HUMAN RESOURCES

Suspension of Employees

I. Prior Notice of Proposed Suspension

Teachers and other public school employees, whether full-time or part-time, permanent, or temporary, may be suspended for good and just cause when the safety or welfare of the school division or the students therein is threatened or when the teacher or other school employee is charged with certain criminal offenses. Prior to recommending any teacher or other school employee for suspension, the supervisor shall provide the teacher or other employee with written notice of the proposed suspension and the reasons therefore. The supervisor shall provide the teacher or other employee with a copy of this regulation and explain the suspension process. As a record of receipt, the teacher or other employee will sign a copy of the written notice of proposed suspension.

II. Suspension of Employees Charged with Certain Criminal Offenses

A. A teacher or other school employee may be suspended when the teacher or employee has been charged by summons, warrant, indictment, or information with the commission of a felony; a misdemeanor involving (i) sexual assault as established in Article 7 (§18.2-61 et. seq.) of Chapter 4 of Title 18.2 of the Virginia Code, (ii) obscenity and related offenses as established in Article 6 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2, (iii) drugs as established in Article 1 (§18.2-247 et seq.) of Chapter 7 of Title 18.2, (iv) moral turpitude, or (v) the physical or sexual neglect of a child; or an equivalent offense in another state.

B. When a teacher or other school employee is so charged, he or she may be suspended without a hearing.

C. When a teacher or other school employee is so charged, he or she may be suspended without pay, in which case the employee’s salary shall be placed in an interest-bearing escrow account. Upon being found not guilty of such charge(s), or upon the nolle prosequi of the charge(s), the teacher or school employee shall be reinstated unless the teacher or employee has been dismissed by the School Board. Upon any
reinstatement, the teacher or employee shall receive all unpaid salary and accrued interest from the escrow account, less any earnings received by the teacher or school employee during the period of suspension, but in no event shall such payment exceed one year’s salary.

D. The placing of a teacher or other school employee on probation pursuant to the terms and conditions of §18.2-251 shall be deemed a finding of guilt.

III. Suspension of Employees for Other Conduct

Teachers and other school employees can be suspended for a period of up to sixty days without pay for reasons other than those set forth above in Section II, in accordance with the procedures set forth in Virginia Code § 22.1-315.

A. Suspension of Teachers and Other Contract Employees

In any case where a teacher or other employee holding an annual or continuing contract is recommended for any suspension for reasons other than criminal charges as referenced in Section II of this regulation, the teacher or other employee shall be provided with prior written notice of the reasons for the proposed suspension and afforded an opportunity for a hearing before a hearing officer appointed by the School Board. The teacher or other school employee will continue to receive his or her applicable salary until the School Board determines otherwise.

B. Suspension of Classified Employees Without Pay for Five Days or Less

Any classified school employee or other school employee who does not hold a regular annual or continuing teaching contract, who is recommended for suspension for reasons other than criminal charges as referenced in Section II of this regulation, may be suspended without pay up to five days without a hearing.

C. Administrative Leave and Suspension with Pay

Teachers and other employees may be temporarily relieved of their duties and placed on administrative leave with pay at the discretion of the Superintendent or his/her designee pending an investigation into allegations of misconduct or unsatisfactory work performance. Under such circumstances, the Superintendent or his/her designee may also choose to suspend the employee with pay.
While on administrative leave or suspension with pay, the teacher or other employee remains in the employ of the School Board, shall perform such other duties as may be assigned by the Superintendent or his/her designee, and shall remain available for such duties during the regularly scheduled work day. The teacher or other employee may not hold other employment nor be absent from the area nor unavailable to PWCS.

Employees suspended with or without pay shall have their life and health insurance benefits continued during the period of suspension, but will be required to pay the employee’s proportionate share of the costs associated with health insurance.

The Associate Superintendent for Human Resources (or designee) shall be responsible for the monitoring and implementation of this regulation.

This regulation and any related policy shall be reviewed at least every five years and revised as needed.