

# REFERENCE COPY

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Critical

## EXPLANATION: SUSPENSION OF SUPPORT STAFF MEMBERS

This policy was revised to comply with House Bill 1432 (2016), which requires public employers such as school districts to provide employees placed on paid administrative leave due to misconduct with certain rights, including written notice of why the employee was put on leave. In addition, most employees are also entitled to a hearing if they are not removed from administrative leave within 30 days. Please note that these rights apply regardless of whether the employee in question is under an employment contract.

Because the new law applies only to paid leave due to misconduct, and does not apply to unpaid involuntary leave or persons put on paid leave for reasons other than misconduct, MSBA has categorized these involuntary leaves as "suspensions" and has addressed them separately from the new administrative leave requirements.

MSBA has also made some changes to this policy regarding the due process required to suspend an employee.

*MSBA recommends that copies of this document be routed to the following areas because the content is of particular importance to them. The titles on this list may not match those used by the district. Please forward copies to the district equivalent of the title indicated.*

X	Board Secretary	X	Business Office		Coaches/Sponsors
	Facility Maintenance		Food Service		Gifted
X	Human Resources		Principals		Library/Media Center
	Health Services		Counselor		Special Education
	Transportation		Public Info/Communications		Technology

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## ~~NONRENEWAL, SUSPENSION AND TERMINATION~~ OF SUPPORT STAFF MEMBERS

The Board delegates to the superintendent the authority to suspend staff members or put them on administrative leave for any legal reason in accordance with district policy and law. An employee will be immediately suspended or put on administrative leave in situations where the superintendent or designee determines that suspension is necessary to prevent disruption to the education environment, protect the safety of the students, appropriately investigate alleged misconduct, or in other circumstances where suspension serves the district's interests.

### Definitions

*Administrative Leave* – Involuntary paid leave, without charge to any annual or sick leave, due to misconduct or investigation of misconduct of an employee.

*Suspension* – Any involuntary leave, whether paid or unpaid, that is not administrative leave as defined in this policy.

### Administrative Leave

The superintendent or designee may place staff members on paid administrative leave. The superintendent's decision will stand approved unless reversed by the Board.

The following process will be followed when an employee is put on administrative leave:

1. Within seven days of placing an employee on administrative leave, the superintendent or designee will provide the employee with written notice of the general reason or reasons for being placed on administrative leave.
2. The superintendent or designee will inform the Board within 30 days after placing an employee on administrative leave of the reason or reasons for the employee's placement on leave. The superintendent or designee will provide an update on the status of the employee at every meeting thereafter.
3. If an employee is not removed from administrative leave within 30 days of being placed on leave, the district will hold a hearing within 60 days of the date the employee was first placed on leave. The hearing and determination may be continued for good cause but may not continue more than 180 days past the date the employee was placed on administrative leave. This hearing requirement does not apply to an employee who is put on paid administrative leave due to misconduct, or an investigation of misconduct, when the district refers such misconduct to a law enforcement agency or another state or federal agency or when the law

enforcement agency or other state or federal agency has commenced its own investigation of the misconduct for which the employee was placed on administrative leave.

**Suspensions**

The superintendent may suspend, (with or without pay,) or terminate support staff members who are not under contract. The superintendent shall report any such termination or suspension to the Board of Education. The superintendent's decision will stand approved unless reversed by the Board.

**Special Circumstances Requiring Suspension or Administrative Leave**

Pursuant to state law, any employee who strip searches a student in violation of law will be immediately suspended without pay and may be terminated. Appropriate due process in accordance with law and this policy will be provided prior to suspending a staff member with an employment contract. Prior to placing an employee with an employment contract on unpaid suspension, the district will notify the employee of the charges, give the employee an opportunity to discuss the charges and inform the employee of the opportunity to appeal the suspension to the Board of Education. If the Board reverses the suspension, the employee will be reimbursed for any pay withheld.

If the district receives information that an employee has allegedly been involved in sexual misconduct with a student or any other child, the district may place suspend the employee or place the employee on administrative leave pending an investigation. In accordance with law, the district will suspend or continue a suspension of an employee if the Children's Division (CD) of the Department of Social Services finds that an allegation of sexual misconduct with a student is substantiated, but the district may return the employee to his or her position if the finding is reversed by a court on appeal and becomes final. Regardless, the district reserves the right to suspend, place on administrative leave or terminate an employee for any legal reason, including sexual misconduct, regardless of whether another agency or a court substantiates the claim. A hearing will be provided to an employee upon request when required by law.

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*Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.*

Adopted: 08/08/1994

Revised: 01/09/1995; 06/13/2005; 10/13/2008; 06/28/2012; 07/13/2015;

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Cross Refs: AC, Prohibition against Discrimination, Harassment and Retaliation  
~~FC, School Closings, Consolidations and Reorganizations~~  
~~HPA, Employee Walkouts, Strikes and Other Disruptions~~  
ILA, Test Integrity and Security  
JFCF, ~~Hazing and Bullying~~  
**JFCG, Hazing**  
JFG, Interrogations, Interviews and Searches  
JHG, Reporting and Investigating Child Abuse/Neglect

Legal Refs: §§ **105.264**, 162.068, 167.166, RSMo.  
U.S. Const. amend. XIV

Camdenton R-III School District, Camdenton, Missouri

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