

EXHIBIT 9



# SAN RAMON VALLEY UNIFIED SCHOOL DISTRICT

699 Old Orchard Drive, Danville, CA 94526

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www.srvusd.k12.ca.us

Human Resources

DATE: November 6, 2003

TO: Laura Carrasco  
SRVHS Head Custodian

**Personal Delivery**

FROM: John R. Caldecott  
Director, Classified Personnel

**CONFIDENTIAL**

Re: NOTICE OF PREDISCIPLINARY CONFERENCE

Please take notice that it is my intent to recommend your dismissal from classified service based on the charges contained herein.

Prior to taking any action, I am offering you an opportunity to present your response to the charges in a predisciplinary conference. An appointment has been made for you to meet in my office on Thursday, November 13, 2003, at the Education Center, with Chris Williams, Assistant Superintendent (Skelly Officer), for your oral/written response to the charges. If you wish to respond to the charges in writing prior to the time and date of this conference, you may do so.

Your response to the charges will be considered prior to any final recommendation to the Board of Education.

### **Causes of Disciplinary Action**

Permanent classified employees are subject to disciplinary action for cause under Article XV of the SEIU Collective Agreement (Exhibit 1). The specific violations of the Collective Agreement are as follows:

- E. 4. Discourteous, offensive, or abusive conduct or language toward other employees, pupils, or the public when on duty.**
- E. 8. Incompetence or inefficiency in the performance of duties.**
- E. 9. Insubordination (including, but not limited to, refusal to do assigned work).**
- E. 13. Willful or persistent violation of the Education Code or the rules of the Governing Board, or any provision of this Agreement. [Applicable portion italicized.]**
- E. 14. Failure to perform the essential functions of the position with or without reasonable accommodation.**

SR0119

## Conduct Upon Which Discipline Is Based

The specific instances, which form the basis for each of the disciplinary charges against you, are as follows:

**On September 9, 2002**, Sylvia Ryan was talking to you in her office regarding some cleaning issues. You began to argue with Sylvia and you disputed her authority to assign you or other custodians to special cleaning duties aside from the usual schedule. You became so argumentative that you were told to carry out the assigned task and to leave the office or be subject to a charge of insubordination.

**On September 11, 2002**, Sylvia Ryan met with you and the Director of Custodial Services & Child Nutrition to go over your responsibility to follow the instructions of your direct supervisor. The Director talked to you and assured Sylvia Ryan that you would follow the directives she gave you in the future.

**At the beginning of October 2002**, Emiliano Ochoa, a day custodian at SRVHS, reported to Sylvia Ryan and Larry Shannon, the new Director of Custodial Services & Child Nutrition that you were yelling at him in Spanish. Emiliano said that you were yelling at him to tell him he has to empty all the trash before he leaves for the day. You told Emiliano to work an extra half hour without pay so he could finish emptying the trash. Sylvia Ryan advised you that Emiliano's work shift ended at 2 p.m. and that he has been instructed to leave whether he has completed the trash or not.

**In November 2002**, Emiliano Ochoa came to Sylvia Ryan again to tell her you were continuing to criticize him about picking up the trash. You also came to Sylvia to tell her that Emiliano was not emptying all the trash before the end of his shift. Sylvia Ryan reiterated to you again that Emiliano worked until 2 p.m. and that you were to pick up trash until the evening crew came on at 3 p.m. You were clearly advised that Emiliano was complying with directions from his supervisor. Sylvia Ryan followed-up with a memo to you dated November 22, 2002, instructing you to communicate any issues regarding Emiliano directly to her and not to speak to him regarding performance issues (Exhibit 2). The memo also stated that Sylvia Ryan and your Principal, David Lorden now considered your behavior towards Emiliano to be harassment since you continued to violate directives not to criticize his performance. You were told that your behavior toward Emiliano was abusive and discourteous. You were told that Emiliano may be assigned tasks during the day that could prevent him from emptying the trash.

**On December 2, 2002**, a meeting was held to discuss your concerns with the memo you received on November 22, 2002 (Exhibit 2). At this meeting you continued to address your concerns about Emiliano's performance and did not focus on the directives that Sylvia Ryan had given to you.

**On December 12, 2002**, a meeting was held with you, Sylvia Ryan, Larry Shannon, Seymour Kramer (SEIU representative), and Jake Kurbatsky (SEIU President). You were directed again not to speak or give work direction to Emiliano. You were also informed that you needed to improve your productivity.

