

# Oneida Special Board of Education

Monitoring: Review: Annually, in February	Descriptor Term: <b>Separation Practices for Non-Certified Employees</b>	Descriptor Code: <b>5.202</b>	Issued Date: <b>07/06/17</b>
		Rescinds: <b>5.202</b>	Issued: <b>02/02/12</b>

## 1 SUSPENSION

2 A director of schools/designee may suspend an employee at any time when deemed necessary.<sup>1</sup> ~~Before~~  
3 ~~an employee is suspended s/he shall be: (1) provided with reasons for the suspension; (2) given an~~  
4 ~~opportunity to respond; and (3) given a written decision of the suspension.~~

5 Under no circumstances shall a director of schools suspend an employee with pay. If reinstated, the  
6 employee shall be paid full salary for the period of suspension, unless suspension without pay is  
7 deemed to be an appropriate penalty.

## 8 DISMISSAL

9 Each non-certified (classified) employee is employed at the will of the director. Employment decisions  
10 for the positions are made on a year to year basis and unless a written contract signed by the employee  
11 and the District provides to the contrary, each employee is employed on a year to year basis and has no  
12 claim or right to continuing employment for subsequent years.

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14 During the school year, the director may dismiss a non-certified employee for cause (incompetence,  
15 inefficiency, insubordination, improper conduct or neglect of duty) after giving the employee, in  
16 writing, due notice of the charges. The procedure to be followed shall be as follows:

17 The notice of the charges against the employee shall include an explanation of the District's evidence  
18 and an opportunity to respond in writing within ten (10) working days. At the conclusion of the  
19 response time the director will issue a written decision, with factual findings, and will deliver it to the  
20 employee.

21 Should the director decide to dismiss the employee, within (10) working days after the decision the  
22 employee may seek a hearing before an impartial hearing officer by giving written notice to the  
23 director. The employee shall have an opportunity for a full and complete hearing and shall have a right  
24 to:

- 25 1. Be represented by counsel;
- 26 2. Call and subpoena witnesses;
- 27 3. Examine all witnesses; and
- 28 4. Require that all testimony be given under oath.

1 Factual findings and decisions of the hearing officer shall be reduced to written form and delivered to  
2 the employee and the employee may appeal the decision to the Chancery Court for Scott County,  
3 Tennessee within ten (10) working days of the hearing officer rendering the written decision to the  
4 employee. Written notice of appeal shall be given to the director and filed with the Chancery Court of  
5 Scott County within that time frame. Within twenty (30) days of receipt of the notice, the director shall  
6 prepare a copy of the proceedings, transcript, documentary and other evidence presented and provide  
7 the Court a copy of the same.

8 The Chancery Court shall hear the appeal. No new evidence shall be introduced. The employee may  
9 appear in person or be represented by counsel and argue why the decision should be modified or  
10 reversed. The Court shall take one of the following actions:

- 11 1. Sustain the decision;
- 12 2. Send the record back if additional evidence is necessary; or
- 13 3. Revise the penalty or reverse the decision.

14 The director shall also have the right to appeal any adverse ruling by the hearing officer in the same  
15 manner as the employee.

## 16 **RESIGNATION**

17 Support personnel shall give the immediate supervisor written notice of resignation at least two (2)  
18 weeks (ten (10) working days) in advance of the effective date of voluntary termination. The ten (10)  
19 working days may be waived by the director of schools for justifiable reason.

20 The immediate supervisor shall forward copies the day received to the director of schools' office. The  
21 payroll office will prepare final payment for the next appropriate scheduled pay day.

## 22 **RETIREMENT**

23 Retirement shall mean a termination of services under conditions which will allow the employee to  
24 draw benefits from retirement plans and/or social security benefits.

25 Employees eligible for retirement benefits may elect to retire at any age according to the provisions of  
26 the retirement system.

27 Central office personnel shall assist employees in securing retirement benefits; however, it shall be the  
28 responsibility of the retiring employee to provide verification of eligibility in writing from TCRS to the  
29 central office. It shall be the responsibility of the retiring employee to file for benefits.

30 Employees who retire under TCRS may be employed up to one hundred twenty (120) days per year  
31 without loss of retirement benefits.

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Legal References

1. TCA 49-2-301 (b)(1)(EE)(FF)

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Cross References