

Professional Personnel

5:240 Suspension

The Board, Superintendent or designee is authorized to suspend an employee with pay as a disciplinary measure, during an investigation into allegations of misconduct, or whenever the employee's continued presence is detrimental to the best interests of the School District.

The Superintendent or designee is authorized to suspend an employee without pay as a disciplinary measure for serious misconduct for up to ten (10) working days. Serious misconduct includes, but is not limited to, incompetence, cruelty, negligence, immorality or other conduct which adversely impacts the best interests of the School District. Examples of other conduct include, but are not limited to, insubordination, being at work impaired to any degree by any intoxicant or drug, theft, inappropriate relationships with students, inappropriate physical contact with students or other staff members, failure to comply with Board Policy or Administrative Procedures or conduct which constitutes a violation of any law which relates to the employee's duties.

Before being suspended, the employee will be notified of the possibility of the suspension as a disciplinary measure and the reasons for the possible suspension and given an opportunity for a meeting with the Superintendent or designee to respond to the possible suspension and the reasons therefore. The employee may be assisted at the meeting by a representative, provided the representative is available on a timely basis. In emergency situations, an employee may be suspended first, followed as soon as reasonably possible by notice and the opportunity for a hearing as provided above. The Superintendent shall notify the Board of the suspension of an employee.

Any decision by the Superintendent or designee to suspend an employee without pay may be appealed to the Board of Education. The request for the appeal must be in writing and received by the Superintendent during regular office hours and within five (5) business days after the employee's receipt of written notice of the suspension without pay. The Board shall hold a hearing at which the employee may be assisted by a representative. The decision of the Board shall be final.

On the recommendation of the Superintendent or designee, or on its own initiative, the Board may suspend an employee without pay for up to thirty (30) working days, inclusive of any days of unpaid suspension imposed by the Superintendent or designee, after providing notice and an opportunity for a hearing as provided above. Nothing in this policy limits the authority of the Board to extend a suspension first imposed by the Superintendent or designee.

This policy does not limit the authority of the Superintendent or designee to temporarily reassign any employee with pay pending investigation of any potential disciplinary matter, or of the Board to suspend any employee, with or without pay, as part of a statutory dismissal process.

If an employee is suspended with pay, either voluntarily or involuntarily, pending the outcome of a criminal investigation or prosecution, and the employee is later dismissed as a result of the disposition of the criminal proceeding, the employee may be required to repay to the District all compensation and the value of all benefits received by him or her during the suspension. The Superintendent will notify the employee of this requirement, if applicable, when the employee is suspended.

Employees Under Investigation by Illinois Dept. of Children and Family Services (DCFS)

Upon receipt of a DCFS recommendation that the District remove an employee from his or her position when he or she is the subject of a pending DCFS investigation that relates to his or her employment with the District, the Board or Superintendent or designee, in consultation with the Board

Attorney, will determine whether to:

1. Let the employee remain in his or her position pending the outcome of the investigation; or
2. Remove the employee as recommended by DCFS, proceeding with:
 - a. A suspension with pay; or
 - b. A suspension without pay.

LEGAL REF.:

105 ILCS 5/24-12.

5 ILCS 430/5-60(b), State Officials and Employee Ethics Act.

325 ILCS 5/7.4(c-10), Abused and Neglected Child Reporting Act.

Cleveland Bd. of Educ. v. Loudermill, 470 U.S. 532 (1985).

Barszcz v. Cmty College Dist. No. 504, 400 F.Supp. 675 (N.D. Ill. 1975).

Massie v. East St. Louis Sch. Dist. No.189, 203 Ill.App.3d 965 (5th Dist. 1990).

CROSS REF.: 5:290 (Employment Termination and Suspensions)

Adopted: August 9, 2022

Rhodes SD 84.5
