

Professional Personnel

5:240 Suspension

Suspension Without Pay

The Executive Director or designee may suspend a professional employee without pay for up to ten (10) employment days for misconduct that is detrimental to the Cooperative. The Board may suspend without pay: (1) a professional employee pending a dismissal hearing, or (2) a professional employee as a disciplinary measure for up to thirty (30) employment days for misconduct that is detrimental to the Cooperative.

Misconduct that is detrimental to the Cooperative 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 State or federal law that relates to the employee's duties; and
- Other sufficient causes.

Prior to a suspension without pay, the affected employee shall be notified of the charges by the Executive Director or designee and have an opportunity to explain or rebut the charges at a meeting with the Executive Director or designee. The employee will be provided with a written notice of suspension.

Within five (5) school days after receiving the notice of suspension, the professional employee may request a hearing before the Governing Board. In the event of an appeal, the suspension will be implemented pending the appeal at the discretion of the Executive Director. The Board or hearing officer will conduct the hearing. The Board or its designee shall notify the professional employee of the alleged charges and the date and time of the hearing. The hearing will be conducted in accordance with procedures adopted by the Board. At the hearing, the employee shall have the right to be represented by counsel and present witnesses and proof relative to the charges. If the Board determines that the suspension was not properly invoked, the suspension references shall be deleted from the employee's records, and the lost pay promptly paid to the employee.

If the Executive Director or designee is of the opinion that the best interests of P.A.E.C. require a suspension without pay longer than ten (10) employment days authorized by this Policy, the Executive Director shall impose the suspension without pay and present the recommendation to the Governing Board at its next regularly-scheduled meeting.

A written notice stating the reason or reasons for the suspension shall be issued to the employee in the following manner:

1. hand delivered by the Executive Director or designee;
2. regular U.S. Mail; or
3. certified mail and return receipt.

Suspension With Pay

The Board or Executive Director or designee may suspend a professional employee with pay: (1) during an investigation into allegations of disobedience or misconduct whenever the employee's continued presence in his or her position would not be in the Cooperative's best interests, (2) as a

disciplinary measure for misconduct that is detrimental to the Cooperative, or (3) pending a hearing before the Board or hearing officer to consider further discipline, including dismissal from employment.

The Executive Director or designee shall meet with the employee to present the allegations and give the employee an opportunity to refute the charges. The employee will be told the dates and times the suspension will begin and end.

Employees Under Investigation by Illinois Dept. of Children and Family Services (DCFS)

Upon receipt of a DCFS recommendation 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 Executive Director 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 by DCFS, proceeding with:
 - a. A suspension with pay; or
 - b. A suspension without pay.

Repayment of Compensation and Benefits

If a professional 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 his or her criminal conviction, the employee must repay to the District all compensation and the value of all benefits received by him or her during the suspension. The Executive Director will notify the employee of this requirement when the employee is suspended.

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: July 20, 2022

Proviso Area for Exceptional Children (P.A.E.C.)