**On December 19, 2002,** Larry Shannon, Director of Custodial Services & Child Nutrition spoke to you to tell you that you were not authorized to call your son, or anyone else, to be a substitute custodian unless Mr. Shannon authorized it. Larry Shannon directed you not to make calls to substitutes because you had called a substitute for the site that was not authorized.

**On January 9, 2003,** you spent 15 to 20 minutes at a PTSA meeting when you should have been performing your assigned custodial duties. At the meeting you stated you get no respect or support from the administration. You were not authorized to attend this meeting during your work time. Approximately one month prior to this incident, Larry Shannon observed you standing at the doorway of a meeting for approximately 30 minutes when you should have been working. If you had concerns, you should have reported those concerns through the proper chain of command.

**On January 15, 2003,** there was a meeting with you, Seymour Kramer (SEIU Representative), Jake Kurbatsky (SEIU President), David Lorden, Sylvia Ryan, Larry Shannon, and me. During our meeting you acknowledged that you contacted your son to work as a substitute custodian on Sunday, January 5, 2003. You also acknowledged that you had been specifically directed not to do so on December 19, 2002 by Larry Shannon, Director of Custodial Services & Child Nutrition (Exhibit 3). You were also advised in a November 13, 2002 memo from Larry Shannon that the District was changing the process for assigning District custodians for overtime (Exhibit 4). The work on Sunday, January 5, 2003 would have fallen under the new assignment process. You ignored this process for assigning overtime and Larry Shannon's specific directions not to call your son when you contacted your son to work on January 5, 2003. You did not report your conduct to your supervisor. Larry Shannon discovered through pay records that you had violated his directive (Exhibit 5). Your conduct was insubordinate, incompetent, and failed to follow procedures.

During the meeting on January 15, 2003, you also acknowledged you made an abusive comment to Emiliano. You acknowledged saying, "You're not going to get me for harassment...you're not going to get something in my file." You have been directed not to harass or be abusive towards Emiliano. Your conduct towards Emiliano constituted insubordination, continued a pattern of discourteous and abusive behavior towards another employee, and failed to follow procedure.

You acknowledged the conduct at the PTSA meeting that occurred on January 9, 2003.

**On January 29, 2003,** you entered into a last chance agreement with the District (Exhibit 3) and accepted a 4-day unpaid disciplinary suspension for the following conduct you acknowledged in the January 15, 2003 meeting. Section 2 of the agreement states:

*"2. CARRASCO acknowledges the following facts:*

*2.1 CARRASCO contacted her son to work as a substitute custodian on 1/5/03 after being specifically directed not to do so on 12/19/03 by Larry Shannon, Acting Director, Custodial Services.*

2.2 CARRASCO acknowledges carrying on an inappropriate conversation with a custodian after being directed in writing not to speak to him. CARRASCO said to the custodian, "You're not going to get me for harassment...you're not going to get something in my file."

2.3 CARRASCO acknowledges spending time away from her duties without authorization to attend a meeting. The proper chain of command expected from the Head Custodian to address concerns was not followed and work time was wasted. CARRASCO has been counseled on previous occasions regarding the need to improve productivity."

Each word of the agreement was read aloud and discussed with you and your SEIU representative, Seymour Kramer, on January 29, 2003. At the time you entered into the agreement you said you understood and agreed with each section of the agreement. You pledged your cooperation in the future. You were advised to proceed with the formal disciplinary process if you disagreed with any section of the voluntary agreement. You stated that you wanted to sign the agreement and took responsibility for your actions. You were advised of your rights under section 7 of the agreement, which states:

" 7. The District and SEIU have fully advised CARRASCO of the formal disciplinary procedures (i.e., written charges, Skelly, formal appeal with an opportunity to cross-examine witnesses, and Board action). CARRASCO voluntarily agrees to the provisions herein in lieu of formal discipline and acknowledges that this agreement complies with the Contract, District Policies and all applicable laws. "

The District agreed to participate in two counseling sessions with you and the Custodian you treated in a discourteous/abusive manner. In section 5 you also indicated that you would work cooperatively in developing and maintaining positive and effective work relationships.

Section 5 states:

" 5. CARRASCO is required to meet in not less than two joint sessions with John Caldecott and the custodian that she has treated in a discourteous manner. CARRASCO will work cooperatively with all custodians and will demonstrate that she can meet the requirements/qualifications of a Head Custodian by developing and maintaining positive and effective work relationships.

*The Assistant Principal will handle all work instructions/directions with the other custodian until the sessions above are completed successfully. The school administration will keep CARRASCO advised of directions given to the custodian for coordination purposes."*

You were warned about the consequences if you failed to improve your performance. Section 6 states:

"6. CARRASCO understands that failure to perform satisfactorily in any area, or conduct similar to that described in 2 (two) above will be likely to lead to dismissal from classified service. Furthermore, failure to comply with all of the conditions of this agreement will also be grounds for dismissal."

**On February 3, 2003 through February 6, 2003**, you served a 4-day unpaid disciplinary suspension. The agreement in section 4 states:

*" 4. As a result of the conduct described in 2 (two) above, CARRASCO accepts a 4 day unpaid disciplinary suspension from February 3, 2003 through February 6, 2003. The appropriate deductions will be made from the February payroll check issued to CARRASCO."*

**On February 5, 2003**, you responded to your suspension agreement and denied making comments to Emiliano in 2.2 of the agreement (Exhibit 6). This was contrary to your statements that several individuals witnessed at the January 15, 2003 meeting. Your denial of the misconduct to which you had already verbally admitted to in a meeting with several in attendance, and in writing, further demonstrates to the District that you are not a credible source of factual information. As the Head Custodian of a large high school, the administration relies on you to be honest, trustworthy and able to provide factual information on a daily basis. Your statements and your conduct demonstrate that you do not take responsibility for your actions and that you do not demonstrate the integrity necessary to fulfill the responsibilities of a Head Custodian.

**On February 27, 2003**, the District learned that you were observed talking to a Child Nutrition employee for 40 minutes when you should have been performing your custodial duties (Exhibit 7). You claimed that it was on a very brief conversation, not much more than hello at the time you were questioned a few days after the incident. On March 26, 2003, in a written rebuttal letter, you claimed for the first time that you were on a lunch break (Exhibit 8).

**On March 19, 2003**, your Principal, David Lorden, placed an incident report in your personnel file (Exhibit 7). The report summarizes the incident on February 27, 2003, and finds that you have violated your Suspension Agreement (Exhibit 3). The District documented this as an incident and continued to monitor and evaluate your performance. You were warned again, *"that your failure to perform satisfactorily in any area will be likely to lead to dismissal from classified service."*

**Also on March 19, 2003**, a meeting was held with your representatives, Mike Simanek and Seymour Kramer. The District provided you with the incident report dated March 19, 2003 (Exhibit 7). The District discussed an opportunity with you and your representatives for you to voluntarily demote to a Custodian position at the District Office. There was concern on the part of the District that if you continued in your Head Custodian position at the same level of performance that you would be terminated for cause for your misconduct. You were advised that it would be unlikely that the District would provide this opportunity at a future date if your pattern of misconduct continued. You left the meeting during a break and did not pursue the opportunity for the Custodian position. The District prepared a performance plan and draft work schedules for you (Exhibit 9). You left the meeting before this information could be provided to you and your representatives.

The District had a performance plan and work schedule to go over with you at the March 19, 2003 meeting, but you left the meeting without notice to the District before that information could be provided to you.

**From March 19, 2003 to August 18, 2003**, you were off work on sick leave. This period is specified here to account for the period of time when no performance issues were reported. *This is for background information only; the absences from work during this period are authorized and are not a basis for disciplinary action.*

**On March 26, 2003**, you submitted a response to the District's incident report of March 19, 2003 (Exhibit 8). Although you did not claim you were on your lunch period during the investigation, you now claimed that you were having lunch. You further claimed that the period of time was only a few minutes. You alleged there is a plot against you because you would not make negative allegations about a former Director, Custodial Operations and gave several other theories as to why you should not be accountable for your performance.

The District's only interest has been to attempt to raise your performance level to a satisfactory level so the High School custodial operations can function effectively.

Your March 26, 2003, response actually helps substantiate the disciplinary charges against you. For example, on page 4, paragraph A, you acknowledge that a former supervisor, Lisa Ward, told you, "...not to enter in **the kitchen** and engage in conversation. She did not mention at anytime not to go into the cafeteria area!" The direction from Lisa Ward goes back to last school year. You take position with regard to the incident with Erika that you were told to stay out of the kitchen, but were not specifically told not to stay out of the cafeteria. This explanation demonstrates that you are not functioning at the level of performance necessary to be a High School Head Custodian. You should not need to be told that the direction from Lisa Ward would apply to other areas.

