Professional Personnel

Suspension

Suspension Without Pay

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

Misconduct that is detrimental to the School 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; and
- Other sufficient causes.

The CEO 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 made within five 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 professional 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 CEO or designee shall report the action to the Board at its next regularly scheduled meeting.

Suspension With Pay

The Board or CEO 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 School or NKEC's best interests, (2) as a disciplinary measure for misconduct that is detrimental to the School as defined above, or (3) pending a Board hearing to suspend a teacher without pay.

The CEO 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 NKEC removes 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 CEO 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 a professional 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 NKEC all compensation and the value of all benefits received by him or her during the suspension. The CEO will notify the employee of this requirement when the employee is suspended.

Legal Reference: 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).

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