

INCAPACITY OF CHIEF FINANCIAL OFFICER

It is the legal duty of the Board of Education to appoint a Chief Financial Officer Pro Tempore by a majority vote of the members of the Board upon determination that the Chief Financial Officer is incapacitated in such a manner that he/she is unable to perform the duties of his/her office.

The Board shall fix the compensation of the Chief Financial Officer Pro Tempore who shall serve until the Chief Financial Officer's incapacity is removed or until the expiration of the Chief Financial Officer's contract or term of office, whichever is sooner. He/she shall perform all of the duties and functions of the Chief Financial Officer, and may be removed at any time for cause by a two-thirds majority vote of the members of the Board.

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

- A. At the request of the Chief Financial Officer if he/she is absent without pay by reason of personal illness, injury, or exposure to contagious disease which could be communicated to others.
- B. Upon certification of a:
 - 1. Physician selected and compensated by the Board;
 - 2. Physician selected and compensated by the Chief Financial Officer; or
 - 3. Panel of three (3) physicians, one selected and compensated by the Board, one selected and compensated by the Chief Financial Officer, and the third selected by the two physicians and compensated by the Board.
- C. Upon the determination of a referee pursuant to Section 3319.16 Revised Code, that the Chief Financial Officer is unable to perform the duties of the Office of the Chief Financial Officer, and such Chief Financial Officer is absent with pay by reason of personal illness, injury, or exposure to contagious disease which could be communicated to others.

If the Board determines that the Chief Financial Officer is unable to perform the duties of his/her office, he/she may:

- A. At the request of the Board, be placed on sick leave with such pay to which he/she may be entitled or which may be authorized by Board policy; or

- B. At his/her request, or without such request, pursuant to Section 3319.13 Revised Code, be placed on a leave of absence without pay.

The foregoing leave shall not extend beyond the contract or term of Office of the Chief Financial Officer.

The Chief Financial Officer shall, upon request to the Board, be returned to active duty status, unless the Board denies the request. The Board may require the Chief Financial Officer 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 Chief Financial Officer return to active service, and upon the determination that he/she is able to resume his/her duties, the Chief Financial Officer shall return to active service.

The Chief Financial Officer 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 Section 3319.16 Revised Code.

LEGAL REFS: O.R.C. §3313.23

Adopted: July 18, 2006