Professional Personnel

5:240 Suspension

~~Suspension With or Without Pay~~

~~**Please refer to the applicable collective bargaining agreement(s).**~~

Suspension Without Pay

The Board of Education authorizes the Superintendent or designee to suspend an employee without pay:

1. During an investigation into allegations of misconduct;
2. Pending a dismissal hearing; or
3. As a disciplinary measure for misconduct that is detrimental to the School District.

Misconduct that is detrimental to the District includes, but is not limited to:

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

The Superintendent or designee is authorized to issue a pre-suspension notification to the employee. This notification shall include the length and reason for the suspension without pay, as well as the deadline for the employee to appeal the suspension to the Board before it is imposed. At the request of the employee made within five calendar days of receipt of a pre-suspension notification, the Board 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 employee or their representative may present evidence. If the employee does not appeal the pre-suspension notification, the Superintendent or designee shall report the action to the Board at its next regularly scheduled meeting.

Suspension With Pay

The Board of Education authorizes the Superintendent or designee to suspend an employee with pay:

1. During an investigation into allegations of disobedience or misconduct whenever the employee’s continued presence in their 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 an employee without pay.

The Superintendent or designee shall meet with the employee to present the allegations

and give the employee an opportunity to refute the charges.

Employees Under Investigation by the Illinois Department of Children and Family Services (DCFS)

Upon receipt of a DCFS recommendation that the District remove an employee from their position when they are the subject of a pending DCFS investigation that relates to their employment with the District, Superintendent or designee will determine whether to:

1. Allow the employee remain in their 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 their criminal conviction, the employee must repay to the District all compensation and the value of all benefits received by them during the suspension. The Superintendent or designee will notify the employee of this requirement when the employee is suspended. The Superintendent is authorized to establish rules and regulations designed to implement this policy.

Conflict with Collective Bargaining Agreements

For employees covered by a Collective Bargaining Agreement ("CBA"), to the extent any provision of this policy conflicts with the applicable CBA, the terms of the CBA shall govern.

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: January 30, 2024~~