

# Administrative Leave

## 208.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and consistent practices for using administrative leave and managing employees on paid and unpaid administrative leave status.

## 208.2 POLICY

It is the policy of the Missoula Police Department to responsibly and consistently use administrative leave to allow administrative investigations to proceed, assist employees, mitigate risk, protect the integrity of investigations or other necessary functions of the city.

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. The Chief of Police or authorized designee may also temporarily assign an employee to administrative leave for any other work-related issue when it is determined that employee should not be working, and the absence is not otherwise covered by workers compensation.

## 208.3 TYPE OF ADMINISTRATIVE LEAVE

**Paid Administrative Leave:** An employee may be placed on paid administrative leave under a variety circumstances, including, but not limited to:

- Direct involvement in a critical incident.
- The well-being of an officer for a work-related circumstance.
- Pending an internal or complaint investigation, another city department investigation or a criminal investigation, if there is concern for retaliation, the integrity of the investigation or disruption to the work place environment.

**Unpaid Administrative Leave:** An employee may be placed on unpaid administrative leave under circumstances which would likely lead to termination and there is specific information about the circumstance that make paid administrative leave an unreasonable option. Specific information that could lead to unpaid administrative leave could include an extended and unknown timeframe outside of the department's control which may result in an employee's termination, but in which due process has not yet occurred.

## 208.4 AUTHORIZATION OF ADMINISTRATIVE LEAVE

Only the Chief of Police or the Chief's designee may place an employee on paid or unpaid administrative leave. Any decision to place an employee on unpaid administrative leave should be made in consultation with the City of Missoula Human Resources Department.

### *Administrative Leave*

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#### **208.5 NOTICE OF ADMINISTRATIVE LEAVE**

Upon authorized paid or unpaid administrative leave, or as soon as practical thereafter, the impacted employee will be provided written notice of such leave. The written Notice of Administrative Leave will contain the following information:

- Type of administrative leave
- Cause for such leave
- Conduct requirements
- Schedule, contact and availability requirements
- Court obligations
- Requirements to surrender of equipment if applicable
- Access or restrictions to department facilities, equipment and computer systems.
- Compensation and benefits
- Miscellaneous information and direction

#### **208.6 NOTICE OF ADMINISTRATIVE LEAVE FORMS**

[See attachment: Notice of Administrative Leave.pdf](#)

[See attachment: AdminLeave.PropertyForm.pdf](#)

## **Attachments**

## **Notice of Administrative Leave.pdf**

# Notice of Administrative Leave

<b>OPS Case #:</b>		<b>Incident #:</b>	
<b>Effective Date:</b>		<b>End Date:</b>	
<b>Employee Name:</b>		<b>Emp ID or Badge#:</b>	

Administrative leave is a tool for the department to use for a variety of reasons, including but not limited to assisting an employee with a work-related issue, to mitigate risk, to protect the integrity of an investigation. Most often, administrative leave is a paid, non-punitive action, to allow for an administrative function to be carried out. Occasionally a unique circumstance may dictate unpaid administrative leave.

This document is designed to be used for a variety of circumstances where either paid or unpaid administrative leave are appropriate. The following requirements that are selected with an "X" are applicable to you for your unique circumstance which is resulting in your administrative leave. Those requirements which remain unchecked do not apply to you during this administrative leave.

In accordance with Missoula Police Administrative Leave Policy #209, you have been placed on:

☐ **Paid Administrative**

☐ **Unpaid Administrative Leave**

This administrative leave is initiated because:

**While placed on administrative leave, you are hereby ordered to comply with the following requirements which are selected by a check mark:**

☐ **Conduct:** You shall comply with the following:

- ☐ You shall not wear the MPD uniform, or possess MPD ID, badge or department firearm under color of authority, nor take any police action other than what might be expected of a private citizen performing a civic duty or protecting oneself.
- ☐ You shall remain subject to Missoula Police Department and City of Missoula policies.
- ☐ You are not authorized to earn voluntary or outside hire overtime. You are entitled to overtime in compliance with the MPOA CBA for unavoidable duties.
- ☐ You are not authorized to travel out of the MPD jurisdiction for training or other work functions.

