

# Stark County Board of Developmental Disabilities

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## ADMINISTRATIVE LEAVE

### POLICY

Administrative leave with and without pay are sometimes necessary for alleged incidents that occur in and outside of the workplace. The purpose of this policy is to provide uniform guidelines for the implementation of section 124.388 of the Ohio Revised Code for those employees covered by civil service or applicable collective bargaining agreements. Leave authorized under this section of the Revised Code is incident specific and primarily authorized in circumstances where health and safety could be adversely affected, or if an employee is alleged to have committed a felony.

The Superintendent, who is the appointing authority or his/her designee, has the authority to place an employee on administrative leave with pay. Employees should only be placed on administrative leave with pay when immediate action must be taken to remove an employee from the work site because of a threat to the health and/or safety of a person served, to a co-worker, or a threat to the property entrusted to that employee. Administrative leave may also be appropriate when an independent medical exam becomes necessary for issues that arise pertaining to an employee's fitness for duty.

Administrative leave, with or without pay, shall be authorized for the period of time necessary to conduct the internal administrative review, investigation, or medical exam and may include the period of time needed to decide whether to impose corrective action.

In most situations, 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, a group of individuals or staff, 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.

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, medical exam, 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 that administrative and/or criminal investigations are processed promptly.

The Superintendent 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 with pay. Monitoring shall be done by the Superintendent or designee at appropriate intervals.

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The Superintendent may, at his/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. The Superintendent may also place an employee on unpaid administrative leave if the employee's certification, licensure, or registration expires in accordance to Policy 4.55. Employee insurance benefits will remain in place if the employee contributes their portion of the insurance premium. However, there will be no accruals of sick or vacation time earned. If the employee subsequently is not found guilty of a 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. This does not take place, however, if an employee's certification, licensure, or registration expires.

Pending the completion of an investigation, employees placed on administrative leave with and without pay shall be notified at the outset of the leave that they:

- a. Shall be in a work-ready status at all times during their regular scheduled time, and must be able to report to work with short notice.
- b. Shall stay off of Board property or other worksites during the leave unless prior approval is given by the Superintendent or designee in order to conduct business.
- c. Shall make arrangements with the Department of Human Resources for the issuing of paychecks, the processing of vacation, personal days and other leave requests, as well as other personnel or employee benefit matters.

Nothing herein shall prevent the Superintendent from imposing appropriate discipline up to and including termination.

There are no procedures with this policy.

Authority & Reference

ORC 124.388

<p><b>Historical Resolution Information</b></p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Date</th> <th style="text-align: left;">Resolution Number</th> </tr> </thead> <tbody> <tr> <td>6/20/15</td> <td>06-34-15</td> </tr> <tr> <td>8/28/18</td> <td>08-40-18</td> </tr> <tr> <td>9/28/21</td> <td>09-34-21</td> </tr> </tbody> </table>	Date	Resolution Number	6/20/15	06-34-15	8/28/18	08-40-18	9/28/21	09-34-21	<p><b>Reviewer(s):</b></p> <p>Superintendent Director of Human Resources</p>
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