

Section 1: PURPOSE

An employee may be placed on an Administrative Leave, with notice, to permit the City of Manteca to review or investigate circumstances including dishonesty, theft or misappropriation of city funds or property, violence in the workplace, gross safety, negligence or acts endangering others, insubordination or any other conduct that warrants removing the employee from the worksite.

Section 2: POLICY

A Department Head or designee, in consultation with the Human Resources Department (“HR”) and approval by the City Attorney’s Office, may place an employee on Administrative Leave to review or investigate actions in breach of the above-stated guidelines.

The direct supervisor or HR should tell the employee that they are being placed on a [paid/unpaid] Administrative Leave, the reason for the leave and that an investigation will occur. City property (e.g., keys, electronic equipment, files, and records) should be collected from the employee before the employee leaves the worksite. Employee will be relieved of duty and is not authorized to represent themselves as an employee of the City or perform any duties of their job while on leave. All employee access must be suspended at the time employee is placed on Administrative Leave. Employee will not be authorized to enter upon any non-public areas of the City, unless directed by Human Resources Director.

The Administrative Leave must be confirmed in writing to the employee at the time the employee is placed on leave or no later than two working days after the leave commences. This written notice must explain the reasons for the Administrative Leave, state the expected length of the leave (if feasible to ascertain) and that the leave may be extended, if necessary, and request the employee be available and reachable during their normal work hours. If the Human Resources Department has a reasonable basis to do so, it may require the employee to phone into HR at the beginning of each day while they are out on Administrative Leave. This will be done on a case-by-case basis. This provision, however, shall not be the default for employees put on Administrative Leave under this policy.

If the employee has a scheduled vacation, floating holiday(s), medical and/or personal appointments or is ill, they must notify their direct supervisor or HR so that their timekeeping may be recorded accurately. Employee is not to be on paid Administrative Leave for those instances.

The employee is not to return until instructed to do so. 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 Department Head or designee, 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 Department Head will determine if the employee will be reinstated, subject to disciplinary action or terminated from employment. The Human Resources Department will inform the employee in writing of the decision.

The employee placed on Administrative Leave is to have no contact and/or communication with any City employees, and/or clients/customers, with regards to any City business whatsoever, unless instructed to do so. If the employee does not abide by the stipulations of the Administrative Leave, such leave may result in the employee's Administrative Leave with Pay being converted to unpaid leave. Nothing herein shall preclude and/or override any federal and/or state laws, including, but not limited to the Government Code Sections 3250 et seq. and/or 3300 et seq.