

**CLASSIFIED PERSONNEL:
SUSPENSION AND DISMISSAL**

Policy Code: **7940**

1 Classified positions (i.e., those that do not require an instructional or administrative license) are
2 critical to the effective operation of the school system. The Transylvania County Board of
3 Education (the “board”) encourages open communication between classified employees and their
4 supervisors. When performance problems arise, supervisors are encouraged to communicate
5 clearly in oral or written form the nature of the deficiencies and to provide a reasonable
6 opportunity to improve. Any written notices or reprimands will be included in the employee’s
7 central office personnel file. All employees are expected to meet job requirements and to seek
8 clarification and guidance when needed to fulfill these requirements.
9

10 **A. SUSPENSION**

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12 The superintendent or designee may suspend an employee without pay as a disciplinary
13 sanction. The superintendent shall provide written notice of the suspension without pay
14 to the employee. This notice will be placed in the personnel file. The suspension without
15 pay may begin immediately. An employee has 10 calendar days from the date of
16 receiving written notice of the superintendent’s decision to take the following actions: (1)
17 request written notice of the reason(s) for the superintendent’s decision and (2) request an
18 appeal before the board of education regarding the decision to suspend without pay. If
19 notice of the reason(s) for the suspension is requested, such notice must be provided prior
20 to any board hearing on the decision. If an appeal is not made within this time, an appeal
21 is deemed to be waived. An employee may appeal a suspension on the grounds that there
22 was no rational basis for the suspension; the suspension was discriminatory, ~~or~~ was used
23 for harassment, or was otherwise unlawful; or board policies were not followed.
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25 Upon receiving a request for an appeal, the chairperson may designate a panel of three
26 board members to review the decision. The chairperson of the board or the panel may
27 establish rules for an orderly and efficient hearing. The employee will be notified in
28 writing of the decision of the board to uphold, reverse, or modify the superintendent’s
29 decision. An employee will receive back pay for any period of suspension without pay
30 that is not upheld by the board.
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32 **B. TERMINATION**

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34 As “at will” employees who lack contract or statutory rights in their employment,
35 employees in classified positions may be terminated on any nondiscriminatory basis that
36 is not discriminatory or otherwise unlawful, including inadequate performance,
37 misconduct, failure to follow board policies, or a reduction in staff. All terminations to
38 reduce staff will be in accordance with policy 7921, Classified Personnel Reduction. All
39 other terminations will be made pursuant to this policy. The superintendent has the
40 authority to terminate at-will employees. The superintendent should provide written
41 notice to the employee and the board of the decision to terminate. An employee has 15
42 calendar days from the date of receiving notice of the superintendent’s decision to take
43 the following actions: (1) request written notice of the reason(s) for the superintendent’s

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44 decision and (2) request an appeal of the decision to the board of education. If notice of
45 the reason(s) for the termination is requested, such notice must be provided prior to any
46 board hearing on the termination. The termination is effective during the period of
47 appeal.
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49 Upon receiving a request to appeal the superintendent's decision to terminate, the
50 chairperson may appoint a panel of three board members to review the decision. The
51 employee has the burden of establishing that the termination was based on ~~an~~ illegal
52 discrimination **or was otherwise unlawful**. The superintendent may offer evidence to
53 substantiate that the dismissal was for a ~~nondiscriminatory~~ reason **that is not unlawful**,
54 such as prior warnings or remedial efforts.
55

56 The hearing procedures established in policy 2500, Hearings Before the Board, will be
57 followed. The chairperson will provide written notice of the decision to the employee
58 and the superintendent as soon as practicable after reaching a decision. The board may
59 uphold the superintendent's decision or reinstate the employee for any reason it deems
60 proper, so long as the board's reason is not discriminatory **or otherwise unlawful**.
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62 Any employee who has been dismissed for cause will be ineligible for reemployment.
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64 Upon inquiry from a North Carolina local board of education, charter school, or regional
65 school as to the reason for an employee's dismissal, the superintendent or designee shall
66 indicate if the employee's criminal history was relevant to the dismissal.
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68 This policy is not intended to create any property rights or an implied or express contract
69 between the board and the employee other than what is provided by law.
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71 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.
72 12101; G.S. 115C-45(c), -47, -332
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74 Cross References: Hearings Before the Board (policy 2500), Classified Personnel Reduction
75 (policy 7921), Annual Independent Audit (policy 8310)
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77 Adopted: April 18, 2016
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79 Revised: March 5, 2018; **[DATE]**