

Town of Milford

ADMINISTRATIVE LEAVE POLICY

Definition

Administrative leave temporarily relieves an employee of their normal job responsibilities. The employee is asked to remain at home during regular (up to 40) work hours but continues to receive regular pay (up to 40 hrs) and benefits. Administrative leave employees are still considered on duty so they must be available during their regularly scheduled workday.

Objective

An employee may be placed on an administrative leave, with or without notice, to permit the Town of Milford to review or investigate circumstances as noted below.

Reasons for Instituting Administrative Leave

This type of leave is rarely used and only in situations when an employee should not remain in the workplace. Common reasons for administrative leave include, but not limited to:

- To conduct a pending investigation or ongoing investigation without any disruption or alteration in possible evidence
- To secure particularly sensitive information or resources if warranted by the circumstances
- To prevent disruption in the workplace and maintain a professional environment
- To remove an employee from the workplace who is behaving disruptively (pending an assessment of the situation)
- To investigate allegations of misconduct, which, if true, could place people or the Town of Milford resources in jeopardy (ex. protect whistleblowers from harassment from management)
- Dishonesty, theft or misappropriation of company funds or property
- Violence on the job
- Gross safety, negligence or acts endangering others
- Insubordination
- Any other conduct that warrants removing the employee from the worksite.

What Is the Difference between Administrative Leave and Suspension?

While the two may seem similar, there are minor differences between an administrative leave and a suspension. A suspension may be paid or unpaid depending upon the circumstance and severity of the infraction. Since a suspension is usually a form of a disciplinary action, it is usually unpaid as the employees work hours during that time period are discounted and they are not entitled to be paid for that period. An administrative leave generally occurs during an investigative period and will be paid as you are expected to be available to work during your regularly scheduled workday(s).

Procedures

The Board of Selectmen or the Town Administrator as directed by the Board of Selectmen, in consultation with human resources (HR), may place an employee on administrative leave for periods not to exceed 15 calendar days to review or investigate actions in breach of the above-stated guidelines.

The Town Administrator or HR should inform the employee that he or she is being placed on administrative leave, advise whether leave is paid or unpaid, the reason for the leave and that an investigation will occur. Town property (e.g., keys, electronic equipment, files, records, temporary suspension of remote access privileges, etc.) should be collected from the employee before the employee leaves the worksite.

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The administrative leave must be confirmed in writing to the employee no later than five (5) working days after the leave commences. This written notice must explain the reasons for the administrative leave, state the expected length of the leave and that the leave may be extended, if necessary, and request the employee to remain available during the leave to participate in investigative interviewing. 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, a decision will be made whether to retain this letter in the file or to remove it.

The Board of Selectmen, or the Town Administrator as directed by the Board of Selectmen, in consultation with the HR department, will conduct, or appoint a person to conduct, a prompt and thorough investigation of the circumstances. Upon conclusion of the investigation, the Town Administrator will determine if the employee will be reinstated, subject to disciplinary action or terminated from employment. The employee will be informed of the decision in writing.

Any appeals related to this action should follow the Appeals Process as outlined in Chapter 7 of the Employee Handbook.

In all matters of appeal, the determination of the Board of Selectmen will be final.

Approved by J Shannon 8.10.2021

Town of Milford ADMINISTRATIVE LEAVE POLICY

Form - Notice of Administrative Leave

(Provide copy to Employee, original to HR)

To: _____
From: _____
Date: _____

Dear _____,

At this time you are being notified of being placed on (paid/unpaid) Administrative Leave effective (date).

Reason for Administrative Leave

The reason you are being placed on Administrative Leave is *(box will expand as information is provided)*:

Describe activity:

Expected length of Administrative Leave

An investigation (has been/is being) conducted by (MRI/Other) and we are awaiting the report. During the investigation, we are directing you to not interfere or communicate with any parties involved. At this time, we anticipate your administrative leave to be from (date) to (date). Please be aware that the leave may be further extended depending on how the investigation proceeds, and will normally not exceed 15 days from initial leave date. Please remain available during the leave to participate in further investigative interviewing, if necessary.

Once the final investigative report has been received and reviewed, you will be contacted for a time to come in to speak with the (Town Administrator/Director/Chief) directly. Upon conclusion of the investigation and the meeting with the (Town Administrator/Director/Chief), you will be notified if you will be either reinstated, subject to disciplinary action or terminated from employment.

If you have any questions, please reach out to (Name, Town Administrator/Director/Chief), or myself.

Thank you.

Karen Blow

HR Director

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Acknowledge Receipt of Notice of Administrative Leave

I, _____, acknowledge receipt of Notice of Administrative Leave. I am aware why I am being placed on Administrative Leave, I am aware of the duration of the leave, I understand the leave may be extended, and I am aware an investigation is in process. My signature does not reflect agreement with the above assertions. It merely acknowledges receipt of leave notification.

_____(Sign/Date)

cc: (Name, Town Administrator/Director/Chief)
Employee file