

**CLASSIFIED STAFF ADVERSE EMPLOYMENT  
ACTION APPEAL PROCEDURE  
(CLS-P005)**

Clarksville-Montgomery County School System

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**1.0 SCOPE:**

- 1.1 This procedure outlines the process for appealing adverse employment actions subject to appeal under the Adverse Employment Action Appeal Policy.

The online version of this policy is official. Therefore, all printed versions of this document are unofficial copies.

**2.0 RESPONSIBILITY:**

- 2.1 Chief Human Resources Officer (CHRO)

**3.0 APPROVAL AUTHORITY:**

- 3.1 Director of Schools

**4.0 DEFINITIONS:**

- 4.1 Adverse Employment Action (AEA): An action resulting in a loss of pay or wages, denial of promotion, demotion, retention in grade and/or pay, suspension without pay, or termination. Job reassignments, lateral transfer, suspension with pay, letter of concern or written reprimand are not subjects for appeal under this procedure.
- 4.2 Hearing Panel: A panel of persons currently employed by the school system as managers, department heads, directors, school principals and assistant principals, excluding the appealing employee's immediate supervisor and the Director of Human Resources.

**5.0 PROCEDURE:**

- 5.1 The immediate supervisor, when providing notice to the employee of his/her recommended AEA, will also provide the following: (1) written notice of the charges against the employee, (2) the reason for or explanation of the basis for the action, and (3) notice to the employee of his/her opportunity to respond in writing to the supervisor with 48 hours.
- 5.2 Once the employee submits his/her written response to his/her immediate supervisor or the deadline for him/her to do so passes, the CHRO/designee notifies employee of his/her decision, and if the decision upholds the recommended AEA, the CHRO/designee will advise them of their right to appeal under the Adverse Employment Action Appeal Policy (ref. [HUM-A049](#)).
- 5.2.1 Notification under this section is made by certified letter sent to the employee's home of record as indicated in his or her personnel record.
- 5.2.2 Notification includes information regarding the charge or charges (reason for the action), an opportunity to a private hearing before the hearing panel, an opportunity to be represented by counsel (attorney) or their designated representative, an opportunity to call witnesses, an opportunity to examine witnesses under oath, and an opportunity to require that testimony be given under oath.

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- 5.3 Employee appeals.
- 5.3.1 No, this is the end of the procedure.
- 5.3.2 Yes, employee advises the CHRO/designee by facsimile, phone, or letter of their intent to appeal the AEA. The appeal process must be initiated within ten (10) business days of the date on the employee notification of rights letter.
- 5.4 The appeal hearing is scheduled by agreement between parties no later than ten (10) business days of Human Resources' receipt of the employee's notice of their intent to appeal the AEA.
- 5.4.1 This deadline may be extended by mutual consent.
- 5.5 The appeal hearing must be conducted during one (1) business day, multiple hearing dates are not allowed.
- 5.5 The hearing panel is selected by lottery or other random process the names of five (5) school system employees (see above definition). The employee then dismisses or strikes two (2) of the names selected to form the panel.
- 5.7 Employee is required to notify HR Department if they will have an attorney present at the appeal.
- 5.7.1 This notification must be received within 5 days prior to the appeal date.
- 5.8 Employee is required to provide HR Department with a list of witnesses and copies of exhibits.
- 5.8.1 The list and copies of exhibits must be received 3 days prior to the appeal date.
- 5.9 The hearing panel convenes in a private setting and receives testimony under oath, documents, and any other items or materials requested for review by the employee or by the CHRO/designee. Testifying witnesses remain outside the hearing room until such time as they are called.
- 5.9.1 The CHRO/designee is responsible for presentation of the charges and basis for those charges and presents the factual support for the adverse action.
- 5.10 The hearing is recorded and transcribed.
- 5.10 The hearing panel issues decision affirming the adverse action, modifying the adverse action, or reversing the adverse action, makes written findings of fact and prepares a written conclusion and recommendation to the Director of Schools/designee within three (3) business days of the hearing. (ref. [CLS-F023](#))
- 5.10.1 The decision must be unanimous and the written conclusion is signed by all members of the hearing panel.

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5.11 The Director of Schools/designee accepts, modifies, or rejects the hearing panel's opinion and recommendation and notifies CHRO within three (3) business days. (ref. [CLS-F024](#))

5.12 CHRO notifies the employee of the Director's/designee's decision within three (3) business days of receipt of the hearing panel's recommendation and the Director's/designee's decision.

5.12.1 Notification is made by certified letter sent to the employee's home of record as indicated in his or her personnel record.

**5 ASSOCIATED DOCUMENTS:**

6.1 Classified Staff Adverse Employment Action Appeal Policy ([HUM-A049](#))

6.2 Employee Handbook ([HUM-M001](#))

6.3 Certified Letter

6.4 Minutes

6.5 Appeal File

6.6 Hearing Panel Findings and Recommendations ([CLS-F023](#))

6.7 Director's Review ([CLS-F024](#))

**6 RECORD RETENTION TABLE:**

<u>Identification</u>	<u>Storage</u>	<u>Retention</u>	<u>Disposition</u>	<u>Protection</u>
Correspondence to employee	Personnel File	Indefinitely	Permanent	Secured Area, Access Controlled
All documents related to appeal	HR Confidential files	Indefinitely	Permanent	Secured Area, Access Controlled

**7 REVISION HISTORY:**

<u>Date:</u>	<u>Rev.</u>	<u>Description of Revision:</u>
3/30/06		Initial Release
5/18/06	A	Addition of 6.6 & 6.7
5/31/06	B	Change to Assistant Director in 5.1
9/28/06	C	Change appeals to request a review and reverse, modify or reject to reconsideration throughout procedure, update flowchart

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3/17/08	D	Remove Steps 5.9 through 5.14.2, remove appeal option in 5.8, update job titles and flowchart
5/20/08	E	Add assistant principals to 4.2
11/13/08	F	Add new 5.4, 5.5 & 5.6, renumber, update flowchart
8/16/10	G	Add new 5.1; revises 5.2, 5.2.1, & 5.2.2 (formerly 5.1, 5.1.1 & 5.1.2) to allow employee response to recommended AEA, hearings private. Expands 5.8 (formerly 5.7) adding requirement for employee to submit exhibits, expands number of days for submission

**8 FLOWCHART:**

9.1 A flowchart detailing this process can be found in "Exhibit A" of this procedure.

**\* \* \* E n d o f P r o c e d u r e \* \* \***