Physician Statement* form or physician's statement of disability before reimbursement will be considered.
- The employee may be eligible for up to 90 days pay reimbursement or continuation. Proper documentation is required for the employee to receive pay reimbursement or continuation.
- The employee must be cleared by Employee Relations prior to returning to work.
- Light duty may be a reasonable accommodation under ADA. Talk to your supervisor about the availability of light duty.
- The employee can submit a claim to the Board of Adjustments for any out-of-pocket expenses.
  - A claim form is posted on the MCPSS web site ([www.mcps.com](http://www.mcps.com)) in the Documents section of Human Resources under the Employee Relations header.
  - Forward the claim form with supporting documents to:  
State Board of Adjustment  
Alabama State Capitol  
Montgomery, AL 36130-1435

**PERFORMANCE EVALUATIONS**

Performance evaluations are not as stressful a process as a lot of employees think.

Certified employees use the process as proscribed by the State Department of Education. Also, the system may use a yearly summative evaluation.

Classified employees are evaluated once a year with a possible mid term counseling session. The evaluations can be more often if the principal/supervisor or superintendent directs. Final evaluation will be done on a form that will be submitted to Human Resources to be placed in the employees personnel file.

Any areas that are scored with "NEEDS IMPROVEMENT" or "UNSATISFACTORY" will be discussed with the employee and recommendations for improvement will be made. A mid year counseling session should be

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conducted to see if improvement is being made in these areas. Any direct supervisor may provide input to the evaluation.

If expectations are clear and feedback is given throughout the year, the annual performance evaluations should not be stressful. The following may help to effectively implement the evaluation process.

Ask your supervisor for clear, objective expectations for the job. This will determine what behaviors or outcomes the supervisor expects, thus affecting your decisions on where to expend your greatest efforts. The place to start when setting out objectives is the job description, which gives a general idea of what is expected.

To make sure that everyone concerned can tell whether expectations have been met, performance standards should:

1. Be precise yet brief;
2. Be in writing;
3. Be realistic;
4. Help meet system objectives;
5. Be mutually agreed on; and
6. Be re-evaluated regularly.

If there is any confusion concerning your job duties, ask your supervisor to explain what you do not understand as the performance of these duties will be how you are evaluated. You will be more likely to perform satisfactorily and accept criticism if you fully comprehend what is expected of you.

Expect constant feedback on whether you are meeting the expectations. If the supervisor is following the evaluation process, there is nothing that would be in the employee's annual review that should be a surprise. Feedback is critical, both positive and negative, and it should be ongoing throughout the year. This approach helps you focus on tasks and behaviors that the supervisor finds worthwhile.

**Employee's Responsibility in Performance Evaluations**

1. Employees should expect the overall evaluation to be based on the typical performance of the employee during the entire period.
2. Employees should expect their evaluations to be based on accurate data obtained from records whenever possible or from careful observation when this is not possible.
3. Employees should expect that the evaluation of one factor should not influence the evaluation of other factors, unless they are interrelated.
4. Employees should expect that their grade of job or length of service should not affect the evaluation; however, the length of the employee's service can affect areas such as 'job knowledge' and 'expertise'.
5. Employees should expect that personal feelings should not bias the observations or evaluation.
6. Employees should expect that they are not to be rated sympathetically.
7. Employees should expect that the evaluator will not be swayed by a previous evaluation.
8. Employees should expect that the evaluation of performance factors should not fall into a routine pattern, such as always rating as 'highly effective'
  - a. The supervisor should take a realistic look at actual job performance.
9. Employees should expect that evaluators should not make an evaluation on vague impressions or rumor.
10. Employees should expect that they will not be evaluated too quickly.
11. Employees should expect to be asked to sign their evaluation.
  - a. Their signature on the evaluation does not signify agreement with the contents, only that the employee has been given the opportunity to review the evaluation.
  - b. The employee may submit a rebuttal to the evaluation and have it placed in his/her personnel file along with the evaluation.

**DISCRIMINATION**

The Board and its employees or agents shall not discriminate in any way on the basis of race, sex, religion, national origin, age, or handicap. There are no exceptions. Employment decisions which are based substantially or solely on any of these protected factors are against the law and will not be tolerated.

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Any employee should bring to the administration's attention any incidence of what he/she believes to be any form of discrimination.

