

1 PROPOSAL FROM  
2 THE CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION  
3 AND ITS  
4 PASADENA CITY COLLEGE CHAPTER 777 TO THE PASADENA AREA COMMUNITY COLLEGE  
5 DISTRICT  
6

7 March 2, 2026

8 ARTICLE 13 - DISCIPLINARY PROCEDURE

9

10 **13.1 Disciplinary Action: Causes and Time Limits**

11 The District shall not initiate disciplinary action for any alleged conduct that occurred prior  
12 to a unit member attaining permanent status, nor for any alleged conduct that occurred  
13 more than two (2) years before the date the District issues a notice of intent to impose  
14 discipline.

15 This limitation shall not apply if the conduct was concealed or not disclosed by the unit  
16 member in circumstances where the unit member reasonably should have disclosed the  
17 information to the District.

18 Nothing in this section shall prohibit the District from referencing prior discipline, written  
19 warnings, or reprimands for the limited purpose of establishing a pattern of conduct.

20 **13.1.1 Personnel Files and Disciplinary Action**

21 Disciplinary actions, including written reprimands, suspensions, involuntary demotions,  
22 or terminations, that constitute derogatory information shall be placed in the bargaining  
23 unit employee's personnel file no sooner than ten (10) days after issuance. The bargaining  
24 unit employee shall have the right to review such material and to submit written  
25 comments, which shall be attached to and maintained with the disciplinary document in  
26 the personnel file.

27 **13.1.2 Right of Representation (Weingarten Rights)**

28 A bargaining unit employee has the right to CSEA representation during any investigatory  
29 interview or meeting that the employee reasonably believes may result in disciplinary

30 action. A bargaining unit employee may request postponement of such a meeting in order  
31 to obtain CSEA representation. Upon request for representation, the meeting shall be  
32 rescheduled within five (5) working days to allow for CSEA representation.

### 33

### 34 Notable Disciplinary Measures

35 The disciplinary procedure set forth below shall apply to major disciplinary action, including but  
36 not limited to, discharge, suspension, demotion or termination taken against permanent, non-  
37 probationary employees.

## 38 **13.2** Informal Hearing Prior to Disciplinary Action

### 39 13.2.1 Notice

40 Prior to imposing major disciplinary action, the District will provide the employee with a written  
41 notice of the proposed action, the specific charges or materials on which the action is based, and  
42 the reasons for the proposed action. The written notice will also advise the employee of the right  
43 to request a hearing on the proposed action (“Skelly hearing”) and will include a Request for  
44 Hearing form, which is to be returned by a specified date which shall be no less than five (5)  
45 working days after service of the written notice. An employee's failure to return the request for  
46 hearing form within the time specified shall constitute a waiver of the right to a hearing before the  
47 initial imposition of disciplinary action.

### 48 13.2.2 Hearing

49 At the hearing, the employee shall be given the right to respond verbally or in writing to a person  
50 with authority (Hearing Officer) to make the final decision regarding the proposed disciplinary  
51 action or to recommend what final decision should be made. If the employee's response is heard  
52 by a person with authority to recommend, the employee's response shall be fully and fairly  
53 communicated to the Superintendent-President who makes the decision regarding the proposed  
54 action.

55 13.2.3 Association Representative

56 Upon the employee's request, the employee shall have the right to have a CSEA representative  
57 present at the hearing. Within ten (10) working days after the employee's response is heard, the  
58 employee shall be advised in writing of the hearing officer's decision.

59 13.2.4 Exception

60 The only exceptions to this procedure is when the District believes that the employee's conduct  
61 creates a danger to the public, students, other employees, or the District, or when the employee  
62 may be suspended for the (10) days or less. In these cases, a disciplinary suspension may begin  
63 before the employee receives a notice of intent and informal hearing.

64 13.2.5 Decision

65 The hearing officer's decision shall be presented to the Superintendent/President who shall  
66 present the recommendation to the Board of Trustees with any other pertinent information at its  
67 next regular business meeting, subject to the notice requirements of the Brown Act. The  
68 employee shall be advised in writing of the District's decision and the effective date.

69 13.2.6 Right to Formal Hearing

70 When the employee is advised of the District's decision and its effective date, the employee shall  
71 also be advised of his/her right to obtain a formal hearing. If the employee desires such a hearing,  
72 the employee must submit a written request within five (5) working days after receiving  
73 notification of the District's decision. The employee's request shall be submitted on a form  
74 provided by the District to the Office of Human Resources. The formal hearing may, but need not,  
75 occur prior to initial imposition of discipline.

76 13.3 Formal Hearing

77 13.3.1 Selection of Hearing Officer

78 The review panel shall be conducted by a single hearing officer. The State Mediation and  
79 Conciliation Service will be asked to appoint the hearing officer. The hearing officer shall set the  
80 time for the hearing on the matter and shall give the employee at least five (5) working days'  
81 notice in writing of the date and place of the hearing.

82 13.3.2 Rights of Parties Before Hearing Officer

83 The employee shall attend any hearing unless excused by the hearing officer. The employee and  
84 the District shall be entitled to the following rights at the hearing:

85 (1) To be represented by counsel or any other person at the hearing. The name of the em-  
86 ployee's representative shall be given in writing to the Office of Human Resources at  
87 least three (3) working days in advance of the scheduled hearing so that a folder of the  
88 formal exhibits can be prepared for the representative. The formal exhibits shall consist of  
89 notice of proposed action; the employee's initial request for a hearing (if any); the Dis-  
90 trict's written decision; and the employee's request. The folder of formal exhibits shall be  
91 given to the employee's representative at least two (2) days before the scheduled hear-  
92 ing.

93 (2) To testify under oath.

94 (3) To compel the attendance of other employees of the District to testify. To arrange for at-  
95 tendance during working hours, the names of such employees must be provided to the  
96 Office of Human Resources no later than three (3) working days before the scheduled  
97 hearing.

98 (4) To cross-examine all witnesses and all employees of the District whose reports are of-  
99 fered in evidence before the hearing officer.

100 (5) To impeach any witness.

101 (6) To present such affidavits, exhibits, and other evidence as the hearing officer deems per-  
102 tinent to the inquiry.

103 (7) To argue the case.

104 13.4 Procedure for Hearing Before Hearing Officer

105 The hearing shall be conducted in the manner most conducive to determination of the truth, and  
106 neither the District nor the hearing officer shall be bound by technical rules of evidence. The  
107 hearing officer shall determine the relevancy, weight, and credibility of the testimony and  
108 evidence. At the hearing officer review panel's discretion, irrelevant and repetitious evidence may  
109 be excluded. The burden of proof shall be on the District.

110 Each party will be permitted an opening statement, with the District or its designated  
111 representative opening first. The District and its designated representative shall present its  
112 witnesses and evidence to sustain its charges, and the employee will then present witnesses and

113 evidence in defense. Each party will be allowed to cross-examine witnesses.

114 The hearing officer may exclude witnesses not under examination except the employee and the  
115 party attempting to substantiate the charges against the employee and their respective counsel or  
116 representative.

117 13.5 Findings and Recommendations of Hearing Officer

118 The hearing officer shall issue his or her findings and recommendations within thirty (30) calendar  
119 days after the conclusion of the hearing. The hearing officer may sustain or reject any or all of the  
120 changes filed against the employee and may recommend modifications of the disciplinary action  
121 proposed by the District. The findings and recommendations of the hearing officer shall be served  
122 on all parties and their designated representatives.

123 13.6 Post-Hearing Procedure

124 The Superintendent-President shall review the findings and recommendations submitted by the hearing  
125 officer and make a final recommendation to the Board of Trustees. The Superintendent-President's  
126 recommendation may not contain a penalty greater than that proffered in the original charges. The  
127 Superintendent-President shall notify the affected employee and his/her designated representative of the  
128 Superintendent-President's recommendation no later than five (5) working days prior to the meeting of the  
129 Board of Trustees at which the matter will be considered.

130 An employee wishing to present oral argument to the Board of Trustees concerning the Superintendent-  
131 President's recommendation must notify the Superintendent-President at least twenty-four (24) hours  
132 prior to the meeting at which the Board of Trustees is scheduled to review the findings and  
133 recommendations and render a decision. The Board of Trustees shall make a final decision within thirty  
134 (30) calendar days after said meeting. The Board of Trustees shall not impose a penalty greater than that  
135 proffered in the original charges. In the event the Board of Trustees makes a final decision to modify or  
136 reverse the initial action taken by the District and the discipline has already been imposed, the employee  
137 shall be entitled to such make-whole relief as the Board of Trustees deems appropriate. Notice of the  
138 Board's decision shall be mailed to the employee and his/her counsel or other representative.

139

140