



HR Employee Investigations/Discipline



Training Topics

- ▶ HR Resources
- ▶ Child Labor Laws
- ▶ UPPAC Reporting
- ▶ Investigations
- ▶ Discipline



HR Resources

Admin Only website

<https://employment.jordandistrict.org/AdminOnly/>

Human Resource Website

<https://employment.jordandistrict.org/>

HR Connections website

<https://employment.jordandistrict.org/HRConnections/>

Employee Health and Wellness

<http://employment.jordandistrict.org/health-wellness-resources/>

Blomquist Hale - Employee Assistance Program

<https://www.blomquisthale.com/>



Child Labor Laws

Child Labor Violations - News

➤ Crumbl - \$58,000 penalty

- Minors working longer and later shifts
- Minors operating “potentially Dangerous” Ovens/Machinery
- 18 minors in Bountiful, Centerville, Layton and Ogden

➤ Sodalicious - \$13,946 penalty

- The division determined that Sodalicious allowed 14- and 15-year-old employees to work past 7 p.m. when school was in session, and more than 3 hours on a school day at four of its Utah locations in Midvale, Orem, Provo and South Jordan.

➤ Family Fun Centers - \$166,908 penalty

- 76 Children allowed to work longer and later than allowed in Syracuse and West Jordan locations
- Allowed kids to use fryers, pizza ovens and go-carts



Child Labor Laws

14 - 15 Years Old Young persons,

- ▶ 14 and 15 years of age may be employed outside school hours in a variety of non-manufacturing and non-hazardous jobs for limited periods of time and under specified conditions.
- ▶ May only work outside school hours
- ▶ May not work more than 3 hours on a school day, including Fridays
- ▶ May not work more than 18 hours during a week when school is in session
- ▶ May only work between 7 a.m. and 7 p.m.-except between June 1 and Labor Day when the evening hour is extended to 9 p.m.
- ▶ May not work more than 8 hours on a non-school day
- ▶ May not work more than 40 hours during a week when school is not in session
- ▶ May not work from ladders, scaffolds or similar items
- ▶ May not operate any power-driven machinery, except office machines. Does not include vacuums
- ▶ May not drive a vehicle which includes mules, golf carts, etc.
- ▶ May not drive forklifts, scissor lifts or cherry pickers

16 - 17 Years Old

- ▶ Basic minimum age for employment. 16 and 17 years of age may be employed for unlimited hours in any occupation other than those declared hazardous by the Secretary of Labor.
- ▶ May not drive a District vehicle which includes mules, golf carts, etc.
- ▶ May not drive forklifts, scissor lifts or cherry pickers



UPPAC

Utah Professional Practices Advisory Commission

- Consists of Teachers, other licensed educators, community members
- Opening a case
 - Usually opened by “Notification of Alleged Educator Misconduct”
 - Possible media reports
 - Submission from parents, coworkers or other interested parties
 - Criminal notification from BCI
- Expedited hearing – If allegations are minor and there is not much dispute on the facts, they may expedite the hearing
- Investigation initiated – Flag placed on CACTUS file
 - Investigator assigned -Gather evidence, interview witnesses, police records, meet with educator
 - Submit report to UPPAC
- Recommendations
 - Dismissal, letter of education, letter of warning, reprimand, suspension, license revocation



UPPAC

Upcoming Requirements for Reporting

- Effective **January 7, 2024**
- Any complaint made to a school by a parent/guardian alleging a USBE licensed educator violated either of the following:
 - R277-217-2 - Prohibited Conduct by an Educator.
 - R277-217-3 - Required Conduct for an Educator
- Must be reported to UPPAC within 30 days of the complaint
 - Issue
 - Charges, if any
 - LEA discipline
 - Any other information
- Regardless of whether it substantiated or not
- Provide an HR administrator the above information before the deadline in order to report this information to UPPAC



Table Top Exercise

Based on the information provided, answer the following questions.

1. Is this complaint minor or serious?
2. How would you start your investigation?
 - Who?
 - What?
 - Where?
 - When?
3. What resources are available to assist you in your investigation?



Table Top Exercise

1. You are at principal's meeting and your assistant principal calls stating one of your newly hired contracted ESP employees had a blow up in the class, swearing and threatening a special needs student and is acting really weird.



Table Top Exercise

2. You are contacted by your band director regarding a possible boundary violation between a miscellaneous adult assistant band coach and a student. A few students have overheard conversations and seen Band App messages like “You know this is illegal, right?” and “I have told some people but not anyone here.” Rumor is they spent homecoming in the parking lot kissing.



Table Top Exercise

3. There were limited applicants for a nutrition worker position at your school. You and the interview team chose Mary Jones. When Mary was offered this position, she expressed her excitement and also informed you she is autistic and has ADHD. She starts working and then asks for an accommodation.