If discrimination is observed or believed to have occurred, the employee should immediately report the circumstances of the alleged incident to any one of the following supervisors or administrators:

- Principal or immediate supervisor;
- Departmental supervisor;
- Personnel Administrator Employee Relations or;
- Other administrator within Human Resources.

An investigation of the allegations will be conducted by a designee of the Assistant Superintendent of Human Resources/Executive Manager and forwarded to the Assistant Superintendent of Human Resources/Executive Manager for further action.

Employees against whom charges are made shall have full opportunity to understand the charges made against them and to present pertinent facts bearing on the charges before official action is taken. Persons making serious charges shall be required, before any action is taken, to submit complaints in writing or to sign prepared statements summarizing the charges.

Federal equal employment laws require equal treatment for all employees regardless of their protected status. Providing more favorable treatment to members of protected groups is just as discriminatory as providing harsher treatment. The law also prohibits discrimination in any aspect of employment, including discipline and discharge. It is not illegal to discipline or fire an employee who is a member of a protected group. It is only illegal when the motive is based on one of the protected factors.

**Employee's Role: Discrimination**

Employees should be constantly vigilant in regard to any form of discrimination, sexual harassment or the creating of a hostile workplace.

Discrimination and sexual harassment violates the system's policy. Employees are responsible not only for avoiding discriminating and harassing behavior themselves, but also for reacting to it when they see it or hear of it in the workplace.

The system takes all complaints of discrimination and sexual harassment seriously. If an employee sees behavior that could be discrimination or harassment, a supervisor should be advised of the situation. Once an allegation of discrimination or harassment is raised, the system has an obligation to investigate the allegation.

If the investigation reveals that discrimination or sexual harassment did take place, the severity of the discipline will depend on the nature of the conduct and the harasser's previous record. Verbal counseling may be appropriate for first-time occurrences of relatively mild discriminatory remarks, actions or harassment. Written warnings, suspensions, transfers, and termination may be appropriate in more severe or pervasive situations.

Along with our stated goal of not discriminating against any employee, the school system will also maintain diversity in employment. This means that no employment decision will be made based solely or predominately on race, sex, color or one of the other protected statuses. However, if there are similarly qualified individuals applying for a position, then the system may consider diversity as a factor in the employment decision.

**Sexual Harassment**

Sexual harassment is a disturbing form of sex discrimination and is prohibited as are any other form of racial or age discrimination. District guidelines are designed to support nondiscrimination and comply with all state and federal laws.

Employees should refrain from creating an unduly familiar relationship with any supervisor or subordinate. Also, employees should never ask subordinates or supervisors on a date, to dinner, to a movie or to any other function.

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The following are just some examples of prohibited behavior (can be actual or attempted), it is not all inclusive. Common sense must be used; keep your hands to yourself and keep your thoughts to yourself.

- Touching.
- Patting.
- Pinching.
- Providing unsolicited back or neck rubs.
- “Accidentally” bumping.
- Grabbing.
- Cornering or blocking a passageway.
- Kissing.
- Telling “off-color” jokes.
- Using profanity and obscene gestures.
- Expressing threats.
- Making sexual comments.
- Whistling in a sexual manner.
- Asking about one’s sexual fantasies/preferences.
- Describing one’s physical sexual attributes or appearance.
- Using terms of endearment such as “Honey”, “Darling”, “Babe”, “Dear”, “Stud”, or “Hunk” when referring to co-workers, employees or students.
- Staring at someone.
- Blowing kisses.
- Winking.
- Licking one’s lips in a suggestive manner.
- Displaying sexually oriented pictures or cartoons in a classroom, lab, or office.
- Using sexually oriented screen savers on classroom, lab, or office computers.
- Sexually oriented notes, letters, faxes, or email.
- Exposing your self.

It is everyone’s responsibility to treat all coworkers with respect and to help prevent discrimination, including sexual harassment. If you see it, report it.

**Critical Points to Remember:**

The following is a partial list of good practices for any employee to follow.

1. Treat everyone the same.
2. Keep your hands to yourself, no kissing, hugging or touching.
3. Keep your private thoughts about other people to yourself.
4. Do not hassle, criticize, cuss or yell at anyone.
5. Do not tell jokes or stories that are sexual, racial, religious, ethnic, age or disability related.
6. Do not make sexually related innuendos.
7. Keep conversations on a professional level.

**SYSTEM RULES:**

The school system has identified a partial list of general rules of conduct which, if violated, will bring disciplinary action against the employee. This is by no means a comprehensive list, only a sample of behavior or performance that is unacceptable. The actions listed below will result in disciplinary action ranging from verbal or written warnings to suspension or to immediate discharge depending on the circumstances.