A Head Custodian functioning at a satisfactory level should not have to be told not to be in the kitchen, and after that instruction, should not need to be told not to engage in conversation in the cafeteria. The District has tried to provide you with performance feedback and assistance that would assist you with raising your improvement.

Your inability to accept direction, inability to accept constructive criticism, and your attitude toward your supervisors/coworkers is clearly depicted in your correspondence with the District (Exhibit 8, Exhibit 10, Exhibit 11). Your negative rhetoric increases incrementally with each of your response/denial letters, but the District has not detected any significant improvement in your performance.

**On April 24, 2003**, Roberta Silverstein, Assistant Superintendent Human Resources, responded to your March 26, 2003, letter. Roberta Silverstein found that the District action taken as a result of the incident on February 27, 2003 incident was appropriate. She also confirmed that you had declined the voluntary demotion the District offered you on March 19, 2003 (Exhibit 12).

**On June 3, 2003**, John Caldecott, Director, Classified Personnel sent you an improvement plan in the mail since you were not expected to return to work for an extended period (Exhibit 13). The improvement plan was developed for the March 19,

2003 meeting. You left the meeting on March 19, 2003, before the District was able to provide you with the improvement plan. The improvement plan objectives are as follows:

*"Follow all management directives.*

*Ask for direction if you are uncertain how to proceed.*

*Demonstrate immediate and sustained improvement in the performance of your assigned duties-stay on task at all times.*

*Demonstrate the leadership skill necessary to fulfill the duties of a head custodian.*

*Treat all staff members with courtesy and respect at all times.*

*Follow the proper chain of command to address any concerns."*

**On June 8, 2003**, you responded to the June 3, 2003 letter from the District (Exhibit 11). Your demeanor in the letter and in meetings has made it difficult for the District to assist you in improving your interpersonal skills. Despite several sessions designed to offer you alternative strategies to express concerns in a positive way, you have not demonstrated any significant improvement in this area.

**On August 14, 2003**, you wrote the District indicating that you would be returning to work on August 18, 2003. You also requested that the District provide a translator to assist you in addition to your union representative (Exhibit 14). This is the first time that you requested a translator or inferred that you did not understand the information you were provided. The District has not experienced any difficulty understanding you verbally or in your extensive written correspondence. Your request for a translator was granted, although the District has received every indication from you in the past that you have understood all written and verbal communications.

**On August 18, 2003**, you returned to work as a Head Custodian at San Ramon Valley High School. *The reference is for background information only; this is not a basis for the charges against you.*

**On September 5, 2003**, a meeting was scheduled for September 8, 2003 (Exhibit 15), to discuss your work relationships and to go over the improvement plan you received in the mail on June 3, 2003 (Exhibit 13). Two hours before the meeting on September 8<sup>th</sup> you requested the meeting be canceled because you needed more time to talk to your representative. Your request was granted and the meeting was rescheduled for September 16, 2003.

**On September 12, 2003**, Sylvia Ryan called you to the main office so she could request that you remove some graffiti/inappropriate drawings from the side of the science building. Before Sylvia could inform you of the request, you abruptly cut her off and said, "If it is trash - no." Sylvia did not know what you were referring to, so she asked, "If it is trash no what?" You then said, in a belligerent tone, "If you want the guys [referring to the custodial crew] and me to clean up trash - no way!" You went on to say that Emiliano was not doing his job and in addition that he was deliberately leaving the trash for the night custodian. Sylvia told you that this would be discussed later and told you about the cleanup needed on the science building (Exhibit 16).



Roxanne Stone, School Office Manager also witnessed this incident and reported that your tone was "belligerent and argumentative." A student also reported hearing you "raise [your] voice" to Sylvia, your supervisor (Exhibit 17).

You have been counseled on numerous occasions regarding the proper way to address concerns and the requirement that you act professionally towards your supervisor. You have been advised on several occasions that this type of conduct will result in your dismissal.

**On September 15, 2003**, at 9:30 a.m. Dave Lorden contacted Roxann Stone, the School Office Manager, to tell you to turn on the sign in the front of the school. Ms. Stone gave you the instruction, but by 2:30 p.m. you had not turned the sign on (Exhibit 18).

