

Portrait of a Workplace – Employee Bill of Rights

Fairfax County Public Schools, Portrait of a Workplace:

Employee Bill of Rights*

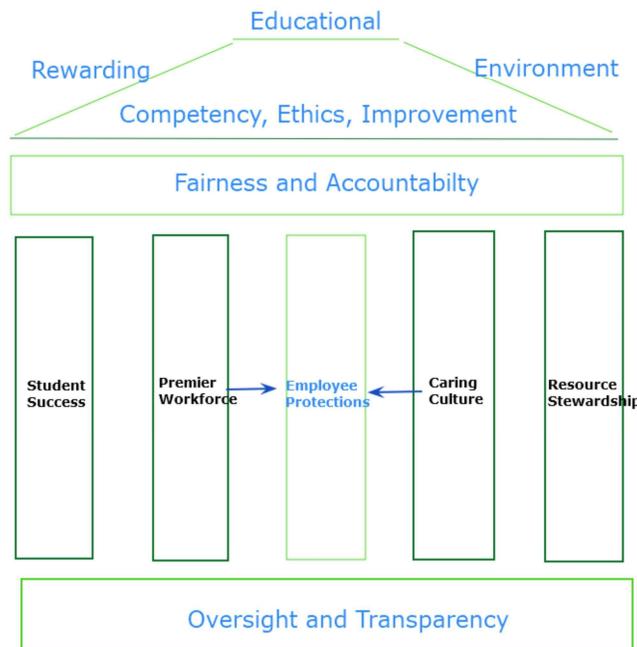
The spirit of the Ignite “FCPS Strategic Plan” and its pillars (Student Success; Caring Culture; Premier Workforce; Resource Stewardship) are predicated on the belief that people are our most important asset and that the students are our most important clients.

Respecting the dignity and value of all employees of the Fairfax County Public School (FCPS) community is essential to creating an environment that supports the learning and success of all students, and proper administration of FCPS. It is essential that all staff, parents, and students are fully informed of the rights of all employees of the FCPS community.

Therefore, the Fairfax County School Board (FCSB) declares that the following basic employee rights are undeniable and necessary for supporting a rewarding workplace and learning. The goal is to provide a productive and positive educational experience for all concerned.

Those rights are recognized as follows:

1. The Right to Equal Protection and Universal Application of Rules
2. The Right to Work in an Environment Free of Harassment and Discrimination
3. The Right to Work in a Safe Environment
4. The Right to Freedom of Association
5. The Right to Fair and Equitable Treatment within all Supervisory Settings
6. The Right to be Informed
7. The Right to Professional Autonomy, Voice, and Support
8. The Right to Progressive Discipline and Fair Due Process
9. The Right to Representation and Assistance
10. The Right to an Impartial and Effective Dispute Resolution Process
11. The Right to Voice Concerns without Fear of Retaliation
12. The Right to a Meaningful Evaluation Process with Multiple Data Points



Signed _____ (FCSB Chair) _____ (FCPS Superintendent)

*This is a summary of the legal rights of FCPS staff consistent with existing law and regulations.

1. The Right to Equal Protection and Universal Application of Rules

Staff members can expect to work and interact on a level playing field. The rules apply equally and impartially to all FCPS stakeholders. Each and every FCPS staff member has a set of fundamental rights, equally applicable, regardless of position, seniority, or paygrade.

2. The Right to Work in an Environment Free of Harassment and Discrimination

No student, employee, or applicant for employment in the Fairfax County Public Schools shall, on the basis of age, race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity, as required by law and pursuant to [Policy 1450.6](#). Complaints of harassment and other discrimination under Regulation [4952.2](#) will be investigated in the same way as are complaints of sexual harassment under the current version of Regulation [4950](#), Sexual Harassment.

Any meeting or conference containing abusive behavior should be suspended by parties subject to the abuse, or witnessing it. Abusive behavior might consist of profane language or threats against a staff member. The program manager should then be advised of the occurrence and help determine what further action should be taken.

Abusive behavior among staff members including harassment of all kinds, lack of access to professional opportunities (shifts, compensated duties, resources, materials, etc.), and reputational diminution will not be tolerated in any workplace.

3. The Right to Work in a Safe Environment

Employees should be provided with all protective equipment and training required to minimize their chances of getting hurt or sick on the job. The material condition of working rooms are to be properly heated/cooled, lit, and free of mold, toxins, or any other unhealthy conditions.

4. The Right to Freedom of Association

Employees will suffer no reprisal for exercising any rights or being a member of or participating in any legal activity of their professional organizations. Fairfax County Public Schools shall not discriminate against any employee by reason of his or her membership in an employee organization, participation in any lawful activities of the employee organization, or the institution of any grievance or complaint pursuant to [Policy 4510.4](#). The Fairfax County Public School Board will respect the value and importance of employees and employee organizations and reasonably involve them in decisions that affect them pursuant to [The Fairfax County School Board Procedural Governance Manual](#).

