

INCAPACITY OF THE SUPERINTENDENT

A Superintendent Pro Tempore is appointed by a majority of the members of the Board upon determining that the Superintendent is incapacitated in such a manner that he/she is unable to perform the duties of that office. Such incapacity is determined:

1. by request of the Superintendent, if the Superintendent is absent with pay for reasons of personal illness, injury or exposure to contagious disease which could be communicated to others;
2. upon certification of the attending physician that the Superintendent is unable to perform the duties of the office of Superintendent;
3. upon the determination of a referee that the Superintendent is unable to perform the duties of the office of Superintendent;
4. upon the granting of a leave of absence without pay requested by the Superintendent for reasons of illness, injury or other disability or
5. upon the placing of the Superintendent upon an unrequested leave of absence without pay for reasons of illness or other disability.

During the period of incapacity, the Superintendent may:

1. at his/her request, be placed on sick leave, with pay, not to exceed the extent of his/her accumulated, but unused, sick leave and any advancement of such sick leave which may be authorized by Board policy;
2. at his/her request, or without such request, pursuant to the Family and Medical Leave Act (FMLA), be placed on unpaid FMLA leave for up to 12 weeks per year and
3. at his/her request, or without his/her request, the Superintendent may be placed on a leave of absence without pay.

The leave provided during the period of incapacity (described above) will not extend beyond the contract or term of office.

The Superintendent may, upon request to the Board, be returned to active-duty status, unless the Board denies the request within 10 days of receipt of the request. The Board may require the Superintendent to establish to its satisfaction that he/she is capable of resuming such duties and that the duties be resumed on a full-time basis.

The Board may demand that the Superintendent return to active service; upon the determination that he/she is able to resume his/her duties, the Superintendent will return to active service.

The Superintendent may request a hearing before the Board on any action taken under this policy and has the same rights as are granted under State law.

The Board fixes the compensation of the Superintendent Pro Tempore in accordance with State law. He/She serves until the Superintendent's incapacity is removed or until the expiration of the Superintendent's contract or term of office, whichever is earlier.

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