1. Excessive absences or tardiness.
2. Insubordination.
3. Failure to follow established work procedure.
4. Using inappropriate, abusive or threatening language.
5. Discrimination or harassment (sexual or otherwise).
6. Criminal offense on system property or conviction of crimes involving immorality.
7. Absence without notification. Any employee who has been absent from work for more than ten (10) consecutive days and who has not obtained an approved leave or otherwise accounted for the

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absences will be considered to have abandoned his/her job. The employee will be recommended for termination.

8. Restricting work or interfering with the work of other employees.
9. Unauthorized possession of system property.
10. Failing to return from leave of absence as scheduled.
11. Loafing, loitering, or sleeping on the job.
12. Conducting personal business on system time.
13. Gambling on system premises.
14. Using or being under the influence of intoxicants or narcotics on system premises or while performing your duties off system property.
15. Fighting, assault, disorderly, offensive, or immoral conduct.
16. Falsifying any system records or employment application.
17. Possessing firearms, weapons, explosives, etc., on system premises.
18. Violating safety regulations.
19. Horseplay or use of machinery, equipment, or tools in a hazardous manner.
20. Creating or contributing to any unsanitary condition.
21. Damage to or improper use of system property either willfully or through negligence.
22. Intentional waste of system property.
23. Unauthorized solicitations or distributions during working time.
24. Disclosure of confidential system information to outsiders without proper authorization.
25. Leaving system premises during working hours without permission (other than the lunch period if job duties allow).
26. Other good and just cause.

**Smoking / Tobacco Products**

Smoking and the use of tobacco product is prohibited on school grounds, as they are considered tobacco free by Board policy. Should job responsibilities, job location, and the supervisor allow an employee to leave the premises during a lunch or break period for a smoke or tobacco product break, then the employee must limit the absence from work to the 30 minute lunch period and/or the 15 minute break time. There will only be two breaks a day allowed; they can not be broken down into shorter time periods to allow more than two breaks a day.

**Substance Abuse / Alcohol Use**

The system has a zero tolerance for substance abuse and alcohol use on the job. This is an offense that requires recommendation for termination without progressive discipline. Supervisors are trained in recognizing potential impairment from drugs or alcohol. With reasonable suspicion of impairment, the supervisor may refer an employee to a testing facility.

The Americans with Disabilities Act (ADA) prohibits employers from discharging employees solely because the employee may have been an alcoholic. However, there is no protection for practicing alcoholics and drug abusers. If you are caught at work under the influence of alcohol or drugs, you may expect to be recommended for termination.

Because alcoholism is viewed as a disability, employers are required to reasonably accommodate such a disability as long as the employee is not abusing alcohol. If the employee comes forward and seeks treatment for alcoholism, the system will provide one chance for the employee to overcome a drinking problem. If there is a reoccurrence, the employee may be deemed to be a practicing alcoholic and lose the protection of the ADA.

Although the system offers assistance to employees who abuse drugs, they will be terminated based on the zero tolerance policy. Both federal and state courts have ruled that current drug addiction is not a disability protected by law, as is the case with alcoholism.

**Theft**

Unethical behavior such as theft will not be tolerated. An employee who steals must expect severe punishment up to and including termination. Every adult knows stealing is wrong, and the expectation is that those who are caught will be terminated.

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**Falsified Documents**

Lying on the system's job application is grounds for termination. Once the falsehood is discovered, termination should follow. Falsification also includes time card fraud. This will also include other employees who cover for absent employees, such as fraudulently punching or filling out a card for someone else.

**Insubordination**

Insubordination is among the most serious employee infractions, subject to severe discipline, up to and including termination. Lesser penalties may be given depending on the situation, the employee's past record, past working relationship with the supervisor, and his/her value to the system.

Insubordination can take many forms. Much depends on the personalities involved, whether the incident occurred in private or in front of other employees or the public, and the intent. Insubordination damages the efficient management of the system, lowers morale, and undermines the supervisor's authority.

Although insubordination is often defined as a refusal to obey a supervisor's orders, there are other employee actions that may fall under insubordination:

- Refusal or failure to obey orders or perform a job assignment given by a supervisor or any authorized representative;
- Disrespect, publicly displayed on system premises, toward a supervisor or the system;
- Threatening, intimidating, or coercing a supervisor;
- Abusive language to any supervisor;
- Openly making or publishing false, vicious, or malicious statements concerning supervisors;
- Countermanding the order of a supervisor.

