

General Personnel

Compliance with the Fair Labor Standards Act

Job Classifications

The Superintendent will ensure that all job positions are identified as either “exempt” or “non-exempt” according to State law and the Fair Labor Standards Act (FLSA) and that employees are informed whether they are “exempt” or “non-exempt.” “Exempt” and “non-exempt” employee categories may include certificated and non-certificated job positions. All non-exempt employees, whether paid on a salary or hourly basis, are covered by minimum wage and overtime provisions.

Workweek and Compensation

The workweek for District employees will be 12:00 a.m. Saturday until 11:59 p.m. Friday. Non-exempt employees will be compensated for all hours worked in a workweek including overtime. For non-exempt employees paid a salary, the salary is paid for a 40-hour workweek even if an employee is scheduled for less than 40 hours. “Overtime” is time worked in excess of 40 hours in a single workweek.

Overtime

A non-exempt employee shall not work overtime without his or her supervisor’s express approval. All supervisors of non-exempt employees shall: (1) monitor overtime use on a weekly basis and report such use to the business office, (2) seek the Superintendent or designee’s written pre-approval for any long term or repeated use of overtime that can be reasonably anticipated, (3) ensure that overtime provisions of this policy and the FLSA are followed, and (4) ensure that employees are compensated for any overtime worked. Accurate and complete time sheets of actual hours worked during the workweek shall be signed by each employee and submitted to the business office. The business office will review work records of employees on a regular basis.

Suspension Without Pay

No exempt employee shall have his or her salary docked, such as by an unpaid suspension, if the deduction would cause a loss of the exempt status. Licensed employees may be suspended without pay in accordance with Board policy 5:240, *Professional Personnel - Suspension*.

Implementation

The Superintendent or designee shall implement the policy in accordance with the FLSA, including its required notices to employees. In the event of a conflict between the policy and State or federal law, the latter shall control.

LEGAL REF.: 820 ILCS 105/4a.
Fair Labor Standards Act, 29 U.S.C. §201 et seq., 29 C.F.R. Parts 516, 541, 548, 553, 778,
and 785.

ADOPTED: March 16, 2005

REVISED: September 23, 2009; September 21, 2011

Personnel

Suspension of Employees

Philosophy

In order to maintain an environment conducive to learning and effective professional performance, the Superintendent is authorized to suspend any employee with or without pay for investigatory or disciplinary purposes as specified below.

I. Suspension Without Pay

The Superintendent may suspend without pay any employee as a disciplinary measure for up to thirty (30) employment days for misconduct that is detrimental to the District. If the Superintendent is recommending an employee's discharge to the Board of Education, he may also suspend the employee without pay pending Board action and/or a formal dismissal hearing as required under the School Code. The Superintendent will follow the notice and hearing procedures set forth in A. below.

Misconduct that is detrimental to the District 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 Illinois or federal law that relates to the employee's duties; and
- Other sufficient causes, including, but not limited to, unauthorized absences and failure to perform assigned duties.

A. Pre-Suspension Meeting

Prior to a suspension without pay, the Superintendent will conduct a meeting with the employee to review the alleged charges that could result in a disciplinary suspension. The employee will be afforded reasonable notice of the time and location of the pre-suspension meeting and shall have an opportunity during the meeting to hear the reasons for the suspension and present his or her response to the reasons and the proposed suspension. If the Superintendent determines after the meeting to impose a suspension without pay, he shall provide written notice to the employee summarizing the reasons for the suspension, the duration of the suspension, and the opportunity for a review before the Board of Education.

B. Opportunity for Post-Suspension Review

The Board of Education will provide a reasonable opportunity for a hearing after a suspension without pay has been imposed. Any employee desiring a post-suspension review must serve the Superintendent with a written request for a hearing within five (5) employment days after receipt of written notification of the suspension. The President of the Board of Education and the Superintendent, in their discretion, will determine whether the hearing shall take place before the Board itself or before an independent hearing officer.

After the written request is received, the employee will be provided with notice of the date and location of the review hearing.

The hearing shall be informal. The formal rules of evidence will not apply. The employee may be represented, may cross-examine witnesses, and may present evidence on his or her own behalf. The Board of Education or the hearing officer will have discretion to determine the number of witnesses, the length of the hearing and all other matters pertaining to the hearing. Any decision rendered by the Board of Education, either based on a hearing conducted before the Board or upon the hearing

officer's report, shall be final. If the Board of Education, upon review, determines that the suspension was not properly invoked or was excessive, the employee's records will so note and the employee will be reimbursed for all lost pay or for so much of the suspension as was excessive.

If a suspension without pay is implemented pending Board consideration of a recommended dismissal or pending a formal dismissal hearing as required under the School Code, any requested post-suspension review hearing shall be combined with a hearing on the dismissal.

II. Suspension With Pay

The Superintendent is authorized to suspend an employee with pay (1) during an investigation into allegations of misconduct whenever the employee's continued presence in his or her position would not be in the School District's best interests, (2) as a disciplinary measure for misconduct that is detrimental to the District (as defined in paragraph I above), or (3) pending a Board hearing to suspend an employee without pay.

The Superintendent or his or her designee will meet with the employee to notify the employee of the reasons for the suspension, to provide the employee with the opportunity to present his or her response to the reasons and the proposed suspension, and to inform the employee of the dates that the suspension shall begin and end. If the Superintendent cannot, for reasonable reasons, meet with the employee prior to the suspension, he or she shall offer to meet with the employee as soon as practicable after the commencement of the suspension. After the meeting, the Superintendent will provide the employee with written notice of his or her decision. The decision of the Superintendent shall be final.

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 will notify the employee of this requirement when the employee is suspended.

III. Governance Reporting Requirements

The Superintendent will report to the Board of Education on any contemplated or actual suspension..