

# ADMINISTRATIVE LEAVE



**FUNCTION CODE: 310**  
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### **I. Purpose**

To establish guidelines for effective and consistent use of Administrative Leave. (CALEA 22.2.1)

### **II. Personnel Regulations**

#### **A. The County Personnel Regulations state:**

"Administrative Leave is paid (leave) which may be granted to:

"An employee, by the Chief Administrative Officer, or designee thereof, when that individual is relieved of duties pending investigation of incidents or charges, removal, or to determine fitness for continued duty.

"An employee for attendance at officially approved meetings or conferences.

"An employee who is subpoenaed to appear in administrative proceedings before a governmental body."

#### **B. Effective March 28, 1983, the CAO delegated to department heads the authority to grant administrative leave of less than six days.**

NOTE: Request for more than six days leave should be directed through the chain of command as follows:

Six to twenty days--to the County Personnel Director. More than twenty days--to the County Chief Administrative Officer.

#### **C. Administrative leave is distinguished from suspension in that administrative leave is always with pay and is not punitive even though police powers may be suspended. Suspension is a punitive action and is always without pay.**

### **III. Department Policy (CALEA 52.3.3, 22.2.2, 26.1.5)**

#### **A. By authority of the Chief of Police, unit commanders will, after a preliminary inquiry, place an employee in their command on administrative leave and suspend his police powers (MCP 553 - A Memorandum of Notification should also be completed) when that employee is:**

1. charged with a criminal offense.
2. charged with operating a motor vehicle while under the influence of alcohol or drugs.

This action is taken to completely remove the employee from contact with the public and is not punitive.

#### **B. By authority of the Chief of Police, unit commanders will place an employee in their command on administrative leave when that employee causes or is responsible for, whether accidental or deliberate:**

1. The taking of a human life.
2. The serious injury of a person. (CALEA 1.3.16)
3. This action is not punitive and has two purposes:

- a. to remove the officer from unnecessary contact with the public to allow him sufficient time to recover from the incident and,
  - b. to provide the department sufficient time to conduct a preliminary investigation.
- C. By authority of the Chief of Police, unit commanders will place an employee on administrative leave when he has been involved in a traumatic incident. Traumatic incidents for the purposes of this policy are those defined in the Traumatic Incidents Program which require an information session with the police psychologist. These incidents are: (CALEA 1.3.16)
  - a. when the actions of a department employee, whether accidental or deliberate, result in the death or serious injury of a person.
  - b. when members are present at the death or serious injury of a department employee. This includes Communication Division personnel directly responsible for radio or phone service during the incident.
  - c. negotiating team members directly responsible for management of negotiations when the incident terminates in serious injury or death. Prior to a return to full duty, the affected employee is required to meet with the police psychologist for one session.
- D. By virtue of the collective bargaining agreement, members of the certified bargaining unit are granted administrative leave to conduct the organization's business as follows:
  1. The president of the FOP shall continue to receive 1040 hours of administrative leave per year.
  2. Officers and members of the FOP Negotiations Committee shall receive reasonable administrative leave in connection with contract negotiations and preparation.
  3. An administrative leave bank of four hundred (400) hours shall be created for use by FOP officers and officials to attend workshops, seminars, conferences, and conventions related to the conduct of their duties in the FOP.
  4. Members of the FOP will be assessed 3 hours of annual or compensatory leave per year, which leave shall be contributed to an administrative leave bank for the purpose of providing additional administrative leave to the president and/or other officers and officials of the FOP.
  5. The Board of Directors, consisting of 12 unit members, shall be granted two hours administrative leave for a monthly FOP Board meeting. Board members and six stewards shall be granted two hours administrative leave for a general monthly meeting.
  6. An employee requesting administrative leave for FOP purposes shall do so by giving reasonable notice to his/her supervisor.
  7. The payroll codes for tracking leave usage for union activities are:

Police	AD 1
OPT	AD 2
SLT	AD 3
Fire/Rescue	AD 4
  8. All unit commanders must submit a written report each month to Chief, Management Services Bureau, documenting the amount of administrative leave used for union business. This requirement

applies to the FOP and  
Montgomery County Government  
Employees Organization Local 400.

