

Procedure 63: Investigatory Leave

Responsible Office: Human Resources

Issued: March 2016

Revised: October, 2020

A. Purpose and Scope

1. UC Irvine Personnel Procedure 63 implements [PPSM-63, Investigatory Leave](#). This procedure applies to Professional and Support Staff, except employees who are in a bargaining unit that has an exclusive representative (union) and are covered by the applicable provisions of their respective collective bargaining agreement.

B. Authority and Responsibility

Department heads and supervisors are responsible for taking appropriate corrective action in consultation with Human Resources Business Partner.

C. Guidelines

1. General

- a. Investigatory leave is a tool available to management in situations when it may be necessary to immediately remove from the premises an employee whose continued presence would potentially disrupt operations or otherwise endanger University interests.
- b. It is to be used only when possible/actual misconduct issues are involved and the presence of the employee(s) at work may interfere with the investigation or may further expose the University (e.g., to financial loss, danger to other employees, or poor public relations).
- c. The employee initially remains on paid status during the investigatory leave. Based on the results of the investigation, the paid leave may subsequently be converted to a suspension without pay or dismissal.

D. Procedures

1. After consulting with assigned Human Resources Business Partner, the supervisor or department head may place an employee on investigatory leave without prior notice in order to review or investigate actions including but not limited to dishonesty, theft or misappropriation of University property, fighting on the job, insubordination, acts

endangering others, or other conduct or unusual circumstances which warrant removing the employee from the premises.

2. The supervisor/department head should:
 - a. Tell the employee that they are being placed on investigatory leave, and that an investigation will occur;
 - b. Inform the employee of the reasons for the leave;
 - c. Request the return of University property (e.g., keys, electronic equipment, files, records, etc.);
 - d. Determine, in consultation with the Human Resources Business Partner, how to redirect emails to the employee's University email account, and limit the employee's access to University records and properties in accordance with University policy;
 - e. Direct the employee to leave the work site, and inform the employee that they are not to return to work until authorized by the University.
3. The leave must be confirmed in writing to the employee, normally not later than three (3) working days after the leave is effective (see [Exhibit A](#)). The notice must:
 - a. Include the reasons for the investigatory leave;
 - b. State the expected dates of the leave;
 - c. Direct the employee to remain available for interviewing;
 - d. Notice that investigatory leave could be extended;
 - e. Include a Proof of Service prepared by someone other than the supervisor/department head and who is not a party to the issue under investigation (see [Exhibit B](#) and [Exhibit C](#)).
4. A copy of the letter, with a copy of the Proof of Service, should be placed in the employee's personnel file. At the conclusion of the investigation, a decision will be made whether to retain this letter in the file or to remove it.
5. The supervisor/department head, in consultation with the Human Resources Business Partner, will conduct or will appoint a person to conduct a thorough investigation.
6. Upon conclusion of the investigation, the supervisor/department head, in consultation with the Human Resources Business Partner, will determine if the period of the investigatory leave is to be converted to a paid leave and return to work, suspension without pay or dismissal. The supervisor/department head shall inform the employee in writing of the decision in conformance with the provisions of [PPSM-62, Corrective Action](#), and/or [PPSM-64, Investigatory Leave](#) as appropriate. For exempt employees only, suspension without pay may be imposed only in increments of full days.

E. References

Personnel Policies for Staff Members

- [PPSM-62](#), Corrective Action
- [PPSM-63](#), Investigatory Leave
- [PPSM-64](#), Termination and Job Abandonment

Personnel Procedures for UCI Staff Members

- [UCI Procedure 62:](#) Corrective Action
- [UCI Procedure 64:](#) Termination and Job Abandonment

Procedure 63: EXHIBIT A

Sample Notice of Investigatory Leave

[Date]

[Name]

[Title]

RE: Notice of Investigatory Leave with Pay

This is to inform you that you are being placed on investigatory leave effective **[first business day of investigatory leave]** through **[last day of investigatory leave]** for **[state reason for investigation]**.

While on investigatory leave, you may not enter the work site, including **[specify locations]** for any purpose, unless you have made prior arrangements with me. You may not interact with any **[department]** employees nor access any University or **[department]** resources, including, but not limited to, **[list computer resources]**. You may not destroy or in any way alter files or materials, including computer files.

You are required to return your **[list items such as keys and access cards for building(s), office(s) vehicle(s), laboratories; service and/or administrative gate pass; employee identification card, files, computer disks and/or software, books, library photocopy cards, voice mail codes, UC Irvine password(s), computer account(s) passwords, PAL (purchasing) card, corporate card, University calling card, safety goggles/apparel purchased by the University, etc.]** to me immediately. ***If applicable:*** You are required to immediately return all University property provided for your work use at home: **[including but not limited to: computer, modem, fax, printer, type writer]**. ***Optional:*** **[state name]** will accompany you to your home immediately to retrieve this property.

I expect the investigation will require no longer than **[time frame]** to complete, during which time you will remain on pay status. Upon conclusion of the investigation, I will determine if the period of the investigatory leave will remain a paid leave or will be converted to a suspension without pay or dismissal.

During the investigation, you will be contacted to arrange meetings or interviews to discuss matters relative to the investigation. Therefore, you are to remain available to meet with the investigator.

If you have any questions or concerns about any of the issues raised in this letter, please contact me at **[phone number]**.

[Supervisor/Department Head name]
[Title]

C: Human Resources Business Partner

Attachment: Proof of Service dated **[date]**

**Exhibit B. Proof of Service
Delivery by U.S. Mail**

PROOF OF SERVICE

Delivery by U.S. Mail

I declare that I am over the age of eighteen years and am not a party to the issue described in the attached notice. My work address is University of California, Irvine, [**Department/Unit Name, Room Number + Building Name**] [**City**], California, [**Zip code**]. On [**date**], I served the attached Notice of Investigatory Leave by placing a true copy enclosed in a sealed envelope with postage fully paid in the United States mail, addressed as follows:

[**Name of Recipient**]
[**Street Address**]
[**City, State, Zip code**]

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on [**date**] at [**city**], California.

Signature
[**Name Typed Here**]

**Exhibit C. Proof of Service
Personal Delivery**

PROOF OF SERVICE

Personal Delivery

I declare that I am over the age of eighteen years and am not a party to the issue described in the attached notice. My work address is University of California, Irvine, [**Department/Unit Name, Room Number + Building Name**] [**City**], California, [**Zip code**]. On [**date**], I personally delivered the attached Notice of Investigatory Leave to:

[**Name of Recipient**]
[**Street Address**]
[**City, State, Zip code**]

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on [**date**] at [**city**], California.

Signature
[**Name Typed Here**]

