

Certified Personnel

Suspension

Suspension Without Pay

The Board may suspend without pay

1. a certified employee pending a dismissal hearing, or
2. a certified employee as a disciplinary measure for up to 30 employment days for misconduct that is detrimental to the School District.

Administrative staff members shall be suspended without pay in such a manner that they remain exempt from the payment of overtime under the Fair Labor Standards Act.

Misconduct that is detrimental to the District includes:

- a. Insubordination, including any failure to follow an oral or written directive from a supervisor
- b. Violation of Board policy
- c. Conduct that disrupts or may disrupt the educational program or process
- d. Conduct that violates any State or federal law that relates to the employee's duties
- e. Other sufficient causes

Within 5 calendar days of receipt of a pre-suspension notification, a certified employee may request that the Board or Board-appointed hearing examiner conduct a pre-suspension hearing.

The Board or its designee shall notify the professional employee of the alleged charges and the date and time of the hearing. At the pre-suspension hearing, the certified employee or his/her representative may present evidence.

Suspension With Pay

The Board or Superintendent or designee may suspend a professional employee with pay

1. during an investigation into allegations of disobedience or misconduct whenever the employee's continued presence in his or her position would not be in the District's best interests,
2. as a disciplinary measure for misconduct that is detrimental to the District as defined above, or
3. pending a Board hearing to suspend a teacher without pay.

The Superintendent shall meet with the certified employee to present the allegations and give the certified employee an opportunity to refute the charges. The certified employee will be told the dates and times the suspension will begin and end.

The Superintendent will notify the employee of the following requirement if a suspension is to be recommended. Any criminal conviction resulting from the investigation or allegations shall require the employee to repay to the District all compensation and the value of all benefits received by the employee during the suspension.

LEGAL REF.: 5 ILCS 430 et seq.
105 ILCS 5/24-12.
Cleveland Board of Education v. Loudermill, 105 S.Ct. 1487 (1985).
Barszcz v. Community College District No. 504, 400 F.Supp. 675 (N.D. Ill., 1975).
Massie v. East St. Louis School District No.189, 561 N.E.2d 246 (Ill.App.5, 1990).

CROSS REF.: 5.290 (Educational Support Personnel – Employment Termination and Suspensions)

Adopted by the Board of Education September 2001

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