

POLICY NUMBER:

APM - 2 - 98

DATE:

August 27, 2002

ISSUED BY:

Carlos A. Gimenez

City Manager



SIGNATURE

CITY OF MIAMI



ADMINISTRATIVE POLICY

REVISIONS

REVISED SECTION	DATE OF REVISION
Created	5/15/98
Revised	08/19/02

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SUBJECT:

RELIEF OF DUTY

PURPOSE: To provide an official policy relating to employment status of a City employee while under a Criminal and/or Administrative Investigation .

This administrative policy supersedes all previous directives relating to this subject.

The Policy will be as Follows:

I. Criminal Investigation

A. In the event an employee is under a criminal investigation, said employee shall be relieved of duty with pay until convicted or criminally charged, unless, as determined by the City Manager the arresting charges are significant enough to warrant the employee to be immediately relieved of duty without pay. Once charged criminally the employee shall be carried without pay. The City Manager in the alternative may assign or transfer the affected employee to another department, office, or division, within the City pending conclusion of the investigation and final determination by the City Manager. The provisions stated herein shall apply unless otherwise provided by labor contract.

II. Administrative Investigation

A. In the event an employee is under an administrative investigation, said employee shall be relieved of duty with pay or may be assigned or transferred to another department, office, or division, within the City pending conclusion of the investigation and final determination by the City Manager. The provisions stated herein shall apply unless otherwise provided by labor contract.

III. Appeal

A. Should the City Manager determine that an employee is to be relieved of duty without pay, the employee will be provided with written notice granting the employee a period of seven (7) calendar days or five (5) work days, whichever is greater the opportunity to present reasons why he/she should not be relieved of duty without pay.

IV. Job Position

A. The employee's job position shall be frozen until the employee is returned to work, or terminated from the City.

V. Salary and Benefits**A. Relieved of duty with pay**

1. The employee shall receive their full salary including plus items, and benefits until the employee is placed in a without pay status.
2. The employee shall continue to accrue seniority.

B. Relieved of duty without pay

1. The employee shall not receive any pay while in a without pay status.
2. The employee shall not accrue any seniority.
3. The employee shall be responsible for all insurance premiums, union dues, credit union deductions, or any other payments currently deducted from the employee's salary.

C. Reassignment of Duties

1. The employee shall receive their full salary including plus items, and benefits until the employee is placed in a without pay status.
2. The employee shall continue to accrue seniority.

VI. Reserve Account

- A. The salary savings from an employee on leave without pay will be placed in an interest bearing reserve account and rolled over from fiscal year to fiscal year until the employee is returned to work or terminated from the City.
- B. Should the employee be returned to work with back pay the back pay shall be paid from the reserve account.
- C. Should the employee be terminated from the City the monies shall remain in the interest bearing reserve account.