☐ **Schedule, Contact and Availability:** Effective immediately and until further notice, your work schedule will be reflected as Monday through Friday, from 0900 hrs. to 1700 hrs. During these hours, you are expected to be available by phone and/or to appear in person for city-related business. Your response time to city-related business shall be no greater than normal response time from your residence. If it is determined it is beneficial for you to stay at another location other than your residence, the Chief of Police or their designee may authorize an exception to your response time. That is noted in the "Other" section below. City-related business includes, but is not limited to, interviews, medical or other appointments, court-related obligations or debriefings. During scheduled work hours you must be fit for duty. Previously approved compensatory or vacation time is still authorized. During administrative leave the requirements of this section do not apply. Requesting use of compensatory or vacation leave during this administrative leave time will follow the standard approval process.

# Notice of Administrative Leave

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☐ **Court Appearances:** The MPD will notify prosecutors of your administrative leave status and a general description of the circumstance. This notification is to allow the prosecutor to determine if they will call you as a witness should you have a court obligation during this administrative leave. If you are under subpoena or official notice of trial, and you are not released by the court, you are obligated to appear for all court appearances or depositions.

☐ **Surrender of Equipment:** Depending on your years of service, and in accordance with the MPOA CBA, you must immediately surrender relevant and designated MPD issued property and equipment to the Administrative Captain or their designee. (See page #3 for listing of items to be surrendered)

☐ **Department Access:** You are not authorized unescorted access to MPD buildings or facilities, nor may you operate or access any MPD vehicles, equipment, mobile applications, email, software platforms or database or computer systems.

☐ **Compensation:** You will receive full wages and benefits and any premium pay, except premiums paid during actual hours worked (i.e. night differential, FTO or motorcycle hazard pay) and you will accumulate seniority and accrued benefits and enjoy all other protections and benefits of the MPOA collective bargaining agreement.

☐ **Compensation:** You will not receive wages or benefit or any premium pay while on this unpaid administrative leave status, unless you are summoned to city-related business. After one calendar month of unpaid administrative leave, your health care coverage will be terminated. After fifteen (15) days of unpaid administrative leave you will no longer accrue seniority if and until you return to paid status.

**Other:** While on Administrative Leave \_\_\_\_\_

Any requirement can be waived with the express written consent of the Chief of Police or the Chief's designee.

Employee Name: \_\_\_\_\_ ID or Badge #: \_\_\_\_\_

Employee Signature & Date: \_\_\_\_\_

Chief or Designee Name: \_\_\_\_\_ ID or Badge #: \_\_\_\_\_

Chief or Designee Signature & Date: \_\_\_\_\_

## **AdminLeave.PropertyForm.pdf**

# Administrative Leave Property Form

<b>OPS Case #:</b>		<b>Incident #:</b>	
<b>Effective Date:</b>		<b>End Date:</b>	
<b>Employee Name:</b>		<b>Emp ID or Badge#:</b>	
<b>Admin Captain or Designee Name</b>		<b>Emp ID or Badge#:</b>	

**The Administrative Captain or designee shall secure all selected property surrendered.**

<b>X, if surrendered</b>	<b>Item</b>	<b>Make/ Model</b>	<b>Serial #</b>	<b>Initials - both parties</b>
	MPD Issued Weapon # 1 Magazines / Ammunition			
	MPD Issued Weapon # 2 Magazines / Ammunition			
	MPD Issued Weapon #3 Magazines / Ammunition			
	Firearm Optics			
	TASER / Holster / Cartridges			
	Radio #1 w/charger			
	Radio #2 w/charger			
	All radio accessories			
	Laptop computer or tablet			
	MPD Issued badge			
	MPD Issued hat badge			
	Ballistic vest			
	Ballistic helmet			
	Chemical Munitions			
	MPD Uniforms and hat			
	Assigned Vehicle and keys			
	Office / Building keys			
	Other Vehicle Keys			
	Peacekeeper Baton w/holder			
	Identification Card			
	Access Proximity fob			
	Cell phone w/charger			
	Credit Card			