

Document Status: Draft Update

Educational Support Personnel

5:290 Employment Termination and Suspensions

Resignation

An employee is requested to provide two weeks' notice of a resignation. An employee planning to retire should notify his or her supervisor at least two months before the retirement date. The Board is not required to accept revocation of a resignation or retirement notice once given.

Please refer to the applicable collective bargaining agreement(s).

Non-affiliated employees shall be eligible for the following retirement benefit provided that they meet the specified criteria:

- a. Not be eligible for any other separation benefit provided by the District;
- b. Meet the IMRF Retirement eligibility criteria on the last day of contributing service;
- c. Have at least fifteen (15) years of full-time service in the District immediately preceding retirement and acceptance of an IMRF retirement annuity; and
- d. Not retire under circumstances which will result in a penalty or other IMRF cost for the District.

Qualifying employees submitting a timely irrevocable notice of retirement effective at the end of any school year shall be entitled to the benefits set forth below. Such notice shall be provided by March 1 of any school year and no less than 14 months prior to retirement.

The employee shall receive a base salary or wage rate increase of six percent (6%) for their final year of employment before retirement. Such increase will be contingent upon continuing to work the same position and work schedule during the retirement incentive year. All unused sick leave will be reported to IMRF toward service credit.

In addition, any employee who has worked on average of at least twenty (20) hours per week and who meets the IMRF retirement eligibility criteria and has eight (8) years of full-time service in the District immediately preceding retirement shall be entitled to continue participation in the District health insurance plan at the same cost as if they were an employee until the employee reaches age sixty-five (65). In the case of the employee's death prior to age sixty-five (65), the medical coverage for the dependent will be continued on the same basis until the employee would have reached age sixty-five.

Non-RIF Dismissal

Please refer to the applicable collective bargaining agreement(s).

For employees not covered by a current applicable bargaining agreement:

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 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 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. 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 ILCS 5/ [PRESSPlus1](#)

Reduction in Force and Recall

Please refer to the applicable collective bargaining agreement(s).

For employees not covered by a current applicable bargaining agreement:

The Board 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 Board 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 Superintendent or Assistant Superintendent for Human Resources 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 Superintendent's judgment, the employee's presence is detrimental to the District. 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 District 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 District, the Board or Superintendent 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, 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 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.

LEGAL REF.:

5 ILCS 430 et seq.

105 ILCS 5/10-22.34c and 5/10-23.5.

820 ILCS 105/4a.

CROSS REF.: 5:90 (Abused and Neglected Child Reporting), 5:240 (Suspension), 5:270 (Employment At-Will, Compensation, and Assignment)

PRESSPlus Comments

PRESSPlus 1. Updated in response to 105 ILCS 5/10-23.12(c), added by P.A. 101-531; and 105 ILCS 5/21B-75(b), amended by P.A. 101-531. See also policy 2:20, *Powers and Duties of the School Board; Indemnification*. **Issue 102, October 2019**