Her doctor indicates:

- Mrs. Jones has difficulty with the following: sleeping, communication, thinking, learning, and sometimes being unable to talk and take care of herself. These also include physical symptoms such as: fatigue, dizziness, fidgeting, shaking, flushing, anxiety, depression, digestive issues, bladder issues and difficulty walking straight.



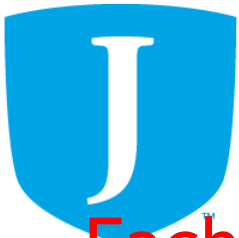
Table Top Exercise

4. You receive multiple parent complaints. The students told their parents that a teacher was hooking up her laptop to show a video and naked pictures of the teacher showed on the screen. They are outraged and plan to call the police and the news.



Table Top Exercise

5. A teacher approaches you about unruly students he confronted in the hallway who entered a portion of the cafeteria that is posted off limits to students. After reporting the incident and expressing his anger, the teacher returned to his class. Upon an initial investigation, it appears that the teacher grabbed and pushed the student who was trying to get passed the teacher.



Investigation Procedures

Each case is unique. Please call an HR Admin

Preliminary Investigation Procedures

Receive complaint or observed behavior - Gather Information/Conduct preliminary investigation

- Obtain a signed written statement from complainant(s)
- Determine if obtaining signed written witness statements at this time in the investigation is appropriate
 - Review cameras, building access, reasonable suspicion checklist, etc.
- Implement victim protections

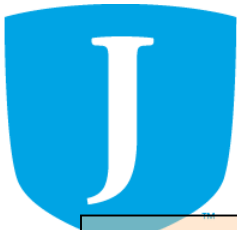
[Investigation Resources](#)



Investigation Procedures

School level (Minor)

- Attendance issues
- Employees not getting along
- Employees not doing their job
- Insubordination/passive aggressive
- Out of the classroom/Leaving students unsupervised
- Unprofessional dress
- Teacher lack of communication
- Any of these could become a serious issue.



Investigation Procedures

School level (Minor)

Investigation Procedures

- Contact an HR Administrator/AOS for guidance
- Meet with accused and inform him/her of alleged misconduct report (outline reported allegations). Request a written response regarding the allegations
- Complete investigation (30 days)– Document investigation
- Sanctions Committee Meeting is optional
- Notify HR if there is a reported UPPAC Boundary violation
- Principal determines appropriate action
 - No Action
 - Oral Reprimand
 - Written Warning
 - Written Reprimand (Copy to Personnel File)



Investigation Procedures

School Level (minor)

Action-Return to Work

- Principal meet with employee to review investigation findings.
- Implement appropriate action
- Provide support (Training, EAP, etc.)
- Secure employee signature to any warning
- Forward documentation to HR (Written Reprimand)



Table Top Exercise

Based on the information provided, answer the following questions.

1. Is this complaint minor or serious?
2. Is Paid administrative leave warranted?
3. Are you required to notify the police/DCFS?
4. Are we required to notify UPPAC?
5. How would you continue your investigation?
 - Who?
 - What?
 - Where?
 - When?
6. What resources are available to assist you in your investigation?



Table Top Exercise

1. You return to your building and have a conversation with the employee. The employee admits to threatening to punch a special needs student because he lifted his shirt. You also determine the employee used profanity in front of several students and staff. One minute she is calm and coherent. The next she is crying then sleepy.



Table Top Exercise

2. You meet with two student witnesses who confirm the reports. You contact the parents to see if they will confiscate the student's phone to aid in the investigation. Both parents refuse to participate in the investigation and refuse to have their student be interviewed. They are aware of the "friendship" and are supportive. The season is over and the assistant coach is currently away at college studying to become a teacher.



Table Top Exercise

3. Doctor accommodation requests:

- Ability to take a reasonable amount of additional time off when feeling overwhelmed
- Ability to step out of meetings or workplace to regroup in order to prevent autistic overload
- Expectation to not pay full attention to detail (other than when stepping away while experiencing sensory overload)
- Contact person to check in with periodically for an open avenue for communication and performance concerns
- Noise cancelling ear plugs and sunglasses
- Additional reminders and understanding when the schedule is different than normal
- Advanced notice of changes/expectations/and drills when possible
- Precise, clear and written instructions when possible
- Private meetings when addressing social concerns
- Ability to re-watch recorded trainings for new job duties and/or extra explanations for new assignments
- Tolerance of stoic/flat affect instead of requirement of "positive demeanor" listed in job description
- Understanding of communication difficulties when feeling overwhelmed



Table Top Exercise

3. Doctor accommodation requests:

- **Expectation to not pay full attention to detail** (other than when stepping away while experiencing sensory overload)
- Ability to take a reasonable amount of additional time off when feeling overwhelmed
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- Ability to re-watch recorded trainings for new job duties and/or extra explanations for new assignments
- Tolerance of stoic/flat affect instead of requirement of "positive demeanor" listed in job description
- Contact person to check in with periodically for an open avenue for communication and performance concerns
- Private meetings when addressing social concerns
- Understanding of communication difficulties when feeling overwhelmed



Table Top Exercise

4. As you conduct an initial investigation, the teacher admits that they were pictures from a recent vacation. She has no idea how the pictures ended up on the screen. She didn't tell you because she said she apologized to students and they said they wouldn't tell anyone.



