

VI. Resignations

Timelines and restrictions on resignations may be set out in a collective bargaining agreement, board policy, or individual contract. If such timelines exist and an employee violates the timeline requirement, he or she may be subject to a breach of contract suit. A successful breach of contract action may result in the employee having to pay for any damages caused by the resignation (e.g., costs of substitutes, advertising, interviewing, etc.). Furthermore, some agreements contain a “liquidated damages” provision, which sets out a sum of money the employee owes if the employee does not follow the required resignation procedure and timeline. Resignations usually make the employee ineligible for unemployment benefits.

There are conflicting court opinions on a public employee’s ability to rescind a resignation. One court held that a teacher must act to withdraw the resignation prior to the district taking any action to accept or act on the resignation. Once the employer acts on the resignation, an attempt to withdraw the resignation is ineffectual. However, another court held that once a public employee submits a resignation either effective immediately or on a future date, the resignation is an unalterable fact and the employee cannot withdraw the resignation.

Teachers have additional requirements under Section 24-14 of the School Code which establishes rules for when and how a certified employee can resign. Although the statute refers to tenured teachers, an Illinois court has held that the rules apply to probationary teachers as well. The statute states that a teacher “may resign at any time by obtaining concurrence of the board or by serving at least 30 days’ written notice upon the secretary of the board. However, no teacher may resign during the school term, without the concurrence of the board, in order to accept another teaching assignment.” A teacher who resigns without following these statutory timelines and requirements is “guilty of unprofessional conduct” and could have the teaching license suspended for up to a year. If a teacher resigns before classes commence, but fewer than 30 days before the start of classes, the teacher either has to get the board’s concurrence or work into the school year to meet the 30 days.