
Procedure: Administrative Leave with Pay

Reference No.: 2.8

Authority: College President

Cross Reference: Policy 1.3

Approved: February 16, 2016

Revised:

If a concern is brought forward that might result in the College placing an employee on administrative leave with pay, the following procedure will be used. Examples of instances where this may be necessary include concerns related (but not limited) to:

- Employee safety
- Safety of campus community
- Title IX complaints
- EEOC complaints
- Fitness for duty
- Accusations of employee wrongdoing such as criminal activity
- Violation of College policies such as Workplace Violence or Alcohol/Drug Abuse

Definition

Administrative Leave with pay is a college approved absence from a job assignment with compensation and benefits intact.

Commitment to safety

SUNY Broome Community College is committed to providing a safe and secure academic environment and workplace to support its mission. Administrative Leave with Pay is a component of this commitment.

Use of Administrative Leave with pay - scope and cause

For Administrative Leave with Pay to be warranted, there must be sufficient cause in the eyes of College Management. It shall never be done for arbitrary or capricious reasons.

Management must have a reasonable belief that an employee's continued presence in the workplace raises significant concerns about college resources, disruption in the workplace, or presents a health, safety, or welfare risks to the employee, other employees, students, and/or visitors.

The College's right to direct the workforce whether to be onsite or offsite is not negotiable or grievable if it is with compensation and benefits intact.

Approval

The College President will make the final Administrative Leave with pay decision based upon recommendations from the Executive Vice President & Chief Academic Officer, appropriate Vice President(s) and Human Resources Officer.

Administrative leave with pay steps and communication

There shall be timely process to investigate, communicate, and reach decisions on complaints and concerns that might result in an administrative leave. The steps below will be followed unless the college president or his designee approves an alternate. An example of a situation where this might be necessary is a concern about employee and campus safety that in the eyes of college management makes immediate removal of the employee from campus is paramount. If concerns emerge that are disciplinary in nature, the bargaining unit disciplinary article steps shall be considered.

Step

1. Employee, president, VPs, and bargaining unit leaders notified by HR of complaint or concern along with anticipated next steps and tentative timeline provided
2. Complaints and concerns investigated by HR, safety and security, and others as appropriate
3. Investigation summarized and presented to President and VPs by HR along with their recommendations on leave, pay and benefits, and IME
4. President or designee makes decision on whether employee will be placed on administrative leave, whether it will be with or without pay and benefits, and whether an IME is going to be required
5. Employee may appeal administrative leave with pay decision directly to president or their designee
6. President or designee makes administrative leave with pay final decision

Medical Records for Independent Medical Evaluations

In the event that employee medical records are required for an Independent Medical Evaluation (IME) related to an administrative leave, confidentiality of the employee's medical records shall be maintained. Employees do not waive doctor – patient privilege. The College will not obtain, review, record, or otherwise document an employee's personal medical history / records. They will be provided directly from the employee's health care provider(s) to the IME. The employee shall authorize the transmittal of these records within three days of receipt of request to provide it.

Retaliation

Those persons who assist in or cooperate in the investigation of a complaint or situation that an employee has been placed out on administrative leave for will not be subject to retaliation by any member of the College community including the employee placed on administrative leave. Those found responsible for retaliatory action will be subject to discipline.

Confidentiality

The College will maintain confidentiality regarding information, circumstances and investigations surrounding reasons for Administrative Leave and will not disclose such to anyone other than those involved in making immediate business decisions.

Right to union representation

Bargaining unit employees shall have the right to union representation at any and all meetings conducted with the employee pursuant to the leave. If possible, said meetings shall be held on campus during employee's regular work hours.

Compensation and benefits

Administrative leave with pay will be made with compensation and benefits intact. Factors that will be considered in this decision include applicable regulations and bargaining unit agreements.