However, there are legitimate reasons for refusing to follow a supervisor's order. Generally, orders such as these need not be followed:

- Orders that endanger the health, welfare, or safety of the employee or any other person;
- Orders requiring the performance of an illegal, improper, or immoral act;
- Orders that require action that is beyond the employee's capability;
- Orders in the nature of unlawful harassment; for example, orders accompanied by a racial, religious, or sexist slur.

**Fighting / Assault**

Assault and fighting is behavior that will bypass the progressive disciplinary procedure and proceed directly to a recommendation of termination. A thorough investigation of the facts of the incident will be done to determine who is at fault and who began the aggression. The facts will determine if either will be subject to termination.

**Sub-standard Performance**

Poor performance can lead to discharge. If you have been advised you are not performing as expected you should consider taking the following actions:

1. Meet with the supervisor so that he/she can give you guidance on where you are not meeting expectations;
2. Provide the supervisor with a plan to improve your performance;
3. Request remedial instruction if necessary;
4. Periodically ask the supervisor how you are doing.

The system can not afford to hire or retain individuals who can not or will not perform in the manner expected for the position. Supervisors should constantly evaluate the job that their employees are doing and be prepared to address disciplinary action with anyone who has substandard performance. As progressive discipline is followed in correcting poor performance, the employee will have a chance to improve his/her quality of work and retain his/her position. Otherwise, termination will eventually result from poor performance.

**Excessive Absences**

Be sure you understand the attendance policy at your school or department. Excessive absences create severe problems for the system. Because of the staffing of the schools and other departments, when one person is out, it usually means that the work is not done or that other employees have to stop what they are doing to catch up on your work.

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Repeated unpaid absences of two days or more per month can be suspect for employee abuse. That means the employee is not at work one day almost every week. Repeated absences on Mondays, Fridays, or the days immediately before or after holidays, are also suspect.

Excessive absences are a matter for corrective discipline. The employee will be given a chance to improve attendance, but if the behavior continues, it will lead to termination. In extreme circumstances, the employee may be recommended for termination prior to the progressive discipline process.

**Tardiness**

Employees are expected to be present and prompt for their work day. Make a point of talking to your supervisor if you know you may be late. When appropriate, you will be docked when late or absent without a valid excuse. The system does not permit attendance problems to continue without further corrective measures. Eventually, poor attendance could result in termination.

As with excessive absences, tardiness is a matter for progressive discipline. The employee will be given a chance to improve attendance, but if he/she is unable or unwilling to report to work on time, termination will eventually follow.

**GRIEVANCES**

Any employee who feels that he/she has been treated in an unprofessional manner or adversely affected by a violation of a policy may file a grievance with his/her immediate supervisor. A careful investigation shall be made by the supervisor to see if it is valid and if there is a way to resolve the situation.

Formal grievances have two basic criteria that must be met before they can proceed under the grievance policy:

1. An action must be taken that affects the employee.
2. That action must have a substantial adverse affect on the employee's working conditions or employment rights.

An action is defined as:

1. Violation, misinterpretation, or misapplication of existing board policy, administrative rule, or administrative procedure.
2. Unprofessional conduct directed towards the grievant or impugning his/her good name or professional reputation.
3. A change in a recognized administrative practice which has been consistently followed for at least one calendar year which imposes a hardship on the grievant.

Grievances will not include matters dealing with:

1. Promotions or voluntary transfers (unless a board policy or procedure has been violated or misinterpreted)
2. Involuntary transfers or matters covered under the applicable state law.
3. Alleged violations of state or federal law or existing court orders.

Before taking grievances to a higher level, employees shall be encouraged to discuss them with their immediate supervisors. Employees should exhaust all means of remedying their grievances prior to contacting the Board. The Board has no obligation and, furthermore, believes it unwise to study and analyze problems of aggrieved persons until they have been first brought to the attention of administrators and the Superintendent.

This is based on the assumption that administrators at all levels will be patient, careful, and understanding in consideration of problems, complaints, and grievances experienced by employees working under their supervision. The Board's intent is that its employees have fair, just, and humane treatment. It also desires faithful and efficient service and a demonstrated spirit of teamwork on the part of all its employees.

