

Educational Support Personnel

5:290 Employment Termination and Suspensions

Resignation

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

Retirement

Please refer to the following current agreement:

The Agreement Between Executive Committee of Tazewell-Mason Counties Special Education Association and SOS-IEA-NEA

For those employees not covered:

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 Director is responsible for making dismissal recommendations to the Executive Committee consistent with the Cooperative's goal of having a highly qualified, high performing staff. This includes recommending a non-licensed employee for immediate dismissal for willful or negligent failure to report an instance of suspected child abuse or neglect as required by 325 LCS 5/.

Reduction in Force and Recall

Please refer to the following current agreement:

The Agreement Between Executive Committee of Tazewell-Mason Counties Special Education Association and SOS-IEA-NEA

For those employees not covered:

The Executive Committee 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 Executive Committee 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non-instructional services) and 10-23.5 (procedures) of the School Code, to the extent they are applicable and not superseded by legislation or an applicable collective bargaining agreement.

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 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 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 Executive Committee or Director or designee, in consultation with the Executive Committee 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 Cooperative all compensation and the value of all benefits received by the employee during the suspension. The 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.: 5:90 (Abused and Neglected Child Reporting), 5:240 (Suspension), 5:270 (Employment At-Will, Compensation, and Assignment)

EXECUTIVE COMMITTEE APPROVAL: January 8, 2020

POLICY BOARD APPROVAL: August 12, 2020

Tazewell-Mason Counties Special Ed Association
