

Professional Personnel

Suspension

Suspension without Pay – Board of Control

The Board of Control may suspend without pay (1) a professional employee pending a dismissal hearing, or (2) an employee as a disciplinary measure for up to 30 employment days for misconduct that is detrimental to the School District. Administrative staff members may not be suspended without pay as a disciplinary measure.

Misconduct that is detrimental to the Tech Campus includes:

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

The Executive Director or designee is authorized to issue a pre-suspension notification to a professional employee. This notification shall include the length and reason for the suspension as well as the deadline for the employee to exercise his or her right to appeal the suspension to the Board or Board-appointed hearing examiner before it is imposed. At the request of the professional employee within 5 calendar days of receipt of a pre-suspension notification, the Board or Board-appointed hearing examiner will conduct a pre-suspension hearing. The Board or its designee shall notify the employee of the date and time of the hearing. At the pre-suspension hearing the professional employee or his/her representative may present evidence. If the employee does not appeal the pre-suspension notification, the Executive Director or designee shall report the action to the Board at its next regularly scheduled meeting.

Suspension without Pay – Executive Director

The Executive Director is authorized to suspend without pay an employee up to five (5) employment days for misconduct that is detrimental to the Tech Campus. Prior to such a suspension without pay, the Executive Director will provide the employee with notification of the reason and length of the suspension, and an opportunity to meet with the Executive Director to discuss the proposed suspension. After the meeting, the Executive Director will issue a final decision to the employee regarding the suspension. The employee may appeal the suspension to the Board of Control or Board-appointed hearing examiner in writing within five (5) calendar days of the Executive Director's decision, but such appeal will not stay or postpone the implementation of the suspension. A suspension without pay by the Executive Director will not preclude the Executive Director from recommending additional days of suspension (with or without pay) or dismissal by the Board of Control, as set forth above.

Suspension with Pay

The Board of Control or Executive Director or designee may suspend an 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 Tech Campus' best interests, (2) as a

disciplinary measure for misconduct that is detrimental to the School District as defined above, or (3) pending a Board hearing to suspend an employee without pay.

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

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 Executive Director 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.

Repayment of Compensation and Benefits

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 his or her criminal conviction, the employee must repay to the Tech Campus all compensation and the value of all benefits received by him or her during the suspension. The Executive Director will notify the employee of this requirement when the employee is suspended.

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)

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