

### **Administrative Leave / Investigatory Suspension**

In some circumstances, it may be necessary to remove an employee from the workplace pending the outcome of a personnel investigation. An employee may be placed on investigatory leave, with or without prior notice, to permit the Town to review or investigate actions, including dishonesty, theft or misappropriation of funds or property, violence on the job, gross negligence or acts endangering others, insubordination, or any other conduct that warrants removing the employee from the worksite.

Administrative leave/investigatory suspension may be appropriate as an interim measure for at least two reasons: (1) to allow the investigation to proceed without disruption of evidence, or (2) to preserve a safe, orderly, and professional work environment. The terms “administrative leave” and “investigatory suspension” mean the same thing and can be used interchangeably.

Placing an employee on investigatory leave with pay is used to temporarily remove an employee from work status. Placement on investigatory leave with pay does not constitute a disciplinary action. However, the information discovered during the investigation may be the basis of disciplinary action.

### **Limitations**

For administrative leave/investigatory suspension to be warranted, both of the following conditions must be met:

- Management has a reasonable belief that an employee’s continued presence in the workplace raises concerns about the Town resources, disruption in the workplace, or the health, safety, or welfare of the employee, other employees, or customers; and
- Management is initiating an investigation and the individual’s presence in the workplace may impact the investigatory process.

### **Procedure.**

The Chief Administrative Officer or the Selectboard may place an employee on investigatory leave for periods up to 15 calendar days to review or investigate actions in breach of the guidelines stated above. This period may be extended if necessary to complete the investigation, in which case the employee will be notified of the extension and need for additional time. If the CAO takes this action s/he will notify the Selectboard within 48 hours of placing an employee on investigatory leave.

The CAO will (1) inform the employee that they are being placed on investigatory leave and that an investigation will occur and (2) inform the employee of the reasons for leave; (3) request the return of Town property (e.g. keys, electronic equipment, files, records, passwords) while the leave is pending; and (4) escort the employee from the worksite.

The leave will be confirmed in writing to the employee no later than three working days after the leave commences. A copy of the letter will be placed in the employee's personnel file. At the conclusion of the investigation and pending the outcome of the investigation, the CAO will decide whether to retain this letter in the file or remove it. This written notice must (1) explain the reasons for the investigatory leave, (2) state the expected length of the leave and that the leave may be extended if necessary, and (3) direct the employee to remain available during the leave to participate in investigative interviewing.

The CAO, in consultation with Town Counsel, will conduct or appoint a person to conduct, a prompt and thorough investigation of the allegations or charges. Upon conclusion of the investigation, the CAO will determine if the period of the investigatory leave should be converted to a suspension without pay or dismissal. The CAO will inform the employee and the Selectboard in writing of the decision.

### **Emergencies**

Circumstances may occur in which the need to remove an employee is emergent and obvious (e.g., when an employee commits an act of violence). In such cases, staff should contact the Police Department for aid in removing the employee from the workplace. This situation should be considered rare and not the normal procedure.

### **Application of Rules during Leave/Suspension**

Because the employee remains in paid status during an administrative leave/investigatory suspension, Town work rules and policies continue to apply. For example, the employee must remain available during that employee's scheduled shift. If an employee is unavailable without notice and authorization, the employee may be regarded as absent without leave and subject to progressive discipline up to and including termination.

***Approved by the Selectboard January 30, 2019***