

## Employee Status Pending Resolution of Criminal Charges

7.38  
(03-12-98)

### Introduction

7.38-1

Being arrested for, charged with, or indicted for criminal charges (misdemeanor or felony) is not sufficient grounds, standing alone, to dismiss an employee. However, in some cases, suspension may be the only option that provides for the necessary security of the employee or Windham School District.

### Procedures

7.38-2

Any employee who is arrested for, charged with, or indicted on criminal charges (misdemeanor or felony) shall report such action to his immediate supervisor within 48 hours of the initial arrest, and before reporting for duty.

1. Initial notification may be by telephone or in person;
2. The employee must then provide his immediate supervisor, in writing, with the following information:
  - a. Name of arresting authority,
  - b. Place, date, and time when arrest took place,
  - c. Nature of the arrest/allegation/charge, and
  - d. Release status (held without bail, release pending, bond posted, etc.).
3. The immediate supervisor will send all information to the Windham Personnel Office for placement in the employee's personnel file. (Either hand carry or first class mail, not via truck mail.)
4. The employee will not report to work after being arrested without prior permission of one of the following: Principal, Assistant Superintendent, Department Head, Superintendent or Superintendent's designee.
5. Either the Principal, Assistant Superintendent, Department Head, Superintendent or Superintendent's designee will conduct a preliminary review of the circumstances of each case to determine whether there are sufficient grounds for taking administrative action.
  - a. The preliminary review should be initiated as soon as notification of an employee's arrest is received, and shall not exceed five (5) days before a decision is reached.
    - (1) Copies of the written arrest report may be obtained, and the arresting officials may be consulted;
    - (2) The employee may be interviewed to provide information regarding the allegation.

- b. The immediate supervisor shall consult with the Superintendent or designee regarding an employee's status involving suspension.
  - (1) If it is determined that no basis for administrative action exists, the employee shall be permitted to return to his assigned position as soon as possible.
  - (2) Permission to return to work should be communicated to the employee as soon as possible.
  - (3) If there is no basis for administrative action, but it is determined that the employee cannot continue to effectively function in their previously assigned position pending resolution of criminal charges, temporary assignment to another position and location may be considered.
  - (4) Other administrative action, to include disciplinary procedures, may be warranted after the final resolution of the case. Employees who have been arrested for, charged with, or indicted on criminal charges (misdemeanor or felony) are responsible for keeping their immediate supervisor fully advised of the status of their case.
  - (5) If it is determined that a basis for administrative action does exist, before or after resolution of the employee's case, procedures for dismissal will be taken in accordance with the provisions of Windham School System Policy 7.05, Contract and Noncontract Employment. Non-contracted personnel may be dismissed with cause.
- c. Employees may utilize the grievance procedure to address disagreements that may occur with any administrative action.

Resolution

7.38-3

Upon resolution of the charges, the employee shall provide an official written disposition of the charges to his/her immediate supervisor. The supervisor will send the disposition of the charges to the Windham Personnel Office for placement in the employee's personnel file. (Either hand carry or first class mail, not via truck mail.)