Because personalities and "chemistries" between people differ, supervisors' interactions with each of their employees are bound to be different. Do not become upset should a supervisor seem to act friendlier to another employee. What is required is that every supervisor should treat every employee in the same job classification essentially the same way.

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Normally, what is done for one should be done for all, as long as they have the same or similar circumstances. However, different circumstances will normally dictate different responses by the supervisor. An example of this is that just because one employee was allowed to leave early, it does not mean that you should be allowed to leave early. Your circumstances may be different, the other employee may have had a sick child and you may have an appointment to have your hair cut.

A formal grievance must be filed by the employee within 30 work days of the alleged incident or, if the behavior has been ongoing, within 30 work days from the last occurrence. The policy requires that the grievance be filed with the immediate supervisor, but there are instances when it is appropriate to file a grievance at the supervisory level that can grant the proposed resolution.

Employees unfamiliar with the grievance process may contact the Employee Relation's office to request guidance and a flow chart illustrating the various steps involved in the grievance procedure and what actions must be taken and by whom in order to properly pursue the grievance process.

### **TITLE IX GRIEVANCE PROCEDURE**

Any employee, individual or student who feels that, on the basis of sex, there was exclusion from participation in, or denial of benefits, or discrimination under any education program or activity receiving Federal financial assistance may file a grievance with the Title IX coordinator. The grievance procedures are located on the system website ([www.mcpss.com](http://www.mcpss.com)) under Policies and Procedures.

### **DISCIPLINARY ISSUES**

It is our desire that all employees of MCPSS are treated consistently and fairly should disciplinary action be considered. As such, our objective is to create a workable disciplinary procedure for all employees. This in turn will allow all employees to have an expectation of the results of their actions. This should help create an atmosphere of trust in supporting our educational mission.

The School Board needs the highest quality employees who are willing to devote themselves to the education and welfare of the students. The Board is committed to attract and retain employees who are capable, interested, and motivated to accomplish the desired goals of the school system.

The Board does not believe that it should employ or retain employees who feel they are forced or pressured to do acceptable work, or who are incapable of satisfactory job performance. It is with these goals in mind that this disciplinary process is utilized.

#### **Progressive Discipline**

In general, MCPSS uses a system of progressive discipline, which provides a tool to help insure consistent and fair treatment of employees who exhibit behavior or performance problems. In general, it works because the employee gets warned and a chance to change the offending behavior or performance.

The progressive discipline program may consist of:

1. Verbal warning(s);
2. Written warning(s);
3. Final warning;
4. Suspension;
5. Termination.

This provides several chances for the employee to improve the behavior or performance. However, the degree of seriousness of the infraction will determine where in the process the employee will fall. Serious misconduct will get no warnings. In practice, tardiness, absenteeism, or inadequate performance would be the subject of progressive discipline, while incidents of violence, theft, or vandalism would warrant immediate termination.

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Poor performance is handled with progressive discipline. A failing employee should be given a chance to improve by being provided with training and instruction to help improve performance. An employee doing poor work will be dealt with fairly, but firmly. The employee's performance will be documented to show improvement or failure to improve under progressive discipline. If the employee doesn't make the changes necessary to improve performance, a termination recommendation will follow.

The following sections discuss the progressive discipline process in more detail, starting with the initial warning, which is usually verbal, and may involve a counseling session with the employee's supervisor or manager.

**Documentation**

Documentation of disciplinary actions by supervisors and managers is a necessary part of your employment with MCPSS. Written documentation can also decrease the chances that the supervisor's communications will be misunderstood.

All employees have the right to see every adverse document placed in their personnel file. A warning notice will not just be placed in the employee's file without giving the employee a chance to see it and respond to it.

A last chance warning should always be in writing and dated, and the employee should receive a copy of the written warning.

**Consistency of Disciplinary Actions**

Consistency in the enforcement of rules means that a given policy should always be enforced, but it does not mean that the policy should always be administered in the same way. Our policies are not so rigid that we are unable to consider the circumstances. Consideration may be given as to whether the infraction was intentional or whether the employee has been a valued worker or a marginal performer.

Penalties for minor infractions should depend on the employee's prior disciplinary record, length of service, work performance, and attitude. This policy incorporates the two fundamentals of a progressive disciplinary system: the predictability of the discipline and the discretion to vary the penalty in light of circumstances.

**Initial Warning / Counseling**

A supervisor will meet with an employee to discuss problem performance or behavior and issues a verbal warning that the behavior must not continue. Most performance or behavioral issues are cleared up through such counseling.

