

## **Educational Support Personnel**

### **Employment Termination and Suspensions**

#### Resignation and Retirement

Employees should provide 2 weeks notice of resignation, except when the best interests of the District require that the employee resign immediately, or with less than 2 weeks' notice. A resignation notice cannot be revoked once given. An employee planning to retire should notify his or her supervisor at least 2 months before the retirement date.

#### Non-RIF Dismissal

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 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 School Board consistent with the Board's goal of having a highly qualified, high performing staff.

#### Reduction in Force and Recall

This section is applicable whenever the Board decides 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, an educational support employee is removed, dismissed, or his or her hours are reduced.

The Board shall use a seniority list to determine the order of dismissal or removal. The seniority list, categorized by positions, shows the length of continuing service of each full-time educational support employee. The employee with the shorter length of continuing service within the respective category of position shall be dismissed first.

Except as provided below, written notice will be given the employee by regular mail and either certified mail, return receipt requested, or personal delivery at least 30 days before the employee is removed or dismissed, or his or her hours are reduced, together with a statement of honorable dismissal and the reason therefore if applicable. The prior written notice will be extended to at least 90 days if the lay-off is due to the District entering into a contract with a third party for non-instructional services. The prior written notice will be shortened to at least 5 days before an employee's hours are reduced as a result of an unforeseen reduction in the student population.

Any vacancies for the following school term or within one calendar year from the beginning of the following school term shall be offered to the employees so removed or dismissed from that category or any other category of position provided they are qualified to hold such positions.

#### 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 Without Pay

The School Board or Superintendent or designee is authorized to suspend an employee without pay as a disciplinary measure for misconduct during an investigation into allegations of misconduct or pending a dismissal hearing whenever, in the Board or Superintendent's designee's judgment, the employees' presence is detrimental to the District. Misconduct 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; and other sufficient causes.

A disciplinary suspension shall be with pay: (1) when the employee is exempt from overtime provisions, or (2) until an employee with an employment contract for a definite term is provided a notice and hearing.

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 benefits received by him or her during the suspension. The Superintendent 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.  
820 ILCS 105/4a.

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