

## *Document Status: Review and Monitoring*

### **Educational Support Personnel**

#### **5:290 Employment Termination and Suspensions**

##### **Resignation** [PRESSPlus1](#)

An employee is requested to provide 10 days' notice of a resignation. A resignation notice cannot be revoked once given.

##### **Retirement**

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

**For employees not covered by a current applicable bargaining agreement or working agreement:**

An employee planning to retire should notify his or her supervisor at least two months before the retirement date.

##### **Non-RIF Dismissal**

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

**For employees not covered by a current applicable bargaining agreement or working agreement:**

The District may terminate an at-will employee at any time for any or no reason, but not for a reason prohibited by State or federal law.

Employees who are employed annually or have a contract, or who otherwise have a legitimate expectation of continued employment, may be dismissed: (1) at the end of the school year or at the end of their respective contract after being provided appropriate notice and after compliance with any applicable contractual provisions, or (2) mid-year or mid-contract provided appropriate due process procedures are provided.

The Superintendent is responsible for making dismissal recommendations to the Board of Education consistent with the Board's goal of having a highly qualified, high performing staff.

### Reduction in Force and Recall

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

**For employees not covered by a current applicable bargaining agreement or working agreement:**

The Board may, as necessary or prudent, decide to decrease the number of educational support personnel or to discontinue some particular type of educational support service and, as a result of that action, dismiss or reduce the hours of one or more educational support employees. When making decisions concerning reduction in force and recall, the Board will follow [Sections 10-22.34c](#) (outsourcing non-instructional services) and [10-23.5](#) (procedures) of the School Code, to the extent they are applicable and not superseded by legislation or an applicable collective bargaining agreement or working agreement.

### Final Paycheck

A terminating employee's final paycheck will be adjusted for any unused, earned vacation credit. Employees are paid for all earned vacation. Terminating employees will receive their final pay on the next regular payday following the date of termination, except that an employee dismissed due to a reduction in force shall receive his or her final paycheck on or before the next regular pay date following the last day of employment.

### Suspension

Except as provided below, the Superintendent or designee is authorized to suspend an employee without pay as a disciplinary measure, during an investigation into allegations of misconduct or pending a dismissal hearing whenever, in the Superintendent's or designee's judgment, the employee's presence is detrimental to the District. A disciplinary suspension shall be with pay: (1) when the employee is exempt from the overtime provisions, or (2) until an employee with an employment contract for a definite term is provided a notice and hearing according to the suspension policy for professional employees.

Upon receipt of a recommendation from the Ill. Dept. Children and Family Services (DCFS) 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 Superintendent 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, proceeding with:
  - a. A suspension with pay; or
  - b. A suspension without pay.

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. The Superintendent or designee will notify the employee of this requirement when the employee is suspended.

LEGAL REF.:

[105 ILCS 5/10-22.34c](#) and [5/10-23.5](#)

[5 ILCS 430](#) *et seq.*, State Officials and Employees Ethics Act.

[325 ILCS 5/7.4](#)(c-10), Abused and Neglected Child Reporting Act.

[820 ILCS 105/4a](#), Minimum Wage Law.

CROSS REF.: 5:90 (Abused and Neglected Child Reporting), 5:120 (Employee Ethics; Code of Professional Conduct; and Conflict of Interest), 5:240 (Suspension), 5:270 (Employment At-Will, Compensation, and Assignment)

### **PRESSPlus Comments**

[PRESSPlus 1](#). This policy is suggested to be reviewed by the Board. According to policy 2:240, *Board Policy Development*, "[t]he Board will periodically review its policies for relevancy, monitor its policies for effectiveness, and consider whether any modifications are required." IASB suggests that each policy in the Board's policy manual be reviewed at a minimum of every five years. As part of the review, the Board may choose to:

- Compare the adopted version to the current PRESS sample (available at PRESS Online by logging in at [www.iasb.com](http://www.iasb.com)), discussing any differences and/or options noted in the footnotes to determine whether local changes are necessary
- Update the policy language due to changes in local conditions
- Make no changes, but update the adoption date to reflect that the policy has been reviewed and re-adopted

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