

AN ORDINANCE AUTHORIZING THE ADOPTION OF AN EMPLOYEE ADMINISTRATIVE LEAVE WITH PAY POLICY AND THE ADDITION OF THE POLICY AS DEFINED TO THE VILLAGE EMPLOYEE HANDBOOK

WHEREAS, Brewster Village Council desires to adopt an Employee Administrative Leave with Pay Policy and to modify the Village Employee Handbook to include an Employee Administrative Leave with Pay Policy.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BREWSTER, THAT:

SECTION 1: The Village shall adopt an Employee Administrative Leave with Pay Policy as defined below and shall add Section 4.10 - Employee Administrative Leave with Pay Policy to the Village Employee Handbook as follows:

4.10 ADMINISTRATIVE LEAVE WITH PAY

A. Administrative Leave with Pay at Appointing Authority Discretion

Administrative Leave with Pay shall be at the sole discretion of the appointing authority (the Village Administrator, Mayor, or Clerk-Treasurer) or their designee.

B. Reasons for Administrative Leave with Pay

Any employee may be placed on Administrative Leave with Pay for the following reasons:

1. As the result of the Village's reasonable belief that the employee participated in an event, or was in a condition of significant consequence to the Employer, the employee, or the public
2. While the Village investigates an incident or behavior that could lead to disciplinary action.
3. While the Village believes that the health or safety of an employee, the general public, or any person or property entrusted to the employee's care could be adversely affected.
4. While the Village investigates an employee for fitness for duty or an involuntary disability separation.

C. Employee Under Indictment or Arrest for a Felony

Any employee who is under indictment or arrest for a felony, as that term is used in Ohio Revised Code Section 124.34, shall be placed on Administrative Leave with Pay until:

1. The criminal case is resolved, or
2. The employee has been subjected to discipline, up to and including termination, as a result of the same conduct giving rise to the indictment or arrest, and the discipline has been imposed and served. Any discipline or termination issued would be subject to the usual grievance and arbitration procedure as set forth in the contract, or
3. A determination is made that the employee will not be subjected to discipline as a result of the same conduct giving rise to the indictment or arrest, or
4. A fitness for duty or an involuntary disability separation examination(s) is (are) completed.

The employee may, with the agreement of the Village and Union, elect to hold any proposed discipline as a result of the indictment or arrest by agreeing to an unpaid leave of absence pending the resolution of the criminal case.

D. Employee Whose Actions result in the Death of Another

Any employee whose actions result in the death of another shall be placed on Administrative Leave with Pay pending the investigation.

E. Expectations and Status of an Employee Placed on Administrative Leave with Pay

The employee is being paid by the Village of Brewster during Administrative Leave with Pay, and as such is still subject to direction from and by the Village of Brewster.

An employee placed on administrative leave with pay:

- Shall be in a work-ready status at all times during his/her regular scheduled time, and must be able to report to work with short notice.
- Shall comply with any employer directive(s) regarding an investigation, fitness for duty exam, or other directive. Failure to comply with any directive shall be considered insubordination, and subject the employee to discipline separately for each failure to comply with a directive.
- May be required to stay off of the property of the employer during the leave, unless the employee first calls the employer to make arrangements to conduct business or to otherwise be on the property of the employer.
- Shall make arrangements with the employer for the issuing of paychecks, the processing of vacation, personal and other leave requests, as well as other personnel or employee benefits matters.
- Shall not hold another job during the hours he or she is normally scheduled for work. If the employee works during such hours, he or she will forfeit the administrative leave with pay and will be subject to discipline.

F. Administrative Leave to be Documented in Writing

Administrative Leave with Pay may be imposed verbally, but its imposition shall be documented in writing within 72 hours.

G. Purpose of Administrative Leave with Pay

Administrative Leave with Pay shall be for the purpose of investigating an event or condition that gave rise to the imposition of Administrative Leave with Pay.

H. Employee Benefits While on Administrative Leave with Pay

An employee placed on Administrative Leave with Pay shall not lose pay, fringe benefits, or "seniority" as a result of being placed on Administrative Leave with Pay.

I. Administrative Leave with Pay NOT Discipline

Administrative Leave with Pay shall not be considered a punitive or disciplinary measure.

J. Administrative Leave with Pay not subject to Grievance Procedure

Administrative Leave with Pay shall not be subject to an appeal process as long as no loss of pay or benefits is incurred by the employee.

K. Length of Administrative Leave with Pay

The length of Administrative Leave with Pay shall be at the sole discretion of the appointing authority (the Village Administrator, Mayor, or Clerk-Treasurer) or their designee, but the Administrative Leave with Pay shall not exceed the length of time necessary for the completion of the investigation or return to duty fitness examination relating to the situation for which the leave was granted.

The appointing authority (the Village Administrator, Mayor, or Clerk-Treasurer) or their designee shall be responsible for monitoring the status of the administrative investigation and the length of time that an employee is on administrative leave with pay. Monitoring shall be done by the appointing authority (the Village Administrator, Mayor, or Clerk-Treasurer) or designee at appropriate intervals.

After three (3) months, a comprehensive review must be conducted by the appointing authority (the Village Administrator, Mayor, or Clerk-Treasurer) or their designee to determine if extenuating or mitigating circumstances require extending the administrative leave with pay. Said review shall be documented. After such review the administrative leave may be continued. A subsequent comprehensive review shall also occur at each month interval beyond three (3) months.

SECTION 2: The above policy replaces any previous version of this policy and supersedes any current policy which may be in conflict with this policy.

SECTION 3: This ordinance shall be in full force and effect at the earliest date provided by law.

Mayor Michael E. Schwab

ATTEST:

Village Clerk Treasurer K. Kris King

CERTIFICATE

I, K. Kris King, hereby certify that the above is a true copy of an ordinance passed at a regular meeting of the Brewster Village Council held on March 6, 2017

Clerk K. Kris King

I, K. Kris King, Clerk of the Council of the Village of Brewster, State of Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by Council as follows: Office of Brewster Utilities, Belloni's IGA, Brewster Federal Credit Union, Post Office and Brewster Laundromat.

Clerk K. Kris King