5. The Right to Fair and Equitable Treatment within all Supervisory Settings

Although program managers have specific responsibilities that are not limited to this statement, program managers are expected to make whatever efforts are necessary to promote good human relations in their schools, offices, or departments pursuant to Regulation [4910.2](#). Program managers and supervisors shall: 1. Inform employees of rules governing conduct and discipline as well as other rules and special requirements specific to the work location. 2. Treat employees in a fair and equitable manner. 3. Investigate alleged employee offenses, obtaining complete facts and full justification for whatever action may be taken. Pursuant to [Regulation 4429](#).

6. The Right to be Informed

The employee has the right to be informed, in a timely manner, of the proposed nature of any conference to be held between the employee and supervisor before the meeting occurs. If the meeting is disciplinary in nature employees have the right to have a representative present. Program managers should allow the employee an opportunity to explain and evaluate the explanation.

All employees have the right to review all personnel information of which the employee is the subject unless such records are exempt from disclosure under state or federal law. Employees also may request copies of the contents of such files. An employee may write to the assistant superintendent, Department of Human Resources, identifying documents in the file that the employee believes to be incomplete, inaccurate, not pertinent, not timely, or not necessary to be retained. If documents challenged by the employee are not removed from the file, the employee may place a statement of up to 200 words in the file to serve as a rebuttal to the documents in question. If a rebuttal statement is filed, HR shall supply any previous recipient of the contested document with a copy of the rebuttal statement, and in any future disclosure, clearly note that the document is disputed and supply a copy of the rebuttal statement associated with it. Any employee who remains dissatisfied after following this procedure may utilize the applicable employee grievance procedure, subject to the applicable timelines, to challenge the decision of the assistant superintendent, or designee, to retain documents in the personnel file. This grievance right does not include the right to challenge opinions retained in the personnel file pursuant to [Regulation 4220](#).

An employee facing discipline proceedings has the right to know the nature of the allegation, the timeline of the process, and the progress of the proceedings. They have the right make inquiries and receive timely responses that include the applicable regulations and available options. They also have the right to review written agreements, with representation, with sufficient time to fully review the document and its effects.

7. The Right to Professional Autonomy, Voice, and Support

Staff members will be treated as professionals with respect and dignity. In an environment of trust between leaders and staff, candid and productive discussion is enabled. This environment also facilitates honest self-assessment and professional growth. Staff will be supported in the performance of duties when facing challenges that impact the mission. Sufficient training, time, and resources will be made available.

8. The Right to Progressive Discipline and Fair Due Process

Disciplinary action shall be consistently and fairly applied and shall be taken only for good cause and for the primary purpose of correcting unsatisfactory performance. The goal must be to promote professional growth and enhance positive working relationships. The severity of the disciplinary action shall be determined by the severity of the misconduct. In general, disciplinary actions shall be progressive in nature, ranging from an oral warning for an initial violation to stronger actions that may include recommendations for dismissal when corrective behavior fails to occur. As progressive discipline escalates the record of previous similar offenses will be in the employees file to show the continuation of progressive discipline. A warning that similar occurrences could result in a recommendation that more severe disciplinary action be initiated, up to and including a recommendation for dismissal. However, progressive discipline is not always appropriate, and supervisors and program managers may recommend lesser or stronger action based on the nature and impact of the violation. These determinations will have inputs by all affected parties including independent oversight as necessary. At the employee's request, a rebuttal statement shall be attached to any memos or written reprimand placed in the employee's file. [Pursuant to Regulation 4429](#)

FCPS will investigate and document violations regardless of settlement outcomes to enable and maintain good governance including, but not limited to addressing problematic working environments.

Staff privacy will be respected and confidentiality maintained.

9. The Right to Representation and Assistance

When a meeting concerns discipline or dismissal, placement on probation, or suspension, or when another supervisor is present at such conference, the employee shall have the right to have present during the conference a representative. This may include a silent witness of the employee's choice other than an attorney.

FCPS will provide an independent in-house employee advocate (ombudsman). Equitable resources will be provided to enable a fair and respected administrative outcome.

10. The Right to an Impartial and Effective Dispute Resolution Process

Employees have the right to utilize the services of the Fairfax County Public Schools Office of the Ombudsman and other organizations as necessary. The purpose of the Office of the Ombudsman is to provide parents, students, and members of the school community with access to an independent, impartial individual who can facilitate resolution of concerns, conflicts, grievances, violations, and problematic issues arising within FCPS and who is authorized to bring systemic and organizational concerns to the attention of the FCSB and Division Superintendent (or designee) for resolution. (regulation forthcoming)

11. The Right to Voice Concerns without Fear of Retaliation

Staff must be able to express concerns without fear of negative judgment or retaliation. In their role as private citizens, employees shall not be prevented from speaking to the school board or anyone else on issues relating to the FCPS; or for speaking in favor of or against any such issue. All members of the FCPS community have an essential role in improving and maintaining a positive working culture in FCPS. We must be willing to redirect, report, and admit mistakes focusing on solutions. The goal is to learn and grow to avoid repeated mistakes.

12. The Right to a Meaningful Evaluation Process with Multiple Data Points

Evaluations of all staff shall encompass as broad a range of inputs as possible. For those without supervisory duties, multiple indicators (both quantitative and qualitative) over an extended period of time provide a comprehensive picture of performance. In supervisory positions, this includes a 360° style of review.