

ODNR ADMINISTRATIVE LEAVE DIRECTIVE

| | |
|-------------------|---|
| Effective: | June 15, 2011 |
| Purpose: | To provide divisions/offices parameters in which employees may be placed on administrative leave with pay in accordance with applicable civil service laws. |
| Authority: | <u>ORC 124.388</u> OAC 123:1-45-01 <u>DAS Directive HR-D-10</u> <u>OCSEA Article 24.06</u> <u>FOP Article 19.02</u> |
| Reference: | DAS Directive HR-D-10 <u>ODNR Suspected Illegal Activity</u> <u>ODNR Emergency Operation, Facility Closure and Weather Policy</u> |
| Resource: | Office of Human Resources ODNR Legal Services Law Enforcement Administrator |

General

The appointing authority may, at his or her discretion, place an employee on administrative leave with pay. Such leave is to be used only in circumstances where the health or safety of an employee or of any person or property entrusted to the employee's care could be adversely affected. Compensation for administrative leave with pay shall be equal to the employee's base rate of pay, and shall not continue beyond the length of the situation for which the leave was granted. An appointing authority may grant up to two days of administrative leave with pay to employees who are moved in accordance with section 124.33 of the Ohio Revised Code.

An appointing authority may, at his or her discretion, place an employee on administrative leave without pay for a period not to exceed two months, if the employee has been charged with a violation of law that is punishable as a felony. If the employee subsequently does not plead guilty to or is not found guilty of a felony with which the employee is charged or any other felony, the appointing authority shall pay the employee at the employee's base rate of pay, plus interest, for the period the employee was on the unpaid administrative leave.

In such cases, the chief legal counsel or designee for the appointing authority must be consulted. All administrative leave requests will be coordinated by the OHR - Health and Safety Coordinator. The appointing authority must sign and approve the paid leave.

Administrative Leave Pending Completion of Investigation

In cases where no viable alternatives are available, it is permissible to place an employee on administrative leave with pay pending a review, investigation or disciplinary proceeding surrounding the situation that resulted in the employee being placed on a paid leave of absence. (moved above). Administrative leave with pay shall be authorized for the period of time necessary to conduct the internal administrative review or investigation, and shall include the period of time needed to decide whether to impose discipline.

In most situations where the primary concern is the health or safety of the general work force, options may be limited and an administrative leave with pay may be the most appropriate option. If, however, the primary concern is the health or safety of a particular individual, or group of individuals, a modification of duties, a temporary reassignment to another position or another work area or a reassignment to another work shift may suffice to limit access to the person(s) whose health or safety may be endangered, thereby avoiding the need to place an individual on administrative leave with pay.

In situations where the primary concern is the safety of property, it may be possible to remove access to state property either through a modification of job duties and responsibilities, a temporary reassignment to another position or reassignment to another work area so that no property is entrusted to an employee who could adversely affect or destroy the property.

Each situation will differ and will require a case-by-case determination. Compensation for an employee placed on administrative leave with pay pending the review, investigation or disciplinary proceeding shall be equal to the employee's base rate of pay and the employee will continue to accrue leave and service credit. Thus, it is imperative that such leaves be closely monitored and administrative and/or criminal investigations be processed promptly.

Length of Leave

The appointing authority or designee shall be responsible for monitoring the status of the administrative investigation and the length of time that an employee is on administrative leave. Monitoring shall be done by the appointing authority or designee at appropriate intervals.

An appointing authority may put an employee on administrative leave with pay for a period of up to three months. After such time, a comprehensive review must be conducted by the appointing authority or designee to determine if extenuating or mitigating circumstances would require extending the administrative leave with pay.

Employee Notification

An employee placed on administrative leave pending the completion of an investigation shall be notified at the outset of the leave that he or she:

- Shall be in a work-ready status at all times during his/her regular scheduled time, and must be able to report to work with short notice.
- Shall stay off of the property of the employer during the leave.
- Shall first call the employer to make arrangements to conduct business or to otherwise be on the property of the employer.
- Shall make arrangements with the employer for the issuing of paychecks, the processing of vacation, personal and other leave requests, as well as other personnel or employee benefits matters.
- Shall not hold another job during the hours he or she is normally scheduled for work. If the employee works during such hours, he or she will forfeit the administrative leave with pay and will be subject to discipline.

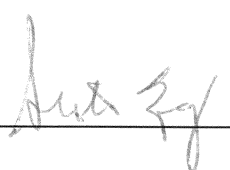
Independent Criminal Review

If a review by the appointing authority produces evidence sufficient to warrant an independent criminal review or investigation, and the health or safety of an employee or any person or property entrusted to the employee's care continues to be at issue, the employee may remain on administrative leave with pay pending review, investigation or any legal proceedings under Title 29 of the Revised Code. Compensation for administrative leave with pay pending the independent criminal investigation shall be equal to the employee's base rate of pay.

Job Modifications and Reassignments

Instead of placing an employee on administrative leave with pay, an employee may be temporarily reassigned to a vacancy or another position within the same classification. Alternatively, an employee's duties may be modified within his/her job classification to limit the conditions and circumstances which create the health or safety concern. An employee may be reassigned to any position or placed in any available vacancy within his/her job classification for which the minimum job qualifications are met. An employee temporarily reassigned to fill an available vacancy, or an employee temporarily reassigned to another position, shall be entitled to compensation equal at least to the employee's regular base rate of pay. Temporary reassignments and modification of duties shall continue only during such period pending an investigation and do not constitute a reduction in duties, position or reclassification. Modification and/or reassignments shall only occur after consultation with the Labor Relations Section.

Nothing herein shall prevent an appointing authority from imposing appropriate discipline up to and including termination.

| | | |
|-------------------------|---|-------------------------------------|
| Office of the Director: | <input checked="" type="checkbox"/> Approve | <input type="checkbox"/> Disapprove |
| David Mustine |  | 6/2/11 Date |