



# OFFICE OF THE COUNTY SHERIFF

Montgomery County, Maryland

*Darren M. Popkin, Sheriff*



## GENERAL ORDERS/PERSONNEL PROCEDURES

<u>Subject:</u>	<u>Number:</u>	<u>Effective Date:</u>
Administrative Leave	2.12	12/12/13

Purpose: To establish guidelines for the use of Administrative Leave. (22.2.1.a)

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I. *Authorized Uses*

Administrative leave is distinguished from suspension in that administrative leave is with pay and is not punitive even though police powers may be suspended. The Chief Administrative Officer (CAO), *Sheriff*, or *Sheriff's designee* may grant administrative leave to:

- A. An employee or groups of employees in cases of:
  - (1) general or public emergency, or
  - (2) an unhealthy or dangerous situation in a County facility.
- B. An employee who is relieved of duties pending:
  - (1) an investigation of incidents or charges;
  - (2) removal, or
  - (3) a determination as to fitness for continued duty.
- C. *An employee who is* present at the death or serious injury of an office employee.
- D. *An employee required* to serve on a jury.
- E. *Members of Municipal and County Government Employees Organization, United Food and Commercial Workers Union, Local 1994, AFL-CIO (MCGEO) to* attend officially approved meetings or conferences.

- F. *Employees who are not MCGEO members so they may attend officially approved conferences, seminars, and training as paid professional improvement leave.*
- G. *Members of MCGEO who are subpoenaed as a witness in a civil or criminal case, to appear in administrative proceedings before an administrative body.*
- H. *Administrative leave must not be paid to a member of MCGEO who is the plaintiff or defendant in a civil case that is unrelated to the employee's official duties.*
- I. *Employees who are not MCGEO members who are subpoenaed as a witness in a civil or criminal case or an administrative proceeding that is related to the employee's official duties.*
- J. An employee under other circumstances deemed necessary *and* in the best interest of the County government *or the Sheriff's Office.*
- K. *An employee in the event of a death in their immediate family.*
  - (1) A maximum of *three (3)* workdays may be granted and *must be used within fifteen (15) days* of a death in *their* immediate family.
    - (a) *Immediate family for members of MCGEO includes the employee's parent, stepparent, spouse, brother or sister, child or stepchild, spouse's parent, grandparent, grandchild, spouses' grandparent, legal guardian, or any other relative living with the employee at the time of death.*
    - (b) *Immediate family members for Sheriff's office employees who are not MCGEO members include those listed above in addition to domestic partner, domestic partner's daughter or son, domestic partner's parent and domestic partner's grandparent.*
  - (2) *The Sheriff may approve administrative leave for the death of other individuals related by blood or affinity whose close association with the employee is the equivalent of a family relationship.*
  - (3) *MCGEO members who require additional time off beyond these three (3) days may request additional reasonable time off to be charged to annual, compensatory, or personal leave.*
    - (a) *Such leave will not be unreasonably denied.*
    - (b) *Any leave used under this section will not be considered in any sick leave restriction action or calculation in an attendance policy.*

- L. *An employee who is a member of a reserve component of the Armed Forces of the United States for training purposes not to exceed **fifteen (15)** days **annually in accordance with State law.***
- (1) *Application for administrative leave for military training should be made immediately upon receipt of orders for active duty training.*
  - (2) *Waiver of the fifteen (15) day limitation when two (2) annual training periods are scheduled in one (1) calendar year is permissible.*
  - (3) *Supervisors will alter the regularly scheduled work week of an employee who must report for reserve duty one weekend per month but who is regularly scheduled to work on weekends, provided that the employee gives the department head at least twenty one (21) days notice of weekend reserve duty.*
- M. *An employee to donate blood and return to the work site, up to a maximum of three (3) hours.*
- N. *Bargaining unit employees who are registered voters and whose work schedules are such that they do not have two hours of continuous off-duty time to vote during the time the polls are open will be given administrative leave for a period not to exceed two (2) hours on election day in order to cast a ballot in state, county, and federal primary and general elections. Employees who utilize this provision must furnish proof that they voted or attempted to vote.*
- O. *An employee to serve as a bone marrow or organ donor.*
- (1) *The employee is granted up to seven (7) days in any twelve (12) month period to serve as a bone marrow donor and up to thirty (30) days in any twelve (12) month period to serve as an organ donor.*
  - (2) *The organ donor leave is in addition to any annual leave, sick leave, personal days, or paid time off that the employee is otherwise entitled to.*
  - (3) *The employee must provide medical documentation of the bone marrow or organ donation before organ donor leave is approved.*

## II. Office Policy (26.1.5, 52.2.7)

- A. Supervisors may immediately relieve an employee from duty if the retention of *the* employee will cause or continue a disruption of the work force. The supervisor may, at *their* discretion, suspend the police powers of the employee.
- B. Division Captains will, after a preliminary inquiry, place an employee in their command on administrative leave and suspend *their* police powers when the employee is:
- (1) Charged with a criminal offense, *or*

- (2) Charged with operating a motor vehicle while under the influence of alcohol or drugs.
  - (3) This action is taken to remove the employee from contact with the public and is not punitive.
- C. Section supervisors **must** place an employee in their command on administrative leave when that employee, whether accidental or deliberate, causes or is responsible for: **(1.3.8)**
- (1) The taking of a human life.
  - (2) The serious injury of a person.
- D. This action is not punitive and is meant to:
- (1) Remove the employee from unnecessary contact with the public
  - (2) Allow **the employee** to recover from the incident; and
  - (3) Provide the **Sheriff's** Office sufficient time to conduct a preliminary investigation.
- E. The supervisor placing an employee on administrative leave **under this section must: (11.4.5)**
- (1) Complete an Administrative Leave Memorandum, MCSO128, a Memorandum of Notification, MCSO13 and, if necessary, a Suspension of Police Powers Memorandum, MCSO75.
  - (2) Notify the Sheriff via the chain of command of the **action by** forwarding **the** incident report and **all supplemental** documentation to the Sheriff via the chain of command.

### III. Employee Responsibilities While on Administrative Leave

- A. Employee requests for administrative leave **must be made** by memorandum to the Sheriff via the chain of command unless the leave is for an authorized organizational activity or for blood donation.
- B. Employees **must have supervisor approval to use** administrative leave for routine activities **such as** meetings, employer/employee relations, etc. **If requested by the supervisor, employees must** provide:
  - (1) The location of the activity;
  - (2) A telephone number at which they can be reached; and
  - (3) Be immediately accessible to the office.

**IV. Resumption of Regular Duties**

- A. Upon completion of *any internal* investigation or inquiry, *an* employee may *only* resume regular duties *with* the approval and authorization of the Sheriff, *or his designee*.
- B. *An* employee who *has been placed on administrative leave because of a* traumatic incident, *may* return to normal duty after *meeting and satisfying the requirements of Occupational Medical Services (OMS)*. In some cases, *OMS* may recommend that the return to normal duty be delayed for a specified period. Any delay in returning to duty *is* subject to the approval and authorization of the Sheriff, *or his designee*.

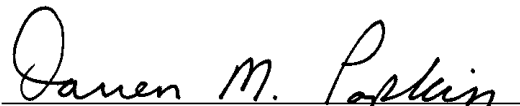
**V. CALEA Standards**

1.3.8, *11.4.5*, 22.2.1.a, 26.1.5, 52.2.7

**VI. Cancellation**

This written directive cancels and replaces General Orders/Personnel Procedures 2.12, effective *05/01/95*.

AUTHORITY:

  
Darren M. Popkin, Sheriff  
12/12/2013