

Kimberly School District
PERSONNEL 5140
Probation, Suspension, and Termination
Of a Non-Certificated Employee

Classified employees are those non-certificated employees employed by the district, or personnel hired in positions which do not require certification. With the exception of those classified employees hired for a stated specified time, all classified employees shall be regarded as "at-will" employees and may be dismissed at the will of either party and the employment relationship may be terminated at any time for any or no reason (so long as the same does not violate public policy or violate any other provision of law). Such at-will designation will be included in all job descriptions as mandated by I.C. §33-517 and in written contracts, should the same be implemented by the District. An employment period, as well as other terms and conditions of employment set forth in a job description and/or written contract shall not create a property right as such are included for the specific purpose only of providing notice to the employee of the service and expectations of the District so long as the employment relationship continues.

Classified employees shall have no expectation of continued employment, unless so expressly specified by the District. The District reserves the right to change employment conditions affecting the employee's duties, assignment, supervisor or grade. The Board shall determine the salary and wages for classified personnel.

The Superintendent shall be the person responsible for hiring, firing, disciplining, suspending, and any other action related to the employment of said classified employee, subject to right of grievance set forth in Idaho Code § 33-517. The Board reserves the right to review and change the decision of the Superintendent if the Board disagrees with the resolution of any employment issue

The grievance procedure for classified employees shall be the procedure set forth in I.C. §33-517. Classified employees may file a written grievance alleging unfair treatment or a violation of Kimberly District policy. However; neither the rate of pay, job description nor the decision to terminate an employee during the initial 180 days of employment are issues subject to the grievance procedure.

Legal Reference: I.C. § 33-517 Non-certificated personnel; I.C. § 33-1201 Certificate required Metcalf v. Intermountain Gas Co., 116 Idaho 622 (1989)

Policy History:

Adopted on: January 27, 2004

Revised on: 1st Reading January 18, 2007

2nd Reading February 21, 2007