Avoid arguing with the supervisor about any excuses for failing to meet system standards, especially if you want to point out that another employee is doing the same thing. You are responsible for your actions and the other employee is responsible for his/her actions. Do not spend your emotional energy worrying about what other people are doing; you need to only worry about what you are doing. Their actions will catch up with them just as yours have caught up with you.

The best approach is to listen to the criticism, then simply state the facts surrounding the incident and acknowledge that the rule in question will be followed in the future. If you are having legitimate personal problems that are interfering with the job, you can request an appointment with Employee Relations for referral to outside sources of help.

The number of verbal warnings will vary depending on the severity of the infraction or poor performance. For minor infractions several verbal warnings may be warranted before a written warning. For more severe infractions, no verbal warning may be necessary before a written warning is issued.

**Written Warning**

The next step is a written warning. If the supervisor determines that verbal warnings have not resulted in improved performance, a written memo to the employee will be issued. The written warning is solid documentation and should it be necessary, it will be the basis for further disciplinary action.

The number of written warnings will vary depending on the severity of the infraction or poor performance. For minor infractions numerous written warnings may be warranted before a final written warning. For more severe infractions, one to two written warnings may be necessary before a final warning is issued.

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**Plan for Improvement**

At the time of the written warning, the employee needs to work with the supervisor in developing a plan of improvement where a set time frame is given for demonstrated performance improvement. It is important that deadlines be built into the plan, because it gives the employee a goal to work towards. If successful, the progression of disciplinary steps will come to a stop. If not, the next step in progressive discipline would normally be implemented when the deadline arrives.

**Final Warning**

The next step is a final warning. If an employee has not corrected either the poor performance or offending behavior after the written warnings, a final written warning will be issued. This is the last documentation before referral for suspension or termination.

**Suspension**

When warnings fail to result in improvement, the next disciplinary action is often suspension without pay. This will usually be the employee's last opportunity to improve before termination proceedings.

Suspension is also used without any preceding verbal and written warning when a major infraction has occurred. It is usually the appropriate response if the seriousness of the wrongdoing is extreme.

Suspension from work should be sufficient warning that the school system is serious about its performance standards. Each case is considered individually to determine whether a suspension would serve its purpose. Some employees might regard mandatory time off as a form of unpaid vacation, but it is simply the final step before termination.

**Termination**

When all efforts fail, termination will result. When no course of action will convince the worker to improve, discharge is the final step. Because of the cost of hiring and training an employee, MCPSS tries to avoid termination when possible. It is reserved for only grave offenses or for continued willful violations of system rules. Termination should not be the result for minor or easily correctable offenses.

**PROGRESSIVE DISCIPLINE PROCESS**

The following process may be followed in disciplinary actions for all employees. This applies to tenured and non-tenured teachers and probationary and non-probationary support personnel.

**1) Verbal warning:**

- a. For minor infractions, there may be multiple verbal warnings.
- b. For serious infractions, there may be possibly only one verbal warning.
- c. For major infractions, there may be no verbal warning; it may be an immediate written warning and/or referral to Human Resources for review for a possible conference.
- d. For willful misconduct, there may be no verbal warning or written warning, there should be an immediate referral to Human Resources for review for suspension or termination.

**2) Written warning:**

- a. For minor infractions, there may be several written warnings.
- b. For serious infractions, there may be possibly only one written warning and/or referral to Human Resources for review for a possible conference.
- c. For major infractions, there may be a referral to Human Resources for review for a written warning or a final written warning.
- d. For willful misconduct, there will be no written warning; there should be an immediate referral to Human Resources for review for suspension or termination.

**3) Final warning:**

- a. For minor, serious and major infractions, there will be a referral to Human Resources for review for a written final warning and possible conference.
- b. For willful misconduct, there should be an immediate referral to Human Resources for review for suspension or termination.

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**4) Suspension:**

- a. For minor, serious, major or willful infractions there is a referral to Human Resources for review for suspension or termination.
  1. Suspensions are for a period of time that is:
    - a. Up to twenty (20) days
    - b. Greater than twenty (20) days.

**5) Termination:**

- a. In all instances where there is a recommendation for termination, there is a referral to Human Resources for review for possible termination.

