

DRAFT UPDATE

Mid-Valley Special Education Cooperative

5:290

Educational Support Personnel

Employment Termination and Suspensions

Resignation

An employee is requested to provide two weeks' written notice of a resignation. A resignation notice cannot be revoked once given.

Retirement

Please refer to the applicable collective bargaining agreement.

Non-RIF Dismissal

The Cooperative 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 Executive Director is responsible for making dismissal recommendations to the Advisory Board 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.

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.

Administrative Absence With Pay

Please refer to the applicable collective bargaining agreement.

Suspension

Except as provided below, the Executive Director 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 Executive Director's judgment, the employee's presence is detrimental to the Cooperative. 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 Cooperative 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 Cooperative, the Board or Director or designee, in consultation with the Board Attorney, will determine whether to:

Commented [AP1]: Optional. 325 ILCS 5/7.4(c-5), amended by P.A. 100-176, eff. 1-1-18, allows DCFS to recommend to districts that they 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 in the school district in which he or she is employed.

Consult the board attorney about suspending an employee without pay pursuant to a *DCFS 325 ILCS 5/7.4(c-5)-recommendation*. This language balances the interests of student safety and employee due process when the district receives a recommendation to a remove an employee who is the subject of a DCFS investigation from employment.

Note: Liability may exist when a district receives a *325 ILCS 5/7.4(c-5)-recommendation* and does not remove the employee as a result. See the footnotes available at PRESS Online for more information.

This information also appears in policy 5:240, *Professional Personnel -Suspension*. Consult the board attorney before removing this optional sentence in one policy but not the other.

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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 Cooperative all compensation and the value of all benefits received by the employee during the suspension. The Executive Director will notify the employee of this requirement when the employee is suspended.

LEGAL REF.: 5 ILCS 430 et seq.
105 ILCS 5/10-22.34c and 5/10-23.5.
325 ILCS 5/7.4(c-10).
820 ILCS 105/4a.

CROSS REF.: 5:240 (Professional Personnel - Suspension), 5:270 (Educational Support Personnel - Employment At-Will, Compensation, and Assignment)

ADOPTED: ~~November 2, 2016~~