

PERSONNEL

Suspension From Work or Administrative Leave

A. Suspensions Without Pay for Disciplinary Reasons

An employee may receive a suspension without pay as discipline as a result of founded misconduct or unsatisfactory work performance. A suspension without pay means that the employee shall not be allowed to work for a specified period of time, nor be paid for ~~his or her~~their absence from work during the period of suspension.

An employee who is classified as a “non-exempt” employee in accordance with the Fair Labor Standards Act may be suspended without pay for a number of hours or up to five (5) days to be determined by the Chief Human Resources Officer. An employee who is classified as an “exempt-“ employee in accordance with the Fair Labor Standards Act may only be suspended without pay for an entire workweek or in multiples of a workweek, i.e., one week, two weeks, three weeks, etc. However, if the “exempt” employee is being disciplined for violating a major safety rule, ~~he or she~~they may be suspended without pay for a number of hours or days.

B. ~~Investigatory Suspensions Without Pay and~~ Administrative Leave With Pay

The Superintendent or ~~his/her~~ designee is authorized to temporarily relieve an employee of ~~his or her~~their duties pending an investigation into an allegation of employee misconduct or unsatisfactory work performance. Under such circumstances, the Superintendent or designee may ~~choose to suspend the employee without pay, in accordance with subsection C or to~~ place the employee on administrative leave with pay, pending the completion of the investigation and any subsequent corrective action. An employee's placement on unpaid investigatory suspension or paid administrative leave pending the outcome of an investigation shall not be considered disciplinary in nature. No determination regarding the alleged misconduct or unsatisfactory performance shall be made until the administrative investigation is concluded and sufficient facts have been gathered.

C. ~~Grounds and Procedure for Investigatory Suspensions~~Administrative Leave Without Pay

A teacher or other employee, whether full-time, part-time, permanent or temporary, may be suspended without pay for good and just cause when the safety or welfare of the School Division or the students therein is threatened, or when the teacher or employee has been charged by summons, warrant, indictment or information with the commission of a felony or a misdemeanor involving: i) sexual assault as set forth in Virginia Code Title 18.2; ii) obscenity and related offenses as established in Virginia Code Title 18.2; iii) drugs as established in Virginia Code Title 18.2; iv) moral turpitude; or v) the physical or sexual abuse, or neglect of a child; or an equivalent offense in another state.

1. Suspension-Administrative leave without pay for criminal charges

Teachers or employees suspended because of being charged by summons, warrant, information or indictment with one of the offenses in subsection C may be suspended without pay. If a teacher or employee is suspended without pay, an amount equal to ~~his or her~~their salary while on suspended status shall be placed in an interest-bearing demand escrow account. Upon being found not guilty of one of the offenses, or upon dismissal or nolle prosequi of the charge, the teacher or employee will be reimbursed all unpaid salary and accrued interest from the escrow account, less any earnings received by the teacher or employee during the period of suspension. In no event will payment exceed one year's salary.

In the event a teacher or employee is found guilty by an appropriate court of one of the offenses, and after all available appeals have been exhausted and the conviction is upheld, all funds in the escrow account shall be repaid to the School Board.

The placing of a teacher or an employee on probation by a court pursuant to the terms of Virginia Code § 18.2-251 will be deemed a finding of guilt for the purposes of salary reimbursement.

2. Hearing before School Board for classified employees

Prior to placing a classified employee on an investigatory suspension without pay for a period of five to sixty days for a matter not listed in subsection C, the classified employee must be advised in writing of the reason for the suspension and afforded the opportunity for a hearing before the School Board. The classified employee will continue to receive ~~his or her~~their then applicable salary unless and until the School Board, after a hearing, determines otherwise.

3. Hearing before the School Board for teachers

Prior to placing a teacher on an investigatory suspension without pay for any period of time for a matter not listed in subsection C, the teacher must be advised in writing of the reason for the suspension and afforded the opportunity for a hearing before the School Board. The teacher will continue to receive ~~his or her~~their then applicable salary unless and until the School Board, after a hearing, determines otherwise.

D. Insurance benefits

No teacher or employee shall have ~~his or her~~their health insurance benefits suspended or terminated because of such suspension in accordance with this ~~p~~Policy. However, the employee will be responsible for making the employee portion of premium payments for health benefits coverage.

Legal Reference

Code of Virginia § 18.2-251, as amended. Persons charged with first offense may be placed on probation; conditions; screening, assessment and education programs; drug tests; costs and fees; violations; discharge.

Code of Virginia § 22.1-315, as amended. Grounds and Procedures for Suspension.

Adopted by School Board: June 8, 2004
Scrivener's Amendments: February 11, 2014
Amended by School Board: June 26, 2018

APPROVED AS TO
LEGAL SUFFICIENCY


