

Descriptor Term:  
CLASSIFIED PERSONNEL SUSPENSION AND DISMISSAL

Descriptor Code:  
7.4410

Legal References: 29 U.S.C.621 *et seq.*; 29 U.S.C. 794 *et seq.*; 42 U.S.C. 1981; 42 U.S.C. 12101;  
G.S. 115C-45(c), -47

Cross References; 2.500 Hearings Before the Board

Classified positions are critical to the effective operation of the school system. The Board encourages open communication between classified employees and their supervisors. When performance problems arise, supervisors are encouraged to clearly communicate in oral or written form the nature of the deficiencies and to provide a reasonable opportunity to improve. Any written notices or reprimands shall be included in the employee's personnel file. All employees are expected to meet job requirements and to seek clarification and guidance when needed to fulfill these requirements.

#### A. SUSPENSION

The Superintendent or his/her designee may suspend an employee without pay as a disciplinary sanction. The Superintendent shall provide written notice of the suspension without pay to the employee. This notice shall be placed in the personnel file. An employee has ten (10) calendar days from the date of receiving written notice to request an appeal before the Board of Education regarding the decision to suspend without pay. An employee may only appeal a suspension on the grounds that there was no rational basis for the suspension, the suspension was discriminatory, the suspension was used for harassment or board policies were not followed. If notice of the reasons(s) for the suspension is requested, such notice must be provided prior to any board hearing on the decision. If an appeal is not made within this time, an appeal is deemed to be waived. A suspension shall be upheld by the board so long as there is a rational basis for the suspension, the suspension was for a nondiscriminatory reason the suspension was not being used for harassment and Board policies have been followed.

Upon receiving a request for an appeal, the Chairperson of the board may designate a panel of three (3) Board members to hear the appeal. The procedures as defined in policy 2.5000 shall be followed. The employee shall be notified in writing of the decision of the Board to uphold, reverse or modify the Superintendent's decision. An employee shall receive back pay for any period of suspension without pay that is not upheld by the board.

#### B. TERMINATION

As "at will" employees, employees in classified positions may be terminated on any nondiscriminatory basis, including inadequate performance, misconduct, failure to follow Board policies, or a reduction in staff. All terminations to reduce staff shall be in accordance with Board Policy 7.4120. All other terminations shall be made pursuant to this policy. The superintendent has the authority to terminate at will employees. The Superintendent shall provide written notice to the employee and the board of the decision to terminate. An employee has 15 calendar days from the date of the notice to take the following actions:

1. request written notice of the reason(s) for the superintendent's decision, and
2. request an appeal of the decision to the Board of Education.

If notice of the reason(s) for the termination is requested, such notice shall be provided prior to

any board hearing on the termination. The termination is effective during the period of appeal.

Upon receiving a request to appeal the Superintendent's decision to terminate, the Chairperson of the board may appoint a panel of three (3) Board members to hear the appeal. The employee has the burden of establishing that termination was based on illegal discrimination. The Superintendent may offer evidence to substantiate that the dismissal was for a nondiscriminatory reason, such as prior warnings or remedial efforts.

The procedures as defined in policy 2.5000 shall be followed. A termination shall be upheld by the board so long as the termination was not based on illegal discrimination.

Any employee who has been terminated shall be ineligible for re-employment.

This policy is not intended to create any property rights or an implied or express contract between the Board and the employee other than what is provided by law.