



Administrative Leave with Pay Policy

Purpose

The purpose of the Administrative Leave with Pay Policy is to establish uniform guidelines and procedures for employees who may be placed on administrative leave with pay for those employees covered by civil service or applicable collective bargaining agreements. Leave authorized under Ohio Revised Code § 124.388 is incident specific and primarily authorized in circumstances where health and safety could be adversely affected.

Authority

- a. Ohio Revised Code (ORC) § 124.388
- b. Ohio Administrative Code (OAC) § 123:1-45-01

Reference

- a. Department of Administrative Services (DAS) Directive HR-D-10
- b. OSCEA Collective Bargaining Agreement Article 24.06

Policy

Under usual circumstances, a public employee should not be granted a leave of absence with pay. Employees are generally expected to use their own leave in order to receive compensation for absences. When the Director of the Ohio Department of Agriculture (ODA), in consultation with the Human Resources Director and ODA Chief Legal Counsel or their designees determine that immediate action must be taken to remove an employee from his or her work site because of a threat to the health and/or safety of an employee, or a threat to property entrusted to that employee, the Director may place the employee on administrative leave with pay. For example, a fire, bomb threat or utility failure that causes the immediate evacuation of a building may result in all employees being granted administrative leave pending the remedying of the health threatening emergency. The Director may also grant up to two days of administrative leave with pay to employees who are transferred in accordance with ORC § 124.33. **Scope**

This policy is applicable to all ODA employees, including full-time, part-time, or temporary employees

Procedures

Administrative Leave Pending Completion of Investigation

- a. In cases where no viable alternatives are available, an employee may be placed 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. Alternate options to administrative leave with pay may include modification of duties, temporary reassignment to another position or work area, and reassignment of the employee's work shift.
- b. The Human Resources Director will approve the paid leave. Prior to such approval, the Human Resources Director shall consult with the Chief Legal Counsel or designee on whether to approve such administrative leave with pay.



- c. Compensation for administrative leave with pay shall be equal to the employee's base rate of pay (base rate includes longevity), and shall not continue beyond the length of the situation for which the leave was granted for investigative review plus the period of time needed to decide whether to impose discipline except as provided below.

The Human Resources Director shall monitor the status of the administrative investigation and the length of time that an employee is on administrative leave with pay. If an employee is on administrative leave with pay for a period of time greater than three months, the Human Resources Director, in consultation with the Chief Legal Counsel, shall determine whether extenuating and/or mitigating circumstances require extending the administrative leave with pay. The employee will continue to accrue leave and service credit. Thus, it is imperative that such leave be closely monitored, and that administrative and/or criminal investigations are processed promptly.

Notification to Employees

Prior to being placed on administrative leave with pay, an employee shall be notified that he or she:

- a. Shall be in a work-ready status at all times during his or her regularly-scheduled work time, and must be able to report to work with short notice;
- b. Shall stay off of the property of ODA during leave;
- c. Shall first call the Human Resources Director to make arrangements to conduct business or to otherwise be on the property of ODA;
- d. Shall at all times be available to ODA in case questions arise regarding the processing of the employee's paycheck, as well as other personnel or employee benefit matters. Under usual circumstances, the Human Resources Director will process the employee's paycheck using the OAKS Time and Labor system on the employee's behalf; and
- e. 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 shall be subject to discipline, up to and including termination.

Job Modifications and Reassignments

- a. 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.
- b. Alternatively, an employee's duties may be modified within their job classification to limit the conditions and circumstances which create the health or safety concern.
- c. An employee may be reassigned to any position or placed in any available vacancy within their 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.

Independent Criminal Review



- a. If a review by the Director 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 Ohio Revised Code. Compensation for administrative leave with pay pending the independent criminal investigation shall be equal to the employee's base rate of pay.
- b. If an employee has been charged with a violation of law that is punishable as a felony, the Director may, in his or her discretion and in consultation with the Human Resources Director and Chief Legal Counsel or their designees, place the employee on administrative leave without pay for a period not to exceed two months. 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 employee will be entitled to compensation at the employee's base rate of pay, plus interest, for the period the employee was on unpaid administrative leave.

Prohibitions

Nothing in this policy shall be construed as preventing the Director from imposing discipline, up to and including termination.

If it is found that an employee is in violation of this policy, the Director may cancel the leave and direct the employee to report for work and/or discipline the employee, up to and including termination.

Contact

The Human Resources Director and Chief Legal Counsel are available for consultation or questions regarding this Administrative Leave with Pay Policy.

This policy supersedes any previously issued directive or policy and will remain effective until cancelled or superseded.

Revision History

Date	Description of Change
8/2012	Policy Issued
10/2012	Revisions to Policy Issued
7/2015	Policy Reviewed

