

Dismissal, Demotion or Suspension of Non-Contract Employees

Policy Code:

7940

The Board acknowledges that all staff at all levels are crucial to attaining excellence in education. The Board expresses its intent that Guilford County Schools support employees at all levels of the system, through positive communication, annual evaluation, and opportunities for growth. The Board also recognizes the importance of efficient administration of the school system.

A. Superintendent's Authority

Employees who have earned career status or who have a legally required contract with the Board may only be suspended without pay, demoted, or dismissed in accordance with North Carolina General Statutes 115C-325 or 115C-325.1, et seq. In those cases, the Superintendent must follow the statutorily prescribed processes, notifying the employee of the intent to recommend employment action and offering the employee an opportunity to contest the recommendation and/or seek a hearing. The superintendent or designee may suspend with pay in accordance with these statutes and no hearing before the Board will be offered.

In all other cases where such action is not statutorily prescribed, the Board delegates to the Superintendent the authority to suspend, demote, or dismiss any employee who does not have a contract with the Board for any lawful reason. The Superintendent is not required to notify the Board or seek prior approval from the Board in order to take any of these actions.

B. Process for Dismissal, Demotion, or Suspension

Unless the process is otherwise prescribed by law, the Superintendent or designee will notify the employee of a dismissal, demotion, or suspension in writing. The employee may petition the Superintendent or designee for a review of the action. After reviewing the action, the Superintendent shall issue a final decision letter to the employee which shall set forth the reasons justifying the decision. If the final review confirms the decision to suspend, demote, or dismiss the employee, the employee may petition the Board for further review in accordance with North Carolina General Statutes 115C-45(c) by notifying the Superintendent's designee in writing no less than 10 days after receipt of the Superintendent's final decision letter. The hearing will be conducted in accordance with Policy 2500.

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~~The Board therefore hereby delegates to the Superintendent the authority to hire, transfer, dismiss, demote, or suspend any non-contract employee for any lawful reason. The Superintendent is not required to notify the Board or seek prior approval from the Board in order~~

to take any of these actions:

Process for Dismissal, Demotion, or Suspension

The Superintendent or designee will notify the non-contract employee of a dismissal, demotion, or suspension in writing. A non-contract employee who receives notice of a dismissal, demotion, or suspension may petition the Superintendent or designee for a review of the action. The Superintendent or designee shall conduct a full investigation, reviewing the employee's personnel file and consulting with the employee's supervisor. The Superintendent shall issue a final decision letter to the employee notifying the employee of his/her final decision. The Superintendent's Final Decision Letter shall set forth the findings of the investigation and the reasons justifying his/her decision.

The non-contract employee may appeal the Superintendent's decision in accordance with Policy GCP, Board Hearings on Employment Actions.

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. 12101](#); [G.S. 115C-45\(c\), -47, -332](#)

Cross References: [GCP, Board Hearings on Employment Actions](#), [Hearings Before the Board \(policy 2500\)](#), [Reduction in Force – Classified Employees \(policy 7921\)](#)

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