

**NOTES:** Effective July 1, 2013. This policy is a companion policy to **306 – Superintendent Authority**, and sets forth the process for voluntary and involuntary leave, as well as the timeline for an investigation accompanying an employee’s involuntary leave.

**RECOMMENDATIONS:**

Recognizing the need for administrators to make personnel management decisions in a timely manner, and to provide for the efficient operation of this district, the board of trustees of the Soda Springs School District No. 150 delegates to the superintendent or his or her designee the authority to temporarily place district employees on administrative leave.

**VOLUNTARY LEAVE**

Upon the superintendent or designee’s decision granting an employee’s request for voluntary leave of absence, the board will ratify or nullify the action at the next regularly scheduled board meeting.

**INVOLUNTARY LEAVE WITH PAY**

The delegation of such authority is limited to circumstances where the superintendent or designee determines that it is in the best interest of the district to do so. *Circumstances in which it may be determined to be in the best interest of the district include, but are not limited to, those in which the employee has or is alleged to have (1) violated the Idaho Code of Ethics; (2) created an immediate or imminent threat to the safety and wellbeing of a student or other district employee; (3) violated a district policy or policies; or (4) when such leave is necessary to conduct an investigation involving alleged misconduct by the employee.*

The board will ratify or nullify the superintendent or designee’s action placing the employee on involuntary administrative leave at the next regularly scheduled board meeting, or at a special meeting if the regularly scheduled meeting will not occur within twenty-one (21) days from the date of the action.

**TIMELINE FOR INVESTIGATION**

In the event an employee is placed on involuntary leave of absence based on the district’s need to conduct an investigation into the employee’s conduct, and no related criminal investigation or charges are pending, the investigation shall be completed by the superintendent or designee within sixty (60) working days. On or before the sixtieth (60th) working day, the administrative leave will either cease and the employee will be returned to his position of employment or the superintendent or designee will advance a personnel recommendation to the board. If a recommendation is advanced, the involuntary leave of absence will continue until the board has made its decision in regard to the personnel recommendation with the decision effectively concluding the involuntary leave of absence.

No timeline for involuntary leave will apply if a criminal investigation is ongoing and/or criminal charges are pending, or if waived by mutual agreement.

#### **INVOLUNTARY LEAVE WITHOUT PAY DUE TO COURT ORDER**

The involuntary leave of absence for certificated employees **will** be paid leave, unless there is a criminal court order preventing the employee from being in the presence of minors or students, preventing the employee from being in the presence of any other adult individual employed at the school or detaining the employee in prison or jail.

During the period of unpaid leave, the district **will** continue to pay the district's portion of monthly costs associated with employee health insurance benefits and maintain the employee's salary in a district account. Should the employee return to the district for active employment subsequent to the removal or dismissal of the court order, acquittal or adjudication of innocence, the district **will** remit the salary funds, less the cost incurred by the district for the substitute hired to replace the employee, and **will** arrange to have the employee credited with the public employee retirement system of Idaho (PERSI) for the employee's time away from work during the period of leave of absence.



#### **LEGAL REFERENCE:**

**Idaho Code Section 33-513**

**ADOPTED: December 5, 2007**

**AMENDED: First Reading October 16, 2013**