**DEFINITIONS**

The following definitions are to be considered only as a guide. Depending on the severity of the action, infractions may move from one classification to another. As an example, the abusive language violation of an employee, which is listed under Minor Infractions, may be so severe that it should be treated as a Major Infraction. Violations may also move from the more severe to less severe. As an example, the physical abuse infraction listed under Willful Misconduct may be so insignificant that it should be treated as a Minor Infraction.

**Minor infraction:**

1. Failure to perform satisfactory work
2. Failure to follow established work procedures
3. Disruption of the school/work environment
4. Tardiness
5. Infrequent absenteeism without valid excuse
6. Abusive or foul language
7. Offensive conduct
8. Loafing, loitering or sleeping on the job
9. Conducting personal business on system time
10. Unauthorized solicitation or distribution during working hours
11. Gambling on system property or on system time
12. Failure to follow system guidelines and procedures
13. Violation of the Dress Code policy
14. Insubordination of a minor nature
15. Any other conduct of which the magnitude or consequences are considered a minor violation of conduct expected by the system

**Serious infraction:**

1. Failure to follow directives of supervisor
2. Excessive tardiness
3. Excessive absenteeism
4. Repeated disruption of the school/work environment
5. Restricting work or interfering with the work of other employees
6. Intentional waste of system resources
7. Unauthorized possession of system property
8. Violating safety procedures or regulations posing no threat of injury or damage to property
9. Creating or contributing to an unsanitary condition
10. Insubordination which rises to the level of a serious infraction or is infrequently repeated
11. Repeated violation of minor infractions
12. Any other conduct of which the magnitude or consequences are considered a serious violation of conduct expected by the system

**Major infraction:**

1. Disorderly conduct
2. Immoral conduct on system time
3. Verbal abuse of children
4. Absence without notification for three or more consecutive days
5. Failure to return from leave of absence as released by the provider
6. Failure to follow directives of supervisor, thereby endangering students or employees

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7. Improper use of system property or damage to equipment
8. Disclosure of confidential system information without authorization
9. Intentionally or knowingly misrepresenting facts to a supervisor or other school official in the conduct of system business
10. Possessing firearms, weapons, explosives, etc., on system property
11. Violating safety procedures or regulations posing a minor threat of injury or damage to property
12. Horseplay or use of machinery, tools or equipment in a hazardous manner
13. Damage to system property through negligence
14. Any attempt to encourage or coerce a child to withhold information from the child's parents
15. Insubordination which rises to the level of a major infraction or is frequently repeated
16. Repeated violations of minor or serious infractions
17. Any other conduct of which the magnitude or consequences are considered a major violation of conduct expected by the system

**Willful Misconduct:**

1. Violations of minor, serious or major infractions which have been repeated beyond the Final Warning step in progressive discipline
2. Discrimination or Sexual harassment
3. Physical abuse of visitors, employees, parents or children
4. Violation of the drug/alcohol policy (zero tolerance)
5. Willfully bringing firearms, weapons, explosives, etc., on system property
6. Failure to maintain the appropriate credentials or certification required for the position
7. Starting an altercation or fight
8. Failure to follow directives of supervisor, resulting in injury to students or employees
9. Criminal offense on system property
10. Conviction of any felony or crimes involving moral turpitude
11. Falsification of system records or employment application
12. Violating safety procedures or regulations posing substantial threat of injury or damage to property
13. Damage to system property through a willful decision or choice
14. Abandonment of job (failure to report to work without authorization)
15. Theft, illegally selling or conversion of system property
16. Insubordination which rises to the level of willful misconduct or is repeated beyond the final warning step in progressive discipline
17. Repeated violations of minor, serious or major infractions
18. Any other conduct which does not meet the accepted standards of conduct of which the magnitude or consequences warrant discharge (other good and just cause)

**STUDENTS FIRST ACT**

All school system personnel are deemed to be either "certified" or "classified" employees and are generally defined as to whether they are directly involved in teaching children or support the general operations of the system.

The certified employees are teachers or those individuals who occupy jobs that require state teacher certification. These are usually individuals such as teachers, principals, and administrators who deal directly within the educational context of the system.

The classified employees are those individuals who provide support to the educational endeavor of the system and who occupy jobs that do not require state teacher certification. These employees are not involved in teaching or school administration and hold jobs such as cafeteria workers, bus drivers, maintenance personnel, clerks, and other jobs that do not require a teaching certification.

**Certified Employees**

Certified employees, except for contract principals, are either tenured or non-tenured. Educators obtain tenure when they work as a teacher for three complete, consecutive years of full-time employment unless the governing board approves and issues written notice of termination to the teacher on or before the last day of the third complete, consecutive year of employment. A complete year is deemed to include employment only begun prior to October 1.

