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| Catholic Charities Disabilities Services |
| Agency Standard and Procedure            |

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| Standard Category                              | Human Resources   |
| Standard Title                                 | Administrative Leave During Investigations  |
| Regulations                                    |   |
| Original Issue Date                            | April 3, 2017   |
| Latest Revision Date                           |   |
| Number of Pages                                | 2   |
| Attachments                                    | #1 Abuse/Neglect Administrative Leave Notification Script<br>#2 General Administrative Leave Notification Script<br>#3 Justification for "Do Not Discuss" Directive |
| Approved by:<br>Anne Ogden, Executive Director |   |

Standard: In some circumstances, it may be necessary to remove an employee from the workplace to conduct a quality assurance, corporate compliance or personnel/HR investigation. In these situations, a temporary reassignment or administrative leave/investigatory suspension may be appropriate as an interim measure. An employee may be initially placed on Administrative Leave in order to allow for an investigation into allegations of mistreatment, abuse or misconduct.

Administrative Leave is defined as the temporary removal from the work environment of a staff member, with or without pay, following an allegation of misconduct, or other similar circumstance, that requires an investigation and review of the related facts. The initial administrative leave at Catholic Charities Disabilities Services (CCDS) is paid leave for the employee's regular schedule, during the course of the investigation, up to one week and not to exceed 40 hours. If more than one week of time is needed to conclude the investigation, employees will use their accrued Combined Leave Time (CLT) while the investigation continues. If an employee exhausts all of their accrued CLT, and the investigation is still pending, they will be encouraged to apply for unemployment until a decision is made to return the employee to work or terminate employment.

Procedures

1. A manager or department director will notify an employee that s/he is the subject of an allegation and will be placed on administrative leave effective immediately. In the cases such as abuse,

neglect or mistreatment allegations, the employee will not be told the nature of the allegation or which individual(s) it involves.

2. Administrative leave is intended to protect the employee, and any individuals served, and does not mean that the employee is guilty of anything.
3. Employees may be interviewed by investigators of CCDS Quality Assurance, CCDS Human Resources, CCDS Administration, Office for People with Developmental Disabilities (OPWDD), the NYS Justice Center or any governing body with oversight over CCDS who will investigate the allegation.
4. In compliance with OPWDD requirements, CCDS must call the police for certain allegations (for example, physical or sexual abuse) and the police may directly interview the employee.
5. As per the direction of the human resource department, a determination will be made and employees will or will not be instructed not to discuss the matter with co-workers or individuals served by CCDS personally, by telephone, or by any other means. The employees who are directed not to discuss the allegation with co-workers or individuals served by CCDS are given these instructions in order to protect the confidentiality of individuals served by CCDS, pursuant to the requirements of the NYS Mental Hygiene Law; and given the limited number of co-workers and individuals with whom the staff routinely interacts, any or all of whom may be interviewed in the course of the investigation, to safeguard the integrity of the investigation and protect against any attempt to destroy, fabricate or cover-up any evidence which may be material to the investigation.
6. As a condition of employment, employees are required to participate in the investigation. If an employee refuses to be interviewed, or provides false or misleading information, the agency can and will take disciplinary action up to and including termination.
7. Employees are expected to be available, during their normal shift hours and/or normal business hours to meet in person or to answer questions by phone each day s/he is on administrative leave.
8. Employees are expected to provide a number to CCDS at which they can be contacted.
9. At any point during the investigation or at the conclusion of the investigation, the employee may be informed of a reassignment or may be requested to change his/her work schedule or location. The employee is expected to return to work immediately if requested.

# Catholic Charities Disabilities Services

## Abuse/Neglect Administrative Leave Notification Script

Updated 4\_3\_2017

At CCDS, it is our practice to place staff who are the targets of allegations of abuse, neglect or mistreatment on paid administrative leave initially until the CCDS Quality Assurance Department can make a preliminary recommendation regarding the allegation. In most cases, the staff person's supervisor or Department Director will be notifying the staff member that they are being placed on administrative leave.

When making such a notification, please utilize the following script:

"I am advising you that you are being placed on paid administrative leave, effective immediately, because you have been named in an allegation of abuse, neglect or mistreatment. This paid leave will continue during the initial stages of the investigation and is not to exceed one week of pay. Please contact the Human Resources Department at 518-783-1111, ext. 1384, regarding payment during the period that you are on leave. **[DO NOT identify the individual who reported the allegation or the individual who is alleged to have been abused/neglected/mistreated and DO NOT disclose any information about the nature or circumstances of the allegation.]**

Please understand that the fact that you have been named in an allegation does not mean that CCDS believes that you are guilty and a thorough investigation will be conducted by our Quality Assurance Department or the NYS Justice Center. You will be contacted and interviewed by staff from the CCDS Quality Assurance or the NYS Justice Center as soon as possible. You may not return to work until your supervisor contacts you to arrange for your return to work.

