

2014 DEC 19 AM 10:28

Administrative Leave without Pay when Criminal Charge is Pending

If a civilian employee is indicted for a felony or charged with a felony by the filing of information, the City may place the employee on administrative leave without pay. This policy does not apply to any at-will employees as defined by the City's Policies and Procedures Manual.

When an employee is indicted for a felony or charged with a felony by the filing of information, the Department Head, in consultation with Human Resources, shall conduct a review to determine whether the employee should be placed on administrative leave without pay. The employee shall be given advance notice of the review by phone and/or a letter mailed to the employee's address on file with the City's Human Resources Department and may choose to be present and/or participate in the review. The employee may have legal counsel or another person present at the review; however, neither legal counsel nor the other person may participate in the review unless the employee is unable to participate due to the employee's incarceration or hospitalization. In consultation with Human Resources, the Department Head will determine whether the employee will be placed on administrative leave without pay, subject to final approval by the Chief of Staff. Factors the Department Head may consider include:

- The nature and seriousness of the charge;
- Whether the conduct underlying the charge is directly related to the employee's position or occurred on duty;
- The performance, discipline and/or criminal history of the employee;
- The impact on the public trust and the reputation of the City and the employee's Department if the employee remains at work or is placed on administrative leave with pay; and/or
- Other circumstances the Department Head deems appropriate.

If the employee pleads guilty, pleads no contest, receives a deferred sentence, and/or is found guilty of any criminal offense, the Department Head, in consultation with Human Resources, may continue the employee's administrative leave without pay until completion of the administrative investigation and any disciplinary action that results.

If the criminal charge remains pending for over ninety (90) days after the employee is placed on administrative leave without pay, the Department Head, in consultation with Human Resources, shall review the matter to determine whether the employee should remain on administrative leave without pay, return to work, or be placed on administrative leave with pay.

If all felony charges pending against the employee are dismissed or if the employee is acquitted of all felony charges at trial, the Chief of Staff, in consultation with Human Resources, may:

- Return the employee to duty; or
- Change the employee from administrative leave without pay status to administrative leave with pay pending the resolution of the administrative investigation and/or disciplinary procedure.

If an employee is returned to duty, the Chief of Staff, in consultation with Human Resources, may approve backpay for the number of days the employee was on administrative leave without pay.

 

Michael Sullivan, Director of Human Resources

 

Steven Cox, Chief of Staff