

Chapter: Suspension and Separation	<b>Effective Date: 1/1/15</b>
<b>Title: Administrative Suspension and Separation Due to Pending Criminal Charges</b>	Page: 1 of 3
ACA: N/A	Replaces: PRS.11.19, 12/1/11

(a) **Policy.**

- (1) When an employee is charged with a crime and a conviction would disqualify the employee from continued employment, the employee is administratively suspended without pay and/or administratively separated.
- (2) During suspension, the employee is
  - (A) required to use available holiday, compensatory, and administrative leave; and
  - (B) given the option to use available vacation and overtime leave.
- (3) The employee is administratively separated from employment if he/she:
  - (A) has no available paid leave;
  - (B) has exhausted all available holiday, compensatory, and administrative leave and chooses not to use available vacation and overtime leave; or
  - (C) has exhausted all available paid leave.

(b) **Definitions.**

For definitions of certain terms used in this policy, see the [PRS Glossary](#).

(c) **Applicability.**

This policy does not apply to an employee who is subject to [disciplinary termination](#) for any reason before the criminal charge is resolved (i.e., for failure to report the criminal charge or for any other TJJD rule violation, regardless of whether the violation is related to the criminal charge). In these cases, the disciplinary termination process is followed.

(d) **Resources.**

[PRS.02.08, Criminal History: Standards, Background Checks, and Self-Reporting Requirements](#) – This policy establishes the criminal history standards to be eligible for employment. This policy also contains the suspension procedures for when a background check reveals an outstanding warrant for a traffic violation or other misdemeanor offense.

(e) **Procedures.**

(1) **Approval to Begin Suspension / Separation Process.**

- (A) The Human Resources background investigation specialist notifies the employee relations specialist when he/she receives notification of an employee's arrest, indictment, or other criminal charge.
- (B) The employee relations specialist determines, in consultation with Human Resources management and the Office of General Counsel, whether administrative suspension and possible separation are appropriate under this policy.
- (C) If appropriate, the employee relations specialist emails the employee's human resources administrator (HRA) to proceed with the administrative suspension and separation process.

(2) **Administrative Suspension without Pay.**

(A) If the employee has available leave balances, the HRA:

- (i) provides a completed Administrative Suspension Without Pay Notice, [HR-059a](#) form, to the employee's supervisor for signature and instructs the supervisor to:
  - (I) issue the form to the employee in person and return the original form to the HRA after obtaining the employee's signature; or
  - (II) return the form to the HRA for mailing to the employee because the employee is on leave;
- (ii) emails the CLA, advising of the action; and
- (iii) monitors the employee's available leave balances.

(B) The employee remains on administrative suspension until one of the following occurs:

- (i) the employee is administratively separated;
- (ii) the criminal charges are resolved and the employee is informed that he/she may return to work; or
- (iii) the employee is convicted and then terminated through the disciplinary process.

(3) **Administrative Separation.**

(A) **Required Conditions.**

Administrative separation occurs only when criminal charges are still pending and the employee:

- (i) has used all available holiday, compensatory, and administrative leave and has provided written notice to his/her supervisor or the human resources office that he/she does not want to use vacation and overtime leave; or
- (ii) has no available leave balances to use.

(B) **Issuance of Notice.**

If the conditions for separation are met, the HRA:

- (i) provides a completed Administrative Separation Notice, [HR-059b](#), to the employee's supervisor for signature and instructs the supervisor to:
  - (I) issue the form to the employee in person and return the original form to the HRA after obtaining the employee's signature; or
  - (II) return the form to the HRA for mailing to the employee because the employee is on administrative suspension without pay or other leave; and
- (ii) emails the [chief local administrator \(CLA\)](#), advising of the action.

(C) **Separation Process and Impact on Future TJJJ Employment.**

An employee who is separated under this policy:

- (i) is subject to the provisions in [PRS.11.01](#) relating to the process for separation from employment, including the disposition of accrued leave;
- (ii) is not entitled to independent dismissal mediation under [PRS.35.06](#);
- (iii) is designated as eligible for rehire in accordance with [PRS.11.31](#);

Note: If the employee is convicted for the criminal offense, his/her rehire status may be changed to ineligible in accordance with PRS.11.31.

- (iv) is not entitled to automatic reinstatement, regardless of whether the employee is cleared of the criminal charges; and
- (v) must, before being considered for rehire, meet the minimum standards and qualifications and any other criteria for the position sought.

(e) **Grievance Rights.**

(1) Generally, the only grievable issues relating to administrative suspension or separation are:

- (A) whether the employee was charged with a crime on the date the supervisor signed the [HR-059a](#) form (to grieve suspension) or the [HR-059b](#) form (to grieve separation); and
- (B) whether a conviction for the criminal charge would disqualify the employee from continued employment in his/her current position.

(2) The deadline for submission of the grievance is 21 calendar days from the date of the supervisor's signature on the applicable HR-059 form (*not* 21 calendar days from the date of receipt by the employee). See [PRS.35.03](#) for more information on employee grievances.

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