

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1432

98TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, April 28, 2016, with recommendation that the Senate Committee Substitute do pass.

ADRIANE D. CROUSE, Secretary.

4270S.06C

AN ACT

To amend chapter 105, RSMo, by adding thereto one new section relating to administrative leave.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 105, RSMo, is amended by adding thereto one new
2 section, to be known as section 105.264, to read as follows:

**105.264. 1. As used in this section, the following words shall
2 mean:**

3 **(1) "Administrative leave", time off without charge to any annual
4 or sick leave or loss of pay due to misconduct or investigation of
5 misconduct of an employee;**

6 **(2) "Employee", an individual who is employed by a department
7 or division of the state, agency of the state, instrumentality of the state
8 or political subdivision of the state, or school district;**

9 **(3) "Employer", any department or division of the state, agency
10 of the state, instrumentality of the state or political subdivision of the
11 state, or any school district.**

12 **2. (1) Notwithstanding any provision of law, if an employer
13 places an employee on administrative leave, a hearing shall be held
14 within sixty days from the date the employee was placed on such
15 leave. The hearing and determination may be continued for good cause
16 shown but shall not be continued past one hundred and eighty days
17 from the date the employee was placed on administrative leave.**

18 **(2) The provisions of this subsection shall not apply when:**

19 **(a) An employer who has placed an employee on administrative**

20 leave due to misconduct or investigation of misconduct refers such
21 misconduct to a law enforcement agency; or

22 (b) A law enforcement agency has commenced its own
23 investigation of the misconduct for which the employee was placed on
24 administrative leave.

25 3. Within thirty days of placing an employee on administrative
26 leave, any employer that is also a school district shall inform the board
27 of education of the reason or reasons for the employee's placement on
28 administrative leave. Should that same employee remain on
29 administrative leave past the initial board of education meeting, the
30 board of education shall be provided at every meeting thereafter an
31 update regarding the reason or reasons for the continued placement.

32 4. Within seven days of being placed on administrative leave, an
33 employee shall be advised in writing the specific reason or reasons for
34 being placed on administrative leave. Any document informing an
35 employee of the specific reason or reasons for being placed on
36 administrative leave shall not be subject to the open records
37 requirements under chapter 610.

38 5. The provisions of this section shall not apply to:

39 (1) Any county with a charter form of government, constitutional
40 charter city or home rule city that has adopted an administrative leave
41 policy which includes a specific time line for hearings;

42 (2) Any law enforcement agency within any county with a
43 charter form of government, constitutional charter city or home rule
44 city that has adopted an administrative leave policy which includes a
45 specific time line for hearings; or

46 (3) Any employer referenced under chapter 57 that has adopted
47 an administrative leave policy which includes a specific time line for
48 hearings.

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