

UCOP Human Resources Procedure 63 – INVESTIGATORY LEAVE

I. POLICY REFERENCES

UC-PPSM 46, Administrative Leave
UC-PPSM 62, Corrective Action
UC-PPSM 63, Investigatory Leave
UC-PPSM 64, Termination of Career Employees Professional and Support Staff
UC-PPSM 65, Termination of Career Employees Managers and Senior Professionals Grades I-VII
UC-PPSM 70, Complaint Resolution

II. GENERAL

Division or Department Heads (or Supervisor) may place an employee on investigatory leave in consultation with the Manager, UCOP Employee and Labor Relations (or designee). Employees may be placed on investigatory leave to permit the University to review or investigate actions including, but not limited to, dishonesty, theft or misappropriation of University property, workplace violence, threats of violence, acts of endangerment, or other misconduct which warrants removing the employee from the work site.

III. PAY STATUS AND TIME LIMITS

Employees may be placed on investigatory leave with or without pay for a period not to exceed fifteen- (15) calendar days. The Manager, UCOP Employee and Labor Relations may extend the fifteen- (15) calendar-day period with or without pay. While on investigatory leave, whether paid or unpaid, the employee will be expected to be available for and cooperate with the University's investigation.

Upon conclusion of the investigation, if no corrective action or termination of employment is deemed to be appropriate, the employee will be paid for any portion of the investigatory leave that was previously unpaid. If an employee is suspended without pay, or termination of employment is determined to be appropriate, the investigatory leave may remain without pay based on consultations with the Manager, UCOP Employee and Labor Relations, provided that the department has complied with the notice provisions of UC-PPSM 62 (Corrective Action), UC-PPSM 64 (Termination of Career Employees Professional and Support Staff), or UC-PPSM 65 (Termination of Career Employees Managers and Senior Professionals), as appropriate.

IV. WRITTEN CONFIRMATION NOTICE

Division or Department Heads (or supervisors) shall provide a written confirmation notice to the employee within two- (2) working days after commencement of the investigatory leave to include the reason for the investigatory leave, and the expected duration of the investigatory leave. The written confirmation notice shall be sent by U.S. Postal Service, accompanied by a "proof of service" form, with a copy to the Manager, UCOP Employee and Labor Relations (or designee). A person who is not involved in the investigatory leave process must complete and affix the Proof of Service form and mail the notice.

Upon conclusion of the investigation, the employee shall be informed in writing by the Division or Department Head (or supervisor) of the actual dates and pay status of the investigatory leave.

V. INVESTIGATORY LEAVE FOR FITNESS FOR DUTY EVALUATION

When an employee's workplace behavior or performance creates a reasonable belief that a threat may exist to the health and/or safety of the employee, to other employees, or to University property, the University may refer that employee to a health care provider for a fitness-for-duty evaluation.

The purpose of a fitness-for-duty evaluation is to determine the employee's ability to perform his or her job in a safe manner. The employee's department shall pay the cost of the fitness-for-duty evaluation. In order to ensure safety while the employee is being evaluated, the employee may be placed on paid investigatory leave for the period of time needed to conduct the evaluation, up to fifteen- (15) days. Divisions and Departments must consult with the Manager, UCOP Employee and Labor Relations prior to initiating this process.