

59 (ii) If a local school board places an employee on administrative leave as described in
 60 Subsection (5)(a)(i), the local school board shall:

61 (A) maintain the confidentiality of the reason for the administrative leave; and

62 (B) ensure that the employee remains on administrative leave until the local school
 63 board alters the employment circumstances under Subsection (5)(b) or (c).

64 (b) The local school board shall provide the employee the opportunity to return to
 65 regular work if ~~H~~→ :

65a (i) ~~H~~→ the investigation described in Subsection (5)(a):

66 ~~H~~→ [(ii)] (A) ~~H~~→ concludes without leading to criminal charges; or

67 ~~H~~→ [(iii)] (B) ~~H~~→ does not result in the conviction of the employee ~~H~~→ [:] ; and

67a **(ii) the local school board determines that no further employment action is warranted.** ~~H~~→

68 (c) If the investigation results in the conviction of the employee:

69 (i) the local school board shall take further employment action in response to the
 70 conviction, including leave without pay or termination; and

71 (ii) the employee shall pay back all salary compensation that the employee received
 72 during the paid administrative leave period described in Subsection (5)(a).

73 (6) There is a rebuttable presumption that the administrative leave described in
 74 Subsection (5)(a) is paid leave, unless the local school board has established criteria regarding
 75 the circumstances under which the administrative leave may be unpaid leave.

76 (7) (a) Nothing in this section restricts the power of a local school board to take
 77 employment action against the employee beyond the action described in Subsection (5) while
 78 the employee is under criminal investigation, regardless of whether the employment action is
 79 related to the basis for the criminal investigation, including termination for cause based on:

80 (i) a violation of work policies;

81 (ii) a violation of local school board policies, state board rule, or law;

82 (iii) a violation of standards of ethical, moral, or professional conduct; or

83 (iv) insubordination.

84 (b) If the local school board determines that the actions of the employee justify
 85 termination for cause, the local school board may terminate the employee and cease paid leave
 86 upon the termination.

87 **Section 2. Effective date.**

88 If approved by two-thirds of all the members elected to each house, this bill takes effect
 89 upon approval by the governor, or the day following the constitutional time limit of Utah