Table Top Exercise

5. The student had been removed previously from the teachers classroom for behavior. The teacher waited for the student to exit the cafeteria in order to confront him. The teacher grabbed him by both arms, redirected him to the sign on the door. The teacher pushed the student and got in his face. The student used swear words as he yelled at the teacher. The student attempted to get by the teacher and each time the teacher blocked his movement. Multiple students observed the confrontation and began recording on their cell phones.



Investigation Procedures

District Level (Serious)

- Drug/Alcohol possession/impaired
- Physical/sexual assault
- Inappropriate communication
- Discrimination/Harassment
- Pornography/Inappropriate material
- Failure to report child abuse
- Theft of property/money
- Criminal charges/convictions
- The list goes on and on



Investigation Procedures

District Level (Serious)

- Contact HR Administrator/AOS to determine next steps
 - Determine if paid administrative leave may be warranted
 - Determine if badge/Active Directory needs to be inactivated
 - Determine need to contact SRO or DCFS (Get officer name/ Case #)
- Meet with accused and inform him/her of alleged misconduct report (outline allegations). Request written response regarding allegations
 - Notify employee he/she is placed on paid administrative leave
 - Escort employee to work space to retrieve personal items
 - Collect laptop/ other electronic devices
 - Direct employee not to be on premises without permission
 - Direct employee not to contact school personnel, students, patrons during investigation. If parents/students contact the employee, ask employee to refer the student/parent to contact the principal
 - Notify employee that retaliation is prohibited
- Send email to HR Admin recommending paid administrative leave. HR will send official letter placing the employee on paid administrative leave



Investigation Procedures

District Level (Serious)

Investigation Procedures

- Complete investigation
 - Conduct additional witness interviews
 - Document investigation
- Call HR to schedule a Sanctions Committee Meeting
 - Review all evidence/documentation –
- Sanctions Committee determines action
 - No action/return to work
 - Written Reprimand
 - Suspension-without pay
 - Probation (1 year)
 - Termination



Investigation Procedures

Sanctions Meeting



Action-Termination

- HR schedules termination meeting/Prepares termination documents
- School verify district property to be returned
- HR will inactivate badge/Email
- Schedule a time to collect personal items



Action-Return to Work

- Principal meet with employee to review investigation findings. Allow him/her to return to work
- HR provides official paid leave removal notification
- Implement appropriate action
- Provide support (Training, EAP, etc.)
- Secure employee signature to any warning
- Forward documentation to HR

Principals are required to notify HR of ANY UPPAC violations
UPPAC Referral – HR will provide a referral to UPPAC for ALL violations
HR will follow-up with the police investigation/report



Questions





Employee with Performance/Behavior Concerns



DISCIPLINARY ACTIONS

The district may elect to proceed with disciplinary action to warn the employee that his/her conduct places the employee in danger of termination during the contract term.

1. Oral Reprimand: Oral reprimand may be issued by the immediate supervisor.
2. Written Warning: Written warning is any memo of concern.
3. Written Reprimand: warns the employee that adverse employment action, which may include contract termination, may be taken.
4. Probation
5. Suspension/Termination



REPRESENTATION RIGHTS

Licensed -Any employee subject to disciplinary action shall be given the opportunity to be represented in any meeting or conference to which they are invited or required to attend with respect to the disciplinary action.

ESP - Representation is only required if job action is being taken.
(Probation, Suspension, Termination)



S P O K E S

- ▶ S State the problem
- ▶ P Present the evidence & policy violation
- ▶ O Outline the directives
- ▶ K Kindness
- ▶ E Evaluate the job performance
- ▶ S Secure the signatures

[Link](#)



S.M.A.R.T. Goals

How do you write a
S.M.A.R.T goal/directive.

S = Specific

M = Measurable

A = Attainable

R = Realistic

T = Timely



Resources and Key Points

Resources

- ▶ HR (School/District Consistency)
- ▶ AdminOnly Website
- ▶ District Policies
- ▶ AOS
- ▶ Colleagues

Key Points

- ▶ Communicate clear expectations
- ▶ Don't be afraid to call
- ▶ DOCUMENT! DOCUMENT! DOCUMENT!
- ▶ Obtain Signatures
- ▶ Follow Up



Questions

