

The Board of Trustees, Superintendent, or Superintendent's designee, may declare a position vacant when the support staff employee, by his or her commissions, or omissions of certain acts, signifies his or her intent not to continue employment with St. Maries Joint School District No. 41.

Such abandonment of position shall be determined three (3) days following such commissions, or omissions of certain acts. Said acts shall include failure to report to work, walking off the job, verbal communication of intent not to seek re-employment, or other acts which signify that the employee does not intend to continue in the employment of the District.

Such notice constituting the basis for the abandonment of position shall be personally delivered to the employee, hereinafter referred to as the "Dischargees" or by certified return receipt mail to the last known address of the proposed "Dischargee" which acknowledgment shall contain therein a reasonable period of time granted to the "Dischargee" to correct the commissions or omissions but not more than six (6) days from appropriate notification to the "Dischargee."

The "Dischargee" shall be entitled to an informal review by the Board of Trustees upon written request therefore by the "Dischargee" addressed to the Board of Trustees within seven (7) days of the notice that the position will be declared vacant.

The informal review shall be scheduled to take place neither less than fourteen (14) days nor more than thirty (30) days after the receipt of Notice of Discharge by the support employee. The date for hearing shall be scheduled by the Board of Trustees and may be changed by mutual consent.

The hearing shall be in executive session unless the "Dischargee" requests in writing that it be in public session.

All testimony at the informal review shall be given under oath or affirmation. Any member of the Board, or the Clerk of the Board, may administer oaths to witnesses or affirmations by witnesses.

The "Dischargee" may be represented by legal counsel.

The Board Chair or the Designee of the Board Chair shall conduct the hearing.

The Board shall cause an electronic record of the review to be made or shall employ a competent recorder to take stenographic or steno-type notes of all testimony at the review. A transcript of the hearing shall be provided at the cost of the requesting party.

At the informal review, the Superintendent, other duly authorized administrative officer, or legal counsel shall present evidence to substantiate the rationale for discharge.

The "Dischargee" may produce evidence to refute the allegations. Any witnesses presented by either party shall be subject to cross examination. The Board may also examine witnesses.

The Parties may file written briefs and arguments with the Board upon having first obtained the consent of the Board therefore.

Within ten (10) days following the close of the informal review, the Board shall determine and notify the "Dischargee" in writing whether the evidence presented at the informal review established the truth of the allegations and whether the discharge is affirmed or the "Dischargee" is returned to employment.

Policy Cross Reference:

Legal Reference:

Policy History:

Adopted:	10/08/1990
Reviewed:	12/04/2008