**On September 16, 2003**, two workdays after the incident on September 12, 2003, the District asked you about this incident in the main office and you said you did not recall raising your voice, talking about the trash, or referring to Emiliano. Your representative, Mike Simanek, was present, along with Dave Lorden, Sylvia Ryan, Larry Shannon, Rey Santa Cruz (interpreter) and me. The incident on September 12, 2003, demonstrates that oral, written warning, suspension, and personal counseling have not successfully resulted in satisfactory performance. Your conduct in the main office is very similar to the recurring conduct that has lead to prior discipline. The similarities include:

- A. **Addressing Concerns:** You have been counseled on the appropriate method to express your concerns. Raising concerns in the main office demonstrates that you have not improved your poor judgment.
- B. **Discourteous Treatment/Failure to Follow Directions:** You have been counseled extensively about your treatment of your coworker Emiliano. Discussing Emiliano's alleged performance in the main office violates the directives you have received regarding the appropriate treatment of a coworker. You have been warned in writing and suspended for your discourteous treatment and harassment of this same employee. You have been told that the administration has directed Emiliano to leave, even if he has not emptied all the trash. The negative statements you made about Emiliano's performance in the main office are evidence that you are unwilling to follow directives.
- C. **Insubordination/Treatment of Supervisor:** The District attempted to impress on you the level of professionalism required for your position through oral counseling, written directives and suspension without pay. The uncooperative approach you utilized with your supervisor is unsatisfactory. Your actions toward your supervisor are considered insubordinate based on the directives you have received about discourteous/abusive treatment.
- D. **Incompetence/Pattern of Misconduct:** Your conduct in the main office is another example of your incompetent performance. Repeated efforts to assist you with suggestions for positive alternative methods to express your concerns have not changed your approach to any significant degree. You have failed to respond to

progressive discipline steps intended to assist you in demonstrating and sustaining satisfactory performance.

The improvement plan given to you at this meeting was originally provided to you through the mail in June of 2003 (Exhibit 19).

**On September 19, 2003**, Dave Lorden noticed broken down furniture and dollies in the hallway for 24 hours. He tried to remind you to keep the hallways clear. You stated that they [the other custodians] were doing their best. The Principal was attempting simply to address the concern and move on; your comment was not responsive (Exhibit 20).

**On September 24, 2003**, you were not cooperative when you were asked to bring the leaf blower to the tennis court to blow off the leaves for the tennis match. Several people overheard the conversation over the school radios. The District received reports from John McMorris, Assistant Principal, Dave Lorden, Roxann Stone and Sylvia Ryan. This is another example of your unwillingness to carry out simple custodial directions (Exhibit 21). Your uncooperative approach is unacceptable for any employee, especially the Head Custodian. You even claimed that only Emiliano was capable of running the leaf blower. You are unwilling to perform the basic problem solving necessary to allow the campus to function in an orderly manner.

**On October 6, 2003**, you acknowledged to Dave Lorden that you worked overtime yourself and gave permission to five custodians to work two hours overtime on September 26, 2003 (Exhibit 22). You gave this permission without seeking or receiving authorization from an administrator. You have been told "never" to authorize overtime on your own; only an administrator can authorize overtime. You exceeded your authority and violated directives from Sylvia Ryan and David Lorden.

**On November 6, 2003**, the SRVHS administration issued you an evaluation covering your performance for the last year. The evaluation shows your performance to be unsatisfactory in the following areas: Accepts direction/instruction, Public relations, Employee relations, Dependability, Planning & organizing work, Job skills, Compliance with pertinent & legal regulations, Effectiveness under deadlines, Scheduling & coordination, Meeting deadlines, Accepts responsibility, Accepts change, Quality of work, Attitude, Leadership, Work judgments/decisions, Initiative, Productivity. Your unsatisfactory performance overall is evidence of incompetence (Exhibit 23).

### **Summary Analysis of Causes**

This summary analysis is provided to indicate the factors considered by the District in arriving at a recommendation for dismissal and to summarize the District position on each of the causes.

#### **High School Workload Considerations:**

The District has taken into account the needs of a comprehensive High School and the heavy demands on the High School Head Custodian position. However, even with these

factors considered your dismissal is recommended based on the charges contained in this notice.

#### Length of Service Considerations:

The District has considered the length of service with the District as a Head Custodian and a Lead Custodian from 12/19/83, in determining the appropriate level of progressive discipline for the various incidents of misconduct. Your pattern of willful misconduct makes it necessary for the District to recommend dismissal.

