



Paid Administrative Leave

5.201.1p

Operational Objective(s)

LAST REVISED: 03/10/2020

Standard Operating Procedure Outline

Category:	Human Resources	Department:	Human Resources		
Procedure:	Paid Administrative Leave				
Policy Reference # :		Version:	1.0	Date Enacted or Revised:	3/11/2020

The Director of Schools may grant discretionary leave with pay to an employee when it is considered necessary for the welfare of the employee or the proper operation of the district. The Director may also place employee on paid investigative leave for the purposes of conducting investigations, and may move an employee to an unpaid suspension pending the conclusion of the investigation.

Procedure

Emergency Leave

The Director of Schools may grant emergency leave in order to ensure the safety and well-being of employees. Emergency leave is paid leave that is limited to extraordinary circumstances that either have or may impact the entire District to ensure the welfare of the employee or the proper operation of the District. Examples of extraordinary circumstances include, but are not limited to, public health emergencies and natural disasters. Whether or not leave will be granted and the amount of leave granted shall be at the sole discretion of the Director and instructions for claiming leave will be included in the announcement of availability. Emergency leave is not to be used to supplement other types of leave available to employees (i.e., sick leave or vacation time).

Investigative Leave***Certificated Employees:***

When a certificated employee is the subject of an internal or external agency investigation, the Human Resources Department (Director of Employee Relations and/or the Chief Human Resources Officer or designee) may place the employee on paid investigative leave for up to ten (10) working days in order to maintain a safe work and education environment and/or to adequately investigate the allegations. If the internal/external investigation is concluded in less than ten (10) working days and it is appropriate for the individual to return to work, the duration of Investigative leave may be less than ten (10) working days.

If, after ten (10) working days the investigation has not concluded, the Director of Schools, in consultation with the Human Resources Department, may decide whether, in the Director's discretion, the employee will be suspended without pay, continue on paid investigative leave, or to return to work in the same or a different position.

If it is in the best interest of the district to leave the employee on paid leave up to twenty-nine (29) days¹, at the end of the twenty-nine (29) consecutive calendar days, a recommendation from the Human Resources Department will be made to the Director of Schools to convert the employee to suspension without pay pending the outcome of the investigation.

Any time an employee remains on paid investigative leave for twenty-nine (29) consecutive days, the Director of Schools will review and decide whether the employee will be suspended without pay, continue on paid investigative leave, or to return to work.

Nothing in this procedure is intended to limit the discretion of the Director of Schools regarding whether to suspend a certificated employee without pay pursuant to Tenn. Code Ann. 49-5-511.

Investigative leave with pay does not indicate corrective or disciplinary action on the part of the Metropolitan Nashville Public Schools (MNPS). Should MNPS decide to take further action resulting from this investigation, the employee will be informed by their direct supervisor.

Support Employees:

When a support employee is the subject of an internal or external agency investigation, the direct supervisor may place the employee on paid investigative leave for up to three (3) working days in order to maintain a safe work and education environment and/or to adequately investigate the allegations. If there is a need to extend the paid investigative leave, the Human Resources Department (Director of Employee Relations and/or the Chief Human Resources Officer or designee) may extend the period of paid investigative leave, generally not to exceed ten (10) working days in length. If the internal/external

investigation is concluded in less than ten (10) working days and it is appropriate for the individual to return to work, the duration of Investigative leave may be less than ten (10) days.

If, after ten (10) working days the investigation has not concluded, the Human Resources Department shall confer with the Director of Schools, so the Director of Schools may decide whether, in the Director's discretion, the employee will be suspended without pay, left on investigative leave for up to twenty-nine (29) days, pending the conclusion of the investigation, or returned to work in the same or a different position.

Any time a support employee remains on paid investigative leave for twenty-nine (29) consecutive days, the Director of Schools will review and decide whether the employee will be suspended without pay, continue on paid investigative leave, or returned to work.

Nothing in this procedure is intended to limit the discretion of the Director of Schools regarding whether to suspend a support employee without pay pursuant to Tenn. Code Ann. 49-2-301(b)(1)(EE).

Investigative leave with pay does not indicate corrective or disciplinary action on the part of the Metropolitan Nashville Public Schools (MNPS). Should MNPS decide to take further action resulting from the investigation, the employee will be informed by their direct supervisor.

References/Authority

Tennessee Code Annotated 49-5-511

Tennessee Code Annotated 49-2-301(b)(1)(EE)

State Board Rule 0520-02-03-.09(2)

Performance Measure/Accountability

Continuous evaluation of procedure to ensure its effectiveness.

¹ Based on the State Board Rule 0520-02-03-.09(2) reporting requirements, any educator out of the classroom for thirty (30) days has to be reported to the Tennessee Department of Education or Office of Educator Licensing and Preparation.

² Consistent timeline with the practice for certificated employees.