You are not to discuss this matter with your co-workers or any of the individuals served by CCDS, visit any site at which you are employed by CCDS without permission of the Quality Assurance Department, or attempt to access Therap or any other electronic records relative to individuals served by CCDS. You are expected to be available to cooperate and assist in the investigation. Please provide a phone number/or numbers at which you can be contacted. Number to be contacted at \_\_\_\_ - \_\_\_\_ - \_\_\_\_.

I appreciate that this is a stressful time, and assure you that we will make every effort to resolve this matter as quickly as possible. If you have any questions, please contact the CCDS Human Resources Department at 518-783-1111, ext. 1384 or the Quality Assurance Department at 518-783-1111, ext. 1387.

Name of staff given Notification: \_\_\_\_\_

Name of staff making Notification: \_\_\_\_\_

Date and time of Notification: \_\_\_\_\_

**Catholic Charities Disabilities Services**  
**General Administrative Leave Notification Script**

Revised 4\_3\_2017

At CCDS, there may be situations in which an employee is placed on paid administrative leave if there is a reasonable belief that their conduct poses a risk to the health or safety of individuals served or employed by CCDS or to the integrity of CCDS services. Such leave will continue until CCDS can make a determination regarding the staff person's continued employment. In most cases, the staff person's supervisor will be notifying the staff member that they are being placed on administrative leave.

Prior to making such a notification, please contact the Human Resources Department for a determination as to whether the employee will also be directed not to discuss this matter with co-workers or individuals served by CCDS, HR recommendation of do not discuss \_\_\_Yes \_\_\_No

Utilize the following script:

"I am advising you that you are being placed on paid administrative leave, effective immediately. This paid leave will continue during the initial stages of the investigation and is not to exceed one week of pay. Please contact the Human Resources Department at 518-783-1111, ext. 1384, regarding payment during the period that you are on leave.

Please understand that the fact that you have been placed on leave does not mean that your employment will be terminated and a thorough review will be conducted by CCDS administrators. You will be contacted and interviewed by CCDS administrators soon as possible. You may not return to work until your supervisor contacts you to arrange for your return to work.

You are not to visit any site at which you are employed by CCDS without permission of CCDS or attempt to access Therap or any other electronic records relative to individuals served by CCDS and are expected to be available to cooperate and assist in any review. **[If directed by the Human Resources Department, add, "You are not to discuss this matter with your co-workers or any of the individuals served by CCDS.]** Please provide a phone number/or numbers at which you can be contacted. Number to be contacted at \_\_\_\_ - \_\_\_\_ - \_\_\_\_.

I appreciate that this is a stressful time, and assure you that we will make every effort to resolve this matter as quickly as possible. If you have any questions, please contact the CCDS Human Resources Department at 518-783-1111, ext. 1384 or the Quality Assurance Department at 518-783-1111, ext. 1387."

Name of staff given Notification: \_\_\_\_\_

Name of staff making Notification: \_\_\_\_\_

Date and time of Notification: \_\_\_\_\_

## Catholic Charities Disabilities Services (CCDS)

### Justification for “Do Not Discuss” Directive

On \_\_\_\_\_, an Allegation of \_\_\_\_\_ was filed concerning an individual served by CCDS. \_\_\_\_\_, an employee of CCDS, was identified as a target in the Allegation. The Allegation has been assigned Agency Incident Number \_\_\_\_\_.

Because they have been identified as a target, \_\_\_\_\_ has been directed not to discuss the Allegation with co-workers or individuals served by CCDS. This directive has been issued (1) to protect the confidentiality of individuals served by CCDS, pursuant to the requirements of the NYS Mental Hygiene Law; and (2) given the limited number of co-workers and individuals with whom the target routinely interacts, any or all of whom may be interviewed in the course of the investigation, to safeguard the integrity of the investigation and protect against any attempt to destroy, fabricate or cover-up any evidence which may be material to the investigation.

\_\_\_\_\_

Director of Human Resources

Date: \_\_\_\_\_

\_\_\_\_\_

Director of Quality Assurance

Date: \_\_\_\_\_