

Vallivue School District 139

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 Vallivue School District No. 139 delegates to the superintendent or designee the ongoing 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 superintendent or designee will have ongoing authority to place any certificated employee on a period of involuntary leave of absence should he or she believe that such action is in the best interest of the district. 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 of placing a certificated 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.

The involuntary leave of absence for certificated employees will be paid leave, unless there is a criminal court order that effectively prevents the employee from performing the essential functions of the employee's position as detailed below. The district will also continue to pay the district's portion of monthly costs associated with the certificated employee's health insurance benefits.

INVOLUNTARY LEAVE WITHOUT PAY DUE TO COURT ORDER

The certificated employee's involuntary leave of absence will be without pay where there is a criminal court order preventing the certificated 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 due to the certificated employee's inability to perform the essential functions of the employee's position. If there are dual court orders preventing more than one (1) employee from being in the presence of one (1)

or more other employees, all employees subject to the court order will be excluded from the school.

During the period of unpaid leave, the district will continue to pay the district's portion of monthly costs associated with the certificated employee's health insurance benefits and maintain the certificated employee's salary in a district account. Should the certificated 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.

TIMELINE FOR INVESTIGATION

In the event a certificated 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 will 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.

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LEGAL REFERENCE:

Idaho Code Section 33-513 – Professional Personnel

ADOPTED: 12/08/14

AMENDED: