



Washoe County School District
Every Child, By Name And Face, To GraduationSM

Office of the General Counsel Newsletter

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Receiving Subpoenas for Testimony

If a WCSD employee is served with a subpoena to testify at a legal hearing, trial, or deposition, the Office of the General Counsel recommends the employee take the following actions:

- Review the subpoena in its entirety and carefully follow all instructions in the subpoena. A subpoena is a court order and any person violating the requirements of a valid subpoena could be held in contempt of court.
- Provide a copy of the subpoena to their immediate supervisor. If the subpoena requires an employee to testify during contract hours, the employee must coordinate with their supervisor to schedule any coverage.
- If the subpoena requires an employee to testify, payment for the first day of witness fees must be provided with the subpoena (unless the subpoena is issued by the state). An employee who is subpoenaed to testify during contract hours in a proceeding in which the employee is not a party shall not have loss in pay due to such absence. However, any witness fees received shall be turned in to the WCSD Business and Finance Department with a copy of the subpoena. If an employee is subpoenaed to testify during non-contract hours, the employee may keep the witness fee.
- If the subpoena calls for production of student records, the employee should timely contact the WCSD Office of Student Accounting to coordinate the production of records by the deadline listed in the subpoena.
- During the employee's testimony, the employee should listen carefully to all questions asked and answer truthfully without making assumptions or guessing.

If an employee has general questions regarding the validity of a subpoena and the instructions on the subpoena, the employee may contact the Office of the General Counsel. However, if the employee has specific questions related to their testimony and whether a specific privilege applies to their testimony, the employee should contact their private attorney.

Quick Tips/Links

- Office of the General Counsel webpage
- Civil Rights Compliance Forms
- Staff Resources – Student Bullying Complaints, Investigation and Resolution Process
- OGC Newsletter Index – check the OGC webpage for a quick reference of all published OGC Newsletter articles

Reminders

- Sara has a new last name and email address! Please update your address book and contact her at sara.montalvo@washoeschools.net

Topics for Future Newsletters

- Do you have a topic you would like covered in a future OGC Newsletter? Email your ideas or areas of interest/questions/concerns to bread@washoeschools.net for consideration of coverage in a future issue

Upcoming Staff Training Dates

- **Civil Rights Compliance**
 - Look for an upcoming training with School Police (details to follow)
- **Labor Relations**
 - ✓ **Conducted in the West Conference Room from 4:00 to 6:00**
 - ✓ **Open to all administrators and supervisors**
 - ✓ **Register thru MyPGS**
 - Thursday, March 7, 2019
 - Navigating the ESP Contract
 - Thursday, April 11, 2019
 - Discipline & Due Process for Certified Staff
 - Thursday, May 9, 2019
 - Discipline & Due Process for ESP Staff

Chronologies and Investigations

An integral part of any investigation, the chronology or timeline of events, can be created using a simple excel spreadsheet with three or four columns (e.g., date, event, source, etc.), and will assist you in determining the value of your evidence. Each event you enter into your chronology should have a corresponding piece of evidence or source, whether it's a witness statement or documentary evidence. A chronology gives the investigator, and the reader, the ability to quickly review events in an organized matter and helps identify potential information gaps.

Evaluations and Probationary Period – Education Support Personnel

Unlike licensed personnel, probationary periods for Education Support Personnel (ESP) begin the day they are hired. If new hires to the District, the ESP employees serve a 9-month probationary period and are evaluated 3 times their first year – at the 3-month mark, the 6-month mark and the 9-month mark. If the ESP employees are current post-probationary employees transferring to a new or different ESP position, they serve a 6-month probationary period from the date of transfer, with evaluations at both the 3-month and 6-month marks. Both groups of ESP employees may have their probationary periods extended for a maximum of 3 months.

If ESP employees are not meeting the standards set out, their evaluation must reflect where they need to improve. The evaluation must also state either that “failure to improve performance as indicated may result in separation for unsuccessfully completing the probationary period” or the evaluator must designate that he/she is extending the ESP employee’s probationary period. The Department of Labor Relations (DoLR) recommends that any probation extension be for the 3-month maximum. At the end of this extension, there are two options – retain the ESP employee as post-probationary or separate them from the District. Administrators should keep the DoLR informed of the potential for separation. The DoLR will assist in sending the separation letter and will ensure everything follows the contract.

Remember, regardless of whether or not you have completed all of the evaluations, if an ESP employee reaches the 6-month mark (current employees in new job title) or 9-month mark (new employees), plus probationary extensions if any, the ESP employee automatically becomes post-probationary and subject only to dismissal for cause.