

## CHAPTER 6.00 - PERSONNEL

### Suspension and Dismissal

6.52

1. Authority to Suspend. No employee may be suspended from duty except by the School Board or the Superintendent in accordance with this rule. An employee may only be suspended for just cause.
2. Suspension With Pay. The School Board delegates to the Superintendent as its designee the authority to suspend a member of the staff with pay when it is in the best interest of the District for a period extending to and including the next meeting of the School Board.
3. Suspension Without Pay. The School Board hereby delegates to the Superintendent as its designee the authority to suspend an employee for just cause with partial or no pay under the following narrowly-defined circumstances in order to facilitate personnel management, to maintain an orderly and productive work environment, to avoid public embarrassment to employees, and to eliminate relatively minor disciplinary action from the School Board's agenda.
  - a. The suspension shall not exceed five (5) days.
  - b. The Superintendent is authorized to suspend an employee if the Superintendent finds that the employee has:
    - i. Been absent without leave;
    - ii. Been insubordinate;
    - iii. Endangered the health or well-being of a fellow employee or of a student(s);
    - iv. Willfully neglected duty;
    - v. Been intoxicated, consumed an alcoholic beverage, or used a controlled substance, unless prescribed by a physician, while working, on school property, on a school bus or school-approved transportation, or at any school-related function or activity;
    - vi. Been arrested for driving while under the influence of alcohol or disorderly intoxication;
    - vii. Violated School Board rules or applicable law.
    - viii. Otherwise been guilty of conduct that is unbecoming of a District employee or that reflects badly upon the District.

## CHAPTER 6.00 - PERSONNEL

- c. This rule delegates to the Superintendent authority in addition to the authority conferred by Florida Statute. It shall not be construed to limit the Superintendent's statutory powers.
- 4. Appeal of Suspension. An instructional or administrative employee who wishes to contest the suspension shall submit to the Superintendent a written request for a hearing before the School Board within fifteen (15) days after receipt of the notice of suspension. The hearing shall be conducted before the School Board within sixty (60) days of the request. Paragraph 7 addresses the appeal rights of educational support employees. An employee who accepts the suspension shall be deemed to waive all further rights to due process.
- 5. Dismissal. An employee is subject to dismissal for just cause by the School Board. Just cause includes, but is not limited to, the following instances, as defined by rule of the State Board of Education:
  - a. immorality;
  - b. misconduct in office ;
  - c. incompetency;
  - d. two consecutive annual performance evaluation ratings of unsatisfactory under Florida Statute 1012.34;
  - e. two annual performance evaluation ratings of unsatisfactory within a 3-year period under Florida Statute 1012.34;
  - f. three consecutive annual performance evaluation ratings of needs improvement or a combination of needs improvement and unsatisfactory under Florida Statute 1012.34;
  - g. gross insubordination;
  - h. willful neglect of duty; or
  - i. being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any crime involving moral turpitude.

Except as provided in paragraph 7 below, in any dismissal proceeding in which the substantial interest of the employee is affected, or in which the employee has a property interest, the employee shall be entitled to a hearing on the merits of the case in accordance with the provisions of Chapter 120, Administrative Procedures Act and shall be provided due process as required by law. An employee who wishes to request a

## **CHAPTER 6.00 - PERSONNEL**

hearing shall submit a written request to the Superintendent within fifteen (15) days of receipt of the Superintendent's notice of intention to recommend dismissal, or notice of dismissal, whichever is received first. The Superintendent may elect, in the exercise of discretion, to refer any such proceeding to a hearing before the School Board in accordance with its rules, or to the Department of Administrative Hearings, in accordance with applicable statutory procedure.

6. **Non-Renewal.** Non-renewal of employees during their probationary period or upon expiration of an annual or time-limited contract shall not be considered dismissal subject to this policy, or to further review.
7. **Negotiated Agreements.** In case of employees who are subject to the Negotiated Agreement between the School Board and the St. Johns Educational Support Professional Association, the provisions of paragraph 3 of this rule shall not limit the grounds for termination, suspension or discipline set forth in the Negotiated Agreement. Furthermore, in those cases, the provisions of paragraphs 4 and 5 shall not apply and the grievance procedure set forth in the Negotiated Agreement shall govern the employee's right to contest disciplinary action and the procedures therefor.

**STATUTORY AUTHORITY:** **1001.32; 1001.41, F.S.**

**LAWS IMPLEMENTED:** **1001.42; 1012.27; 1012.33; 1012.795, F.S.**

**STATE BOARD OF EDUCATION RULE:** **6B-4.009, F.A.C.**

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