#### Past Performance Considerations:

Article XV, Section C. Limitation, specifies, "No disciplinary action shall be taken for any cause which arose more than two (2) years preceding the filing of the notice of cause..." There were periods of satisfactory performance evaluation prior to September of 2002, even though there was growing concern about your competence as a Head Custodian.

The High School Head Custodian is the highest level bargaining unit position in the custodial series. The satisfactory performance of the Head Custodian is critical to the orderly operations of the school.

Beginning in September of 2002, you engaged in a pattern of misconduct that has led to your recommendation for dismissal. The District had to remove your responsibility to oversee the work of one of the Custodians on your crew because of your inappropriate behavior. The full oversight of the crew has not been returned to you because of your continued misconduct toward this crewmember.

The District has utilized all the appropriate steps of progressive assistance to encourage you to improve your performance to an acceptable level and has provided you with a reasonable amount of time to demonstrate corrective action. You have been given adequate warning that you would be dismissed if your performance did not improve.

The District has considered all aspects of your past performance, positive and negative, over the past two years. The appropriate disciplinary action recommendation is dismissal.

#### Dismissal vs. Demotion Considerations:

The District carefully reviewed the option of involuntarily demoting you from Head Custodian High School to Custodian. The involuntary demotion option was rejected because of your continued harassment of a coworker, your treatment of and inability to take direction from your supervisors, and your rejection of this option when it was offered on a voluntary basis at an earlier stage of the process. The District does not find that demotion would be a viable alternative to dismissal based on the continuation of your willful misconduct.

*Based on all the facts contained in this Notice of Predisciplinary Conference, each of the mutually exclusive causes below form the basis for your dismissal recommendation.*

**E. 4. Discourteous, offensive, or abusive conduct or language toward other employees, pupils, or the public when on duty.**

You have shown an unrelenting pattern of discourteous, offensive, or abusive conduct directed toward you coworker and your supervisors. Written directives, suspension, performance counseling, an improvement plan, and clear messages informing you that your continued misconduct would result in dismissal have not resulted in satisfactory performance.

**E. 8. Incompetence or inefficiency in the performance of duties.**

The High School Head Custodian is responsible for the day-to-day contacts of custodians with school administrators, teachers, other staff members, and the general public (Exhibit 24). The Head Custodian is also responsible for preparing work schedules and for training other custodians. It is critical that the High School Head Custodian establishes and maintains cooperative working relationships with administrators and coworkers to accomplish these tasks. Since November 22, 2002 (Exhibit 2), when Sylvia Ryan found it necessary to oversee Emiliano herself, you have not been responsible for the whole crew as required by your job description. The District has not been able to assign you the full duties of the Head Custodian for a year because of your continued pattern of misconduct. The instances of misconduct above demonstrate that you cannot perform the required duties of the High School Head Custodian essential job functions.

**E. 9. Insubordination (including, but not limited to, refusal to do assigned work).**

You have willfully and knowingly violated directives to discontinue your discourteous and abusive conduct toward employees. You continue to willfully disregard task instructions and work rule procedures.

**E. 13. Willful or persistent violation of the Education Code or the rules of the Governing Board, or any provision of this Agreement. [Applicable portion italicized.]**

Your persistent insubordination, discourteous/abuse conduct, incompetence, and failure to follow clear directions constitute willful and persistent violations of the causes for dismissal in the Agreement, and are each sufficient to recommend your dismissal from classified service.

**E. 14. Failure to perform the essential functions of the position with or without reasonable accommodation.**

Your job description (Exhibit 24) states that you are responsible for a custodial crew, day-to-day contacts with custodians, and that you are to establish and maintain cooperative working relationships with others. The agreement you signed on 1/29/03 is very specific. Exhibit 3, section 5 states:

*"5. CARRASCO is required to meet in not less than two joint sessions with John Caldecott and the custodian that she has treated in a discourteous manner. CARRASCO will work cooperatively with all custodians and will demonstrate that she can meet the requirements/qualifications of a Head Custodian by developing and maintaining positive and effective work relationships.*

*The Assistant Principal will handle all work instructions/directions with the other custodian until the sessions above are completed successfully. The school administration will keep CARRASCO advised of directions given to the custodian for coordination purposes."*

The District has determined that you cannot be assigned the full duties and responsibilities of the Head Custodian High School because of your continued pattern of discourteous/abusive conduct toward another custodian on the crew at SRV High School. The incidents contained herein have made it clear to the District that you have violated the Agreement signed on 1/29/03 and that you are unwilling or unable to perform the essential functions of the Head Custodian classification.

