

Health Law Quick Take: Pay During Administrative Leave

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This content was published prior to the combination of Dentons Davis Brown. Learn more about Dentons Davis Brown.

Q: I placed an employee on administrative leave because there was a claim that she engaged in dependent adult abuse. We always place employees who have a claim of this type on leave pending a final determination by DIA/DHS. Am I required to pay her during the administrative leave?

A: This is an employer policy decision and is not required by law. A number of long-term care and other healthcare employers have policies where they pay employees during administrative leave. Others do not pay employees during the administrative leave and if the abuse determination is unfounded, they pay back wages when the employee returns to work.

If you place an employee on administrative leave due to a pending agency investigation or even an internal investigation, you are not required to pay that employee either current or back wages regardless of if they return to work.

We have also heard that the Department of Inspections and Appeals is discouraging payment while employees are on leave as the Agency believes this may create an environment where abuse claims are more likely.

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