

INCAPACITY OF THE SUPERINTENDENT

In accordance with O.R.C. §3319.011, a Superintendent Pro Tempore may be appointed by a majority vote of the members of the Board upon determination that the Superintendent is incapacitated in such a manner that he/she is unable to perform the duties of his/her office.

The Board will exercise its authority under law to determine the incapacity of the Superintendent in the following manner:

- A. At the request of the Superintendent, if he/she is absent with pay by reason of personal illness, injury, or exposure to contagious disease which could be communicated to others.
- B. Upon certification of the attending physician that the Superintendent is unable to perform the duties of the office of the Superintendent and such Superintendent is absent with pay by reason of personal illness, injury, or exposure to contagious disease which could be communicated to others.
- C. Upon the determination of a referee pursuant to O.R.C. §3319.16 that the Superintendent is unable to perform the duties of the office of Superintendent, and such Superintendent is absent with pay by reason of personal illness, injury, or exposure to contagious disease which could be communicated to others.
- D. Upon the granting of a leave of absence, without pay, requested by the Superintendent by reason of illness, injury or other disability of the Superintendent.
- E. Upon the placing of the Superintendent upon an unrequested leave of absence without pay by reason of illness or other disability of the Superintendent pursuant to O.R.C. §3319.13.

If the Board determines that the Superintendent is unable to perform the duties of his/her office, he/she shall:

- A. At his/her request, be placed on sick leave, with pay, not to exceed the amount of his/her accumulated but unused sick leave and any advancement of such sick leave which may be authorized by Board policy; or
- B. At his/her request, or without such request, pursuant to O.R.C. §3319.13, be placed on a leave of absence without pay.

The leave shall not extend beyond the contract or term of office of the Superintendent.

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

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

The Superintendent may request a hearing before the Board on any action taken under this policy and shall have the same rights in such hearing as are granted under O.R.C. §3319.16.

Appointment and Responsibility of a Superintendent Pro Tempore

- A. Superintendent certification/licensure will be required as stated in O.R.C. §3319.22.
- B. The Superintendent Pro Tempore shall perform all of the duties and functions of the Superintendent and shall serve until the Superintendent is no longer incapacitated, or until the expiration of the Superintendent's contract or term of office, whichever is sooner.
- C. The Board shall fix the compensation of the Superintendent Pro Tempore in accordance with O.R.C. §3319.01.
- D. The Superintendent Pro Tempore may be removed at any time for cause by a two-thirds (2/3) vote of the members of the Board.

LEGAL REFS: O.R.C. §3319.011

Adopted: August 10, 2015