**E. Employees will be granted administrative leave by their unit/district commanders to participate in the following activities subject to manpower availability:**

1. Blood donations - up to three hours at the end of the tour of duty.
2. Participation in the Office of Stress Management's Stress Intervention Program - two hours per visit for up to eight visits in a series. Granting of leave is to be coordinated with the participant's immediate supervisor to ensure coverage during the leave period.
3. Attendance at established Smoking Withdrawal Clinics - administrative leave will be granted in amounts equal to the annual leave hours used, i.e., 50% of the time spent at the clinic will be annual leave and 50% will be administrative leave. (ref. memorandum from R. W. Wilson, Chief Administrative Officer, 04-04-80)
4. An employee who is subpoenaed as a witness in a civil or criminal case, or is to serve on a jury.
5. An employee shall be granted administrative leave for a maximum of 3 consecutive work days in the event of a death in the immediate family.
6. An employee who is a member of a reserve component of the armed forces of the United States shall be granted leave not to exceed fifteen (15) days annually.

**IV. Procedures for Administrative Leave**

- A.** When an employee is placed on administrative leave by his unit commander, the unit commander will:

1. Complete the Administrative Leave Memorandum (MCP 32).
2. Contact the Chief of Police as soon as practical, advise him of the circumstances of the case and consult with the Chief regarding the need for any further personnel action.
3. Contact the employee's respective Bureau Chief and advise him of the incident and the personnel action taken. Unit commanders will forward a memorandum (within 24 hours) to the Chief of Police, via the chain of command, documenting the incident and subsequent personnel action taken. Event reports and supplements will be forwarded, upon completion, to the Chief of Police via the chain of command.

- B.** When an employee needs to take administrative leave he will request the leave 10 working days in advance by memorandum to the Chief of Police via the chain of command unless the leave is for an authorized organization activity, for participation in the Stress Management Program or for blood donation.

- C.** The use of all administrative leave will be documented as follows:

1. A leave request form will be completed and approved by the employee's supervisor prior to the use of the leave.
2. The leave will be recorded on the Bi-weekly Time Sheet as administrative leave on line 08, 09, or 10.

**V. Regulations for Employees on Administrative Leave**

- A.** Employees on administrative leave for routine activities (meetings, employer/employee relations, the Stress Management Program, etc.) will provide their supervisor with:

1. The location of the activity.
2. A phone number at which they can be reached.

- B. When employees are placed on administrative leave by a supervisor, the employee, during the hours and days the leave is applicable, will:
1. Be immediately accessible to the department. This requirement will be met if the employee is able to report for duty within one hour of notification.
  2. Provide his supervisor with a phone number or other means of immediate contact.


#### VI. Resumption of Regular Duties

- A. In cases requiring internal investigation, employees may resume regular duties upon the completion of the investigation or inquiry (which will be forwarded to the Chief of Police in all instances which a death, serious injury, or a weapons discharge has occurred), after meeting with the police psychologist if required by this policy, and subject to the approval and authorization of the Chief of Police. (CALEA 1.3.15)
- B. In cases not requiring internal investigation, employees who have experienced traumatic incidents will return to normal duty after meeting with the police psychologist. *In some cases, the police psychologist may recommend that return to normal duty be delayed for a specified period of time. In such cases, the psychologist will contact the Commander of the employee's unit. Delay of return to duty would be subject to the approval and authorization of the Chief of Police.*

#### VII. Proponent Unit: Office of Labor Relations

#### VIII. Cancellation

This directive cancels  
Departmental Directive 83-07,  
Function Code 310 and  
Headquarters Memorandum  
89-31.



Colonel Clarence Edwards  
Chief of Police