**Section 302.785 Suspension Resulting From Arrest or Criminal Indictment/Suspension Pending Judicial Verdict**

a) The arrest or criminal indictment of any employee may be grounds for suspension if the arrest or indictment and facts in support of either made known to the Director:

1) resulted from an employee's conduct in the course of employment duties, including a failure to perform such duties, or

2) occurred on or proximate to State premises and as a result of the employee's conduct thereon, or

3) raises reasonable doubt concerning the employee's suitability for continued State employment in the present assignment or position.

b) The Director shall under the circumstances set forth above, at the request of an agency, suspend an employee, without pay, pending a final court determination of innocence or guilt.

c) The following shall control the suspension pending judicial verdict:

1) An affected employee may be in jail, free on bond or in some other similar status at the time the suspension is imposed.

2) The arrest or indictment of an employee shall be for State or Federal criminal or civil charges, or charges brought in a foreign country, which raise reasonable doubt concerning the employee's suitability for continued employment in the current position. Traffic violations are not sufficient cause for suspension except where the employee temporarily loses driving privileges if the license is a requirement for work as contained in the job description or position classification specification.

3) Any proposed Suspension Pending Judicial Verdict requires approval by the Agency head or designee and will include a complete and detailed statement of the reason(s) for the suspension and a copy of any official document, such as charges, indictment or arrest record, which supports the suspension.

4) Such suspension shall have no designated expiration date, depending on the length of the initial judicial process. The suspension ends with the return of the employee to work, discharge or termination of employment. The Director shall notify the agency of the status of the suspension 12 months after the suspension is granted and each 12 months thereafter for the agency to determine the continuing validity of the suspension. This suspension will not be continued while the employee appeals an initial guilty verdict through higher courts.

5) A suspension pending judicial verdict will be submitted to the Director for approval and service. An approved Suspension Pending Judicial Verdict will be served on the employee in person or by certified mail, return receipt requested, to the employee's latest address of record. It will be the responsibility of the employee to notify the agency of any change of address.

6) Upon a finding of not guilty or the dismissal of the charges for any reason the employee, upon application, will be restored to the same or similar position classification in the agency and work location held at the time the suspension was issued. A similar position classification shall include:

A) the same position classification with different duties;

B) a successor position classification; or

C) a different position classification having related requirements and duties and the same salary or wage assignment.

7) The employee may or may not be entitled to back pay depending upon the circumstances surrounding a finding of not guilty or a dismissal of the charges. The Director shall make a final determination with respect to whether back pay shall be granted.

(Source: Amended at 19 Ill. Reg. 8145, effective June 7, 1995)