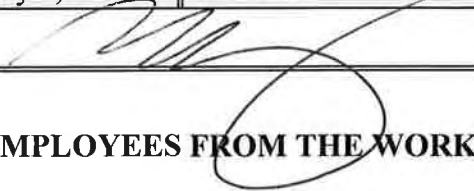


DEPARTMENTAL POLICIES

POLICY # 309	SUBJECT: Removal of Employees from the Workplace
EFFECTIVE DATE: January 10, 2012 REVISED: November 1, 2012, July 1, 2012	PAGE 1 of 2
AUTHORIZED SIGNATURE: 	

REMOVAL OF EMPLOYEES FROM THE WORKPLACE

I PURPOSE

To establish Department of Services for Children, Youth and Their Families guidelines for removal of employees from the workplace when it is determined that their continued presence jeopardizes others' safety, security or the public confidence.

II POLICY

It is the policy of the Department to minimize the risk to employees and the public by removing employees from the workplace when their continued presence may pose a risk to the safety or security of residents, other employees, and the public or jeopardizes the public's confidence. Allegations of events that may lead to immediate removal from the workplace will include, but not be limited to, the following:

1. Criminal Charges which, if convicted, could result in a recommendation of prohibited or unsuitable for continued employment by the Department.
2. The employee is being investigated for alleged child abuse/neglect.
3. Threats of violence.
4. Suspected Drug/Alcohol abuse.
5. Physical or sexual abuse against a resident.
6. Theft or other illegal activity.

When an employee has been charged with criminal misconduct as a result of activity related to the workplace or the employee is being investigated for alleged child/abuse neglect, there shall be an administrative investigation conducted by the Manager/Supervisor in conjunction with Human Resources, to determine whether the conduct meets the just cause standard for discipline. Such investigation shall be separate and detached from the criminal proceeding and/or Division of Family Services investigation of abuse/neglect. The decision to discipline must be based on the outcome of the administrative investigation and be separate from the criminal charges since the standard of proof to establish just cause is lower than the criminal standard for conviction.

III PROCEDURE

When management becomes aware of employee behavior or have other documentation that indicates that an employee poses an immediate safety or security risk or jeopardizes the public confidence, they will immediately remove the employee from the workplace without loss of pay pending the results of an administrative investigation which will be initiated immediately by the

Manager/Supervisor. The Manager/Supervisor and Human Resources will, within 72 hours, confirm that the removal from the workplace is both reasonable and consistent with decisions in prior similar circumstances.

The administrative investigation shall be completed within 7 calendar days of removal from the workplace. The Manager/Supervisor will report his/her findings and a recommendation, in conjunction with Human Resources/Labor Relations, through the appropriate chain of command to the Division Director.

After review of the information contained in the administrative review, the Division Director will determine, in conjunction with Human Resources/Labor Relations, the path forward. Depending on the decision, the Manager/Supervisor will proceed as outlined below.

- A. If the findings of the administrative investigation do not reveal facts to warrant termination, the employee shall be immediately returned to the workplace and the Manager/Supervisor may impose a lesser sanction if appropriate. ***An employee shall not be removed from the workplace without pay unless there are facts available indicating the employee is likely to be considered for dismissal.***
- B. If the findings of the administrative investigation indicate that termination may be warranted, the employee may be suspended without pay pending termination ***provided that management has reviewed with the employee the basis for the action and provides an opportunity to respond.*** To meet this standard, the Manager/Supervisor shall:
 - 1. Schedule a meeting with employee, and if applicable their union representative.
 - 2. Share the charge letter with the employee.
 - 3. Listen to what, if anything the employee has to offer in their defense or in response to the charges.
 - 4. If recommendation for termination remains, advise the employee that effective immediately they will be suspended without pay pending termination.
 - a) Advise the employee that their letter contains their rights to a pre-decision meeting.

The Manager/Supervisor must certify to Human Resources/Labor Relations in writing of the date and time Steps 1 through 4 above were completed.

IV PRE-DECISION MEETING

If the employee has requested a pre-decision meeting, the meeting shall be held within the timeframes established by the Merit Rules and/or Collective Bargaining Agreements. The pre-decision meeting shall be an informal meeting to provide the employee an opportunity to respond to the proposed action, and to offer any reasons why the proposed penalty may not be justified or too severe.

NOTE: It is the policy of DSCYF that employees recommended for termination for infractions that involve harm or the potential for harm to a resident or staff will not be allowed to resign in lieu of termination.