



RUTGERS POLICY

Section: 60.9.7

Section Title: Legacy UMDNJ policies associated with Human Resources

Policy Name: Administrative Leave

Formerly Book: 30-01-40-40:25

Approval Authority: Senior Vice President for Administration

Responsible Executive: Senior Vice President for Administration

Responsible Office: University Human Resources

Originally Issued: 5/15/2007

Revisions: 4/1/2009; 7/1/2013; 10/10/2013 (Updated title)

Errors or changes? Contact: policies@hr.rutgers.edu

1. **Policy Statement**
The policy covers Rutgers University employees who are employed within legacy UMDNJ positions.
2. **Reason for the Policy**
To provide guidelines to assist legacy UMDNJ departments/units.
3. **Who Should Read This Policy**
All Rutgers employees who are employed in legacy UMDNJ positions.
4. **Related Documents**
N/A
5. **Contacts**
University Human Resources: 848-932-3020
6. **The Policy**

60.9.7 ADMINISTRATIVE LEAVE

I. DEFINITION

Administrative leave is a leave of absence (paid or unpaid) initiated to manage special circumstances where it is in the school or unit's best interest to retain the employee relationship for a period of time; or, provides employees with options not otherwise available.

II. BACKGROUND

In managing the workforce, circumstances may arise that require flexibility in the application of policies and procedures. It is also in the school or unit's best interests to develop a strategy that

enables the retention of its best talent and not sever such relationships because of the absence of such a solution. Therefore, this policy aims to provide the administrative ability to resolve situations that cannot be addressed under existing workforce policies.

III. REFERENCES

- A. Voluntary Furloughs – 60.9.2
- B. Medical/FMLA Leave of Absence/New Jersey Paid Leave – 60.9.20
- C. Leave of Absence – Personal and Academic – 60.9.30
- D. Staff Leave Donation Program – 60.9.41

IV. ELIGIBILITY

Regular full or part-time employees employed in legacy UMDNJ positions who work 20 or more hours a week are eligible, provided that their work performance and attendance are satisfactory.

V. POLICY

Administrative leaves may be utilized to manage special circumstances. Such leaves may be initiated by the school or unit or requested by the employee employed in a legacy UMDNJ position. When an employee requests an administrative leave, the school or unit must assure that such leave does not fall within existing leave policies and does not cause a hardship to the operations of the school or unit. Examples of special circumstances may be, but are not limited to:

- Necessity to remove an employee from the work place while an internal investigation/review ensues;
- Emergency conditions where no other administrative option exists;
- Ineligibility for short or long-term disability and/or FMLA or similar leave;
- Government or public service

The decision of whether an administrative leave initiated by the school or unit shall be paid or unpaid, and whether benefits shall continue, rests with the University and depends on the circumstances surrounding the request for leave. Administrative leave approval shall be at the school or unit's discretion; and in collaboration with University Human Resources designee, the department manager, and may also include Legal Management.

Administrative leaves requested by the employee may be paid if the employee chooses to utilize accrued time off, or unpaid if the employee has no accrued time or chooses not to use any accrued time. If the administrative leave is unpaid, University Human Resources' office of Benefits shall consult with the employee to make arrangements for benefits continuation. Administrative leaves do not qualify for the Staff Leave Donation Program.

An administrative leave for investigative/review purposes shall not be given for a predetermined length of time, but shall be in effect long enough to conclude the investigation/review.

VI. PROCEDURE

1. Employees requesting an administrative leave shall ensure that no other policy option exists for their special circumstances and must submit same in writing to their immediate supervisor. The request must include a detailed statement explaining the reason, with supporting documentation, and be submitted thirty (30) days in advance of the expected date of leave, where practicable.
2. The supervisor must contact University Human Resources for the decision-making process.

3. A decision either granting or denying the leave generally will be provided to the employee within ten (10) days, where practicable and where no emergency exists.
4. Administrative leaves initiated by the school or unit shall be decided in collaboration with University Human Resources Services, the school/unit and Legal Management.

VII. BENEFITS DURING ADMINISTRATIVE LEAVES

An employee employed in a legacy UMDNJ position on administrative leave generally will retain the seniority he/she held prior to the commencement of the leave, but will not accrue any seniority or otherwise be credited with time worked during the leave.

For employee-requested administrative leaves, vacation and sick time will continue to accrue only until the remainder of the month in which the leave commences, provided that the employee is still in active pay status as of the sixteenth of that month. Otherwise, an employee will not accrue vacation or sick time during the leave.

When an employee returns from leave, vacation and sick time will begin to accrue for the month in which the employee returns to work provided he/she returns on or before the fifteenth of that month. If an employee returns from a leave after the fifteenth of the month, then vacation and sick time will start to accrue at the beginning of the following month.

Holidays which fall during the leave will not be granted under the University's paid Holiday Policy.

An employee on unpaid leave will be responsible for pre-paying the entire premium (the employee and employer portions) for the health insurance benefits he/she may wish to continue. Prior arrangements must be made by the employee with University Human Resources' office of Benefits to ensure proper health insurance coverage during the leave.

Employees will not accrue pension credit while on administrative leave.

VIII. RETURN FROM ADMINISTRATIVE LEAVE

For employee-requested administrative leaves, the employee must give at least two (2) weeks notice of his/her intention to return to work.

If an employee fails to return to work or notify his/her supervisor in writing of his/her intentions within two (2) business days after the date the employee-requested leave expires or the employer-initiated leave is discontinued, he/she will be considered absent without official leave and subject to termination.

As soon as possible after the employee advises that he/she is ready to return to work or the school or unit determines that the employee may return, the employee's department must forward a completed Leave of Absence Transaction Form (LATF) to the University Human Resources Generalist, along with any required documentation. The LATF must indicate the employee's return date. Please be reminded that a failure to process the employee's return from leave can result in the employee not receiving a paycheck.

Unless specified otherwise in writing, the employment of all University employees is "at will," which means employment may be terminated at the option of the employee or the University, at any time, for any reason, with or without cause. In this regard, an administrative leave carries no promise of reinstatement or future employment and the University specifically reserves the right to terminate the employee while he/she is on leave or upon the employee's return from leave for any reason, including situations where the position the employee occupied prior to commencing his/her leave is not available upon his/her return from leave.

In addition, as noted, an employee may be separated for any reason, including, but not limited to, if during the administrative leave, he/she accepts other employment without prior approval of the school or unit, or files for unemployment compensation, or if, upon return from leave, he/she refuses a job reassignment.

For employees covered by a Collective Bargaining Agreement, the employee and the department should refer to the agreement regarding any return from leave rights provided in the agreement.