

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1432

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:

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

4 105.264. 1. As used in this section, the following words
5 shall mean:

6 (1) "Administrative leave", time off without charge to any
7 annual or sick leave or loss of pay due to misconduct or
8 investigation of misconduct of an employee;

9 (2) "Employee", an individual who is employed by a
10 department or division of the state, agency of the state, or
11 school district, excluding probationary teachers;

12 (3) "Employer", any department or division of the state,
13 agency of the state, or any school district.

14 2. (1) Notwithstanding any provision of law, if an

1 employer places an employee on administrative leave, a hearing
2 shall be held within sixty days from the date the employee was
3 placed on such leave. The hearing and determination may be
4 continued for good cause shown but shall not be continued past
5 one hundred and eighty days from the date the employee was placed
6 on administrative leave.

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

8 (a) An employer who has placed an employee on
9 administrative leave due to misconduct or an investigation of
10 misconduct refers such misconduct to a law enforcement agency or
11 to another state or federal agency; or

12 (b) A law enforcement agency or other state or federal
13 agency has commenced its own investigation of the misconduct for
14 which the employee was placed on administrative leave.

15 3. Within thirty days of placing an employee on
16 administrative leave, any employer that is also a school district
17 shall inform the board of education of the reason or reasons for
18 the employee's placement on administrative leave. Should that
19 same employee remain on administrative leave past the initial
20 board of education meeting, the board of education shall be
21 provided at every meeting thereafter an update regarding the
22 reason or reasons for the continued placement.

23 4. Within seven days of being placed on administrative
24 leave, an employee shall be advised in writing of the general
25 reason or reasons for being placed on administrative leave. Any
26 document informing an employee of the general reason or reasons
27 for being placed on administrative leave shall not be subject to
28 the open records requirements under chapter 610.

1 5. In the event that an employee is removed from
2 administrative leave within thirty days of being placed on
3 administrative leave, the provisions of subsection 2 of this
4 section shall not apply.