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A non-tenured employee may be terminated at any time during the first three years of employment. The employee will not be given a reason for the termination.

A tenured employee may be terminated only for good and just cause. A proposed termination gives the employee a right to a hearing before the Board in order to determine if the system may terminate or transfer the tenured employee.

**Classified Employees**

Classified employees are either non-probationary or probationary. Classified employees obtain non-probationary status when they have worked for three complete, consecutive years of full-time employment unless the governing board approves and issues written notice of termination to the employee on or before the fifteenth day of June immediately following the third complete, consecutive year of employment. A complete year is deemed to include employment only begun prior to October 1.

A probationary support employee may be terminated at any time during the first three years of employment. The employee will not be given a reason for the termination.

A non-probationary employee may be terminated only for good and just cause. A proposed termination gives the employee a right to a hearing before the Board in order to determine if the system may terminate the non-probationary employee.

**GOOD AND JUST CAUSE REASONS FOR TERMINATION**

Supervisors have the responsibility to recommend removal from employment any person that can not do his/her job. It reduces the efficiency of our operations and creates low morale and low performance for other employees if certain people are allowed to get away with not doing their job properly.

The following causes for cancellation of the contract for a certified or classified employee are contained in the Students First Act.

1. Incompetency.
2. Insubordination.
3. Neglect of duty.
4. Immorality.
5. Failure to perform duties in a satisfactory manner.
6. Justifiable decrease in the number of positions.
7. Other good and just cause.

The following prohibitions for termination for a certified or classified employee are contained in the Students First Act.

1. Actions may not be taken for political reasons.
2. Actions may not be taken for personal reasons.

The following list gives some other reasons that may be good and just cause for terminating an employee. This is not a comprehensive list as there are other good and just causes for termination that are not listed.

1. Repeated and continued neglect or incompetence in the performance of duties.
2. Excessive absences or tardiness.
3. Repeated failure to comply with official directives or established Board policy.
4. Repeated failure to correct deficiencies pointed out in written formal evaluations or communications.
5. Dishonorable conduct during the school day towards students, employees, parents or the general public, including extreme disrespect, rudeness and the use of abusive and/or foul language.
6. Conviction of any felony or other crime involving moral turpitude.
7. Conducting personal business during school hours when it results in neglect of duties.
8. Repeated failure to follow established campus rules and guidelines approved by the principal/supervisor and the campus-level planning and decision-making committee.
9. Sexual harassment of employees, students, parents, or volunteers.
10. Removing school system property, records, or confidential information from school premises without proper authority.

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11. Failure to maintain the appropriate credentials or certification required for the position to which the employee is assigned.
12. Possessing firearms, weapons, explosives, etc., on system property
13. Physical or verbal assault of any employee, volunteer or Board member of the school system, a student, a parent/legal guardian of a student or the general public during the work day or as a result of the employee's employment with the school system.
14. Consuming, possessing, or delivering to another during the school day, or while attending a school-sponsored student function, either of the following; An alcoholic beverage or a controlled substance except in compliance with a written prescription for medication for that person issued by a licensed doctor of medicine or dentistry.
15. Being under the influence of an alcoholic beverage or a controlled substance during the school day while on duty or while attending a school-sponsored student function except in compliance with a written prescription for medication issued by a licensed doctor of medicine or dentistry.
16. Intoxication by alcohol or impairment by drugs.
17. Falsification of records or other documents related to the school system's activities.
18. Intentionally or knowingly misrepresenting facts to a supervisor or other school system official in the conduct of school system business.
19. Any attempt to encourage or coerce a child to withhold information from the child's parent.
20. Failure to report to work or abandonment of one's job. Any employee who has been absent from work for more than ten (10) consecutive days and who has not obtained an approved leave or otherwise accounted for the absences may be considered to have abandoned his/her job. The employee may be recommended for termination.
21. Failure to report to duty after all school system leave has been exhausted.
22. Reduction in force as a result of a budgetary shortfall or financial emergency.
23. Disability, not otherwise protected by law, that impairs performance, even with reasonable accommodation, of the essential functions of the job.
24. Reasons specified in individual employment contracts reflecting special conditions of employment.
25. Any other conduct which fails to meet the accepted standards of conduct for the school system, which the magnitude or consequences warrant discharge.