

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1432
98TH GENERAL ASSEMBLY

4270S.08T

2016

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 section, to be
2 known as section 105.264, to read as follows:

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

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

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

6 **(3) "Employer", any department or division of the state, agency of the state, or any**
7 **school district.**

8 **2. (1) Notwithstanding any provision of law, if an employer places an employee on**
9 **administrative leave, a hearing shall be held within sixty days from the date the employee**
10 **was placed on such leave. The hearing and determination may be continued for good cause**
11 **shown but shall not be continued past one hundred and eighty days from the date the**
12 **employee was placed on administrative leave.**

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 **(a) An employer who has placed an employee on administrative leave due to**
15 **misconduct or an investigation of misconduct refers such misconduct to a law enforcement**
16 **agency or to another state or federal agency; or**

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

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

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

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

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