

Administrative Leave**4.2.3****PURPOSE**

To define administrative policy and procedures for placing City employees on Administrative Leave.

AUTHORITY

The authority to place City employees on Administrative Leave lies with the applicable appointing authority as follows:

- The City Auditor (for all City employees appointed by the City Auditor)
- The City Attorney (for all City employees appointed by the City Attorney)
- The Independent Police Auditor (for all City employees appointed by the Independent Police Auditor)
- The City Manager (for all other City employees)*

* The City Manager has delegated this authority to the Director of Employee Relations.

POLICY**1. Authorization for Administrative Leave**

A City employee may be placed on Administrative Leave when the Appointing Authority or designee determines that it is in the best interest of the City and/or the City employee. Administrative Leave is to be used only in extreme cases, as described below, or when there is any other indication that the employee should appropriately be removed from service.

In extreme cases where the interest of safety to the public or other employees precludes prior authorization by the Appointing Authority or designee, a Department Director or designee shall have the authority to immediately remove a City employee from duty. In such cases, the Department Director or designee shall within two working days prepare a formal request to have the employee placed on Administrative Leave as described below.

2. Compensation and Benefits

City employees placed on Administrative Leave shall receive regular pay and other benefits regularly received by employees in the classification.

Administrative Leave**4.2.3****3. Appropriate Reasons for Administrative Leave**

Appropriate reasons to request the use of Administrative Leave include:

- A. Extreme cases involving violence, disruptive behavior, and/or potentially criminal conduct which affects or is connected with the employee's position or duties, or serious medical or psychological problems which render the employee unable to perform assigned duties.
- B. When there are questions regarding the employee's integrity and/or conduct that are sufficiently serious that the Appointing Authority deems it appropriate and in the best interest of the City to remove the employee from work until the issue is resolved.
- C. When an employee is, or is potentially, a danger to him/herself or disruptive in the workplace and immediate removal from the workplace is warranted.
- D. For other incidents and circumstances which at the discretion of the Appointing Authority require placing a City employee on Administrative Leave.

PROCEDURES**Request for Administrative Leave**

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| Department
Director or
Designee | <ol style="list-style-type: none"> 1. Prepare a memo to the applicable Appointing Authority (City Manager, City Attorney, City Auditor or Independent Police Auditor) or designee formally requesting that the employee be placed on Administrative Leave. Provide reasons to substantiate the request. (For cases involving an employee in which the City Manager is the appointing authority, the memo should be sent to the Director of Employee Relations.) 2. Complete a Request for Leave of Absence form showing Administrative Leave as the type of leave requested. 3. Forward memo and Leave of Absence form to the Appointing Authority or designee. 4. In cases when placement of a City employee on Administrative Leave is extremely urgent, informal authorization by a Department Director or designee must be formalized in accordance with the provisions of this procedure within two (2) working days of the informal authorization. |
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Administrative Leave**4.2.3**

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| Appointing Authority (Employee Relations) | <ul style="list-style-type: none"> 5. Review request. Approve or disapprove. 6. If disapproved, return to originating department. 7. If approved, sign approval line of requesting memo and leave form and return copy of memo to originating department. 8. Forward Leave of Absence form to Human Resources Department. 9. Monitor situation until resolution of issue precipitating Administrative Leave. |
| Human Resources Department | <ul style="list-style-type: none"> 10. Process Leave of Absence form and forward signed copy to originating department. |
| Department Director or Designee | <ul style="list-style-type: none"> 11. If Administrative Leave is denied, the employee must continue to perform assigned duties. 12. If approved, relieve employee from duty. Advise employee that he/she is on Administrative Leave with pay. Advise employee to be available for return to duty and/or investigate interviews, if appropriate. 13. Provide written notice to employee, indicating effective date of placement on Administrative Leave with a copy sent to the Office of Employee Relations. (Sample memo attached.) 14. Assign a liaison in the department to maintain regular contact with the employee. 15. Maintain contact with employee. Prepare and submit biweekly status report to the Appointing Authority (Employee Relations). Indicate: <ul style="list-style-type: none"> a. Employee's Name b. Departmental Contact Person c. Prognosis for return to duty, discipline or other action <p>NOTE: If no change occurs between biweekly status reports, a copy of the previous report with a notation "No Change" will suffice.</p> 16. When coding timecards, if Administrative Leave is approved, use the code ADM. |
| Employee Relations | <ul style="list-style-type: none"> 17. The Office of Employee Relations will monitor the situation until the issue precipitating the Administrative Leave is resolved. |

Administrative Leave

4.2.3

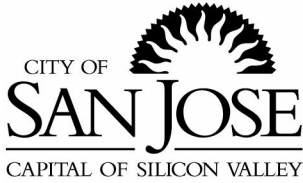
Return from Administrative Leave

- Department Director or Designee
1. Send memo to employee indicating return date from Administrative Leave.
 2. Send a copy of the memo to the Office of Employee Relations, the Human Resources Department, and to the Finance Department/Payroll Division.

Approved:

/s/ Alex Gurza
Director of Employee Relations

4/2/2008
Date



Memorandum

TO: EMPLOYEE'S NAME

FROM: DEPT. DIRECTOR

SUBJECT: ADMINISTRATIVE LEAVE

DATE:

Approved

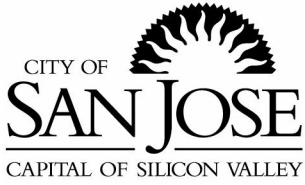
Date

Effective immediately, you are on paid Administrative Leave, pursuant to Section 4.2.3 of the City of San José Policy Manual (CPM). **You will remain on Administrative Leave until further notice.**

While on Administrative Leave, you are required to comply with the following:

1. You are not to act in any official capacity as a City employee without first obtaining specific authorization from my office or your supervisor.
2. You will inform (LIAISON'S NAME), as to the address and telephone number at which you can be contacted during the period of Administrative Leave.
3. You will be available to City personnel for investigative and/or administrative interviews.
4. You will contact _____ at phone number _____ daily, unless advised differently.
5. While on Administrative Leave, your workweek and hours will be Monday through Friday, 8 AM to 5 PM. (If employee is on a schedule other than five (5) eight-hour days or a 4/10, this change should be effective at the beginning of the pay period following placement on Administrative Leave.)

Name
Department Director



Memorandum

TO: EMPLOYEE'S NAME

FROM: DEPT. DIRECTOR

SUBJECT: RETURN FROM ADMIN LEAVE

DATE:

Approved

Date

This memorandum is to advise you that your return from Administrative Leave will be effective _____. You are to return to work at xx:xx am/pm on _____.

Name
Department Director

c: City Manager's Office – Employee Relations
Human Resources Department
Finance Department/Payroll Division