

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 themselves 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.

4. Criminal Allegations Against Police Officers and Other Police Department Employees with the Potential to Impact the Safety or Financial Health of the Community and/or Other City Employees

In the event that a criminal allegation is made against a Police Officer in any rank or any other employee in the Police Department that is credible and has the potential to impact the safety or financial health of the community and/or other City employees (examples include, but are not limited to, alleged sexual misconduct, assault or battery, and theft or bribery), the City Manager will be immediately notified. The accused Officer or other Police Department employee will be immediately placed on administrative leave until such time that the Police Department is able to complete a preliminary review of the matter and all evidence or other information available to date, unless placing the Officer or other Police Department employee on administrative leave could compromise an ongoing criminal investigation that the Officer or other Police Department employee is not yet aware of. In the event of the latter, the City will take alternative measures to safeguard the safety or financial health of the community and/or other City employees.

Subsequent to the preliminary review of the allegation, a determination will be made by the Chief of Police to keep the Officer or other Police Department employee on administrative leave or to reassign the Officer or other Police Department employee to other non-public facing duties, if applicable, until the criminal and/or administrative investigation is completed. The determination will be reviewed and given final approval by the City Manager. Nothing herein precludes the City from reevaluating an Officer's or other Police

Administrative Leave**4.2.3**

Department employee's leave status or assignment at any time as new information becomes available or as other circumstances change.

5. Criminal Allegations Against Employees Outside of the Police Department with the Potential to Impact the Safety or Financial Health of the Community and/or Other City Employees

In the event that the Police Department receives a criminal allegation against an employee outside of the Police Department that is credible and has the potential to impact the safety or financial health of the community and/or other City employees (examples include, but are not limited to, alleged sexual misconduct, assault or battery, and theft or bribery), the City Manager and City Manager's Office of Employee Relations will be immediately notified. The accused employee will be immediately placed on administrative leave until such time that the City Manager's Office of Employee Relations, in conjunction with the Police Department, is able to complete a preliminary review of the matter and all evidence or other information available to date, unless placing the employee on administrative leave could compromise an ongoing criminal investigation that the employee is not yet aware of. In the event of the latter, the City will take alternative measures to safeguard the safety or financial health of the community and/or other City employees.

Subsequent to the preliminary review of the allegation against an employee outside of the Police Department, a determination will be made by the City Manager's Office of Employee Relations, under advisement by the Police Department, to keep the employee on administrative leave or to reassign the employee to other non-public facing duties, if applicable, until the criminal and/or administrative investigation is completed. The determination will be reviewed and given final approval by the City Manager. Nothing herein precludes the City from reevaluating an employee's leave status or assignment at any time as new information becomes available or as other circumstances change.

6. Other Criminal Allegations Against Employees

All other allegations of criminal misconduct by Police Officers or other employees will be considered on a case-by-case basis. Determinations as to whether an Officer or employee will be placed on administrative leave, reassigned, or permitted to continue in their current assignment will be made by the Chief of Police or City Manager's Office, as appropriate, following review of the facts immediately available.

PROCEDURESRequest for Administrative Leave

- | | |
|---------------------------------|--|
| Department Director or Designee | 1. Complete a request for Administrative Leave through eWay (PeopleSoft). The request must include reasons to substantiate the request. Instructions for this workflow can be found at the |
|---------------------------------|--|

Administrative Leave**4.2.3**

following link:

- <https://www.sanjoseca.gov/home/showdocument?id=91177>

2. Upon submission, the request will be routed 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. (For cases involving an employee in which the City Manager is the appointing authority, the request will be routed to the Director of Employee Relations. In the event that credible allegations of a criminal nature as described in the policy section above are raised regarding an employee under the City Manager's appointing authority are raised, the City Manager must also be notified.)
3. 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.
4. Review request. Approve or disapprove.
5. If disapproved, return to originating department.
6. If approved, the executed request will be provided to originating department.
7. Monitor situation until resolution of issue precipitating Administrative Leave.
8. If Administrative Leave is denied, the employee must continue to perform assigned duties.
9. If approved, relieve employee from duty. Advise employee that they are on administrative leave with pay. Advise employee to be available for return to duty and/or investigate interviews, if appropriate.
10. 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.)
11. Assign a liaison in the department to maintain regular contact with the employee.

Appointing
Authority
(Employee
Relations)

Department
Director or
Designee



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
Finance Department/Payroll Division