### **Conclusion**

Progressive discipline has failed to result in any significant improvement in performance. All of the pertinent facts described herein, including the recommendations from the Principal, Assistant Principal, Director of Custodial Services, and Director of Maintenance, Operations, Transportation and Child Nutrition, have been considered in determining the appropriate disciplinary action.

**Your pattern of willful misconduct and your inability to improve your performance leaves the District no choice but to consider your dismissal from classified service.**

### **Exhibits**

Copies of the following documents are attached to this predisciplinary conference notice:

1. Article XV Disciplinary Action-SEIU Contract
2. November 22, 2002 Note to Laura Carrasco from Sylvia Ryan
3. January 29, 2003 Suspension Agreement between SRVUSD, SEIU, and Laura Carrasco
4. November 13, 2002 letter to Custodians from Larry Shannon re: overtime
5. Timesheet from Abel Carrasco (son of Laura Carrasco) for work on January 5, 2003
6. February 4, 2003 Laura Carrasco response to Suspension Agreement
7. March 19, 2003 letter to Laura Carrasco from Sylvia Ryan and Dave Lorden re: incident on February 27, 2003 incident
8. March 26, 2003 Laura Carrasco response to March 19, 2003 incident report
9. March 19, 2003 improvement plan and work schedules prepared for the March 19, 2003 meeting with Laura Carrasco (Carrasco left before these materials were given to her)
10. May 2, 2003 letter from Laura Carrasco to Roberta Silverstein
11. June 8, 2003 letter from Laura Carrasco to John Caldecott

12. April 24, 2003 letter from Roberta Silverstein to Laura Carrasco
13. June 3, 2003 letter from John Caldecott, w/ attached improvement plan, to Laura Carrasco
14. August 14, 2003 letter from Laura Carrasco to John Caldecott requesting a translator
15. September 5, 2003 letter from John Caldecott to Laura Carrasco granting translator request and scheduling meeting
16. September 16, 2003 report from Sylvia Ryan of incident on September 12, 2003
17. September 16, 2003 report from Roxann Stone of incident on September 12, 2003 w/attached information from student
18. September 15, 2003 report from David Lorden regarding sign
19. September 16, 2003 improvement plan signed, sent to Laura Carrasco by U.S. mail on June 3, 2003
20. September 19, 2003 report from David Lorden regarding hallway
21. September 24, 2003 report from John McMorris regarding blower/radio incident, w/attached statements from David Lorden, Roxann Stone, and Sylvia Ryan
22. Unauthorized timesheets for Laura Carrasco and crew
23. Laura Carrasco Evaluation
24. Head Custodian High School Job Description

### Review and Recommendation

The undersigned have reviewed the contents of the predisciplinary conference notice and the exhibits referred to herein. The factual statements included in the charges are true and correct to the best of our knowledge. We recommend that Laura Carrasco, High School Head Custodian at San Ramon Valley High School, be dismissed from classified service.

David Lorden 11/4/03

David Lorden  
Principal, San Ramon Valley High School

Sylvia Ryan 11/4/03

Sylvia Ryan  
Assistant Principal, San Ramon Valley High School

Thomas Jamison 11/4/03

Thomas Jamison  
Director Maintenance, Operations, Transportation, & Child Nutrition

Larry Shannon 11/4/03

Larry Shannon  
Director Custodial Services & Child Nutrition

### Request for Hearing

In the event that this disciplinary action continues after the predisciplinary conference and the Board of Education subsequently dismisses you from classified service, you may

request a formal hearing before the Board or a designated hearing officer. The hearing will be held in closed session unless you otherwise request it be held in open session. You may also elect to be represented at a formal hearing, if one occurs.

A COPY OF THIS DOCUMENT WILL BE PLACED IN YOUR PERSONNEL FILE FIVE (5) WORKING DAYS FROM THE DATE YOU RECEIVE THIS NOTICE. YOU ARE ENTITLED TO RESPOND AND YOUR WRITTEN COMMENTS WILL BE ATTACHED TO THIS NOTICE AND MADE PART OF YOUR FILE.

CC: Rob Kessler, Superintendent  
Roberta J. Silverstein, Assistant Superintendent Human Resources  
Bob Thurbon, Esquire  
Seymour Kramer, SEIU Labor Representative