

Recognizing the need for Administrators to make personnel management decisions in a timely manner, and to provide for the efficient operation of the Idaho Arts Charter School (IACS or school), the Board of Directors (the Board) delegates to the Administrator or designee the ongoing authority to temporarily place school employees on administrative leave.

VOLUNTARY LEAVE

Upon the Administrator 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 Administrator 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 school. Circumstances in which it may be determined to be in the best interest of the school 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 school employee; (3) violated a school 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 Administrator's or designee's action of placing the 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. IACS will also continue to pay the school'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 paid 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 employees' 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, IACS will continue to pay the school's portion of monthly costs associated with certificated employee's health insurance benefits and maintain the certificated employee's salary in a school account. Should the employee return to IACS for active employment subsequent to the removal or dismissal of the court order, acquittal or adjudication of innocence, IACS will remit the salary funds, less the cost incurred by IACS 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 an employee is placed on involuntary leave of absence based on the schools 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 Administrator 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 Administrator 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.



LEGAL REFERENCE:

Idaho Code Section 33-513 – Professional Personnel

ADOPTED: June 13, 2011

AMENDED: September 8, 2014, March 6, 2015