

SUSPENDING/DISMISSING AN EMPLOYEE

The Board will endeavor to protect the school children of this district from the influence of unfit employees. The Board of Education shall challenge the continued employment of any employee who demonstrates inefficiency in the performance of his/her duties, is incapable of performing those duties, violates by unbecoming conduct the public trust placed upon employees of this district, or by other means fails to exhibit the good behavior necessary to continued employment. When charges are filed against a tenured employee by any person, the Board shall determine their gravity and probity in accordance with statute. In the case of a nontenured support employee, the School Business Administrator/Board Secretary shall make a recommendation for Board action after following all proper investigative and evaluative procedures.

In the case of a support staff member who, in the opinion of the School Business Administrator/Board Secretary, is unfit to continue his/her employment by reason of his/her physical or mental condition, the following procedure shall be followed:

1. The School Business Administrator/Board Secretary shall present to the Board his/her reasons for questioning the physical or mental condition of the employee.
2. Should the Board determine that the reasons given constitute sufficient cause to order the employee to be examined, it shall order said employee to be given written notice of those reasons by the School Business Administrator/Board Secretary and a date when he/she would be heard by the Board if he/she should so desire. He/she shall also be notified that he/she may have a person of his/her own choosing present to advise him/her at such hearing.
3. Should the Board order an examination following a hearing (if requested by the employee), said examination may be conducted by a physician designated by the employee and paid by the employee or by a physician designated by the Board and compensated by the Board, or by both.



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4. Should the physician designated by the Board disagree with the physician designated by the employee, the two physicians shall agree in good faith on a third impartial physician who shall examine the employee and whose medical opinion shall be conclusive and binding on the issue of medical capacity to perform assigned duties.
5. If as a result of such examination, the employee is found to be unfit to perform the duties to which he/she is assigned, he/she shall be placed on sick leave with the compensation to which he/she is entitled until proof of recovery is furnished to the Board. Such proof shall be obtained from a physician chosen and paid for by the employee or from a physician designated and compensated by the Board or by both. Should the two physicians disagree, a third physician chosen in good faith by those two physicians shall examine the employee. He/she shall provide the conclusive medical opinion which shall be binding on the issue of recovery.
6. Should a tenured employee refuse to submit to examination following the exhaustion of proper appeals, the Board shall consider the certification of tenure charges for reasons of insubordination.
7. In the case of a nontenured employee, the Board shall terminate his/her contract according to its provisions.

Date: January 10, 1984

Reviewed: September 2, 1994.

Legal References: N.J.S.A. 2C:51-2 Forfeiture of Public Office
N.J.S.A. 18A:6-10 through -25 Tenure Charges

Cross References: 1312 Public complaints
 4212.4 Health examinations