

## **RULE 10 - Terminations**

### **10.1 Resignation**

- A. An employee who desires to resign from County employment shall submit a written resignation to the Appointing Authority at least ten (10) working days prior to the effective date of the resignation.
- B. Failure of an employee who resigns to give proper notice could jeopardize consideration for future employment with the County.
- C. Any employee may withdraw a written resignation no later than the end of the next working day after the resignation is tendered. Thereafter, the employee may withdraw any such resignation only with the written consent of the Appointing Authority, but in no event later than ten (10) working days after the effective date of the resignation.

**10.2 Termination for a Disciplinary Reason.** The provisions involved in a termination for a disciplinary reason are covered in Rule 12.4. Employees terminated for a disciplinary reason as set forth herein will not be considered for rehire.

**10.3 Termination during initial probationary employment period.** An employee may be terminated without the right of Appeal, at any time during the initial probationary employment period. However, the terminated employee may file an Appeal in accordance with Rule 13 if unlawful discrimination is alleged.

### **10.4 Layoff**

- A. An employee may be laid off from his/her Department due to lack of funds, abolition of position or other reasons as specified in these Rules.
- B. The Appointing Authority shall make the decision as to which classification shall be affected by Layoff and when Layoff shall be effective. The Appointing Authority shall prepare a Layoff plan, which shall be approved by the Director before it is effective.
- C. When any classification is subject to Layoff, non-Regular Status employees in that classification in the same Department shall be terminated before any Regular Status employee is laid off.
- D. When Regular Status employees in a classification become subject to Layoff, the Appointing Authority shall determine which employee(s) shall be laid off based on the performance, conduct, qualifications and seniority of all Regular Status employees in that classification in the same Department. The weighing of the criteria shall be stated on the approved plan.
- E. The Director shall notify employees to be laid off in writing as soon as possible, but no later than ten (10) working days prior to the effective date of Layoff. The written notice shall be hand-delivered or sent by certified mail. A copy shall be sent to the Appointing Authority. The notice shall inform the employee of the effective date of Layoff and of the pre-layoff re-appointment and reinstatement procedures.
- F. In each instance, the Layoff plan shall state, based on circumstances within the Department, whether or not grant funded employees shall be grouped with other employees for Layoff purposes.
- G. Pre-Layoff Reappointment
  - 1. Following receipt of notice of Layoff, and before effective date of Layoff, any Appointing Authority in the County having a vacant position of the same or lower salary grade for which the employee meets the minimum qualifications may consider the employee for a non-competitive appointment.

2. If the employee wishes to seek a pre-layoff reappointment, the employee shall submit a request in writing to the Director specifying the classification of the vacancy, and the Department having the vacancy of interest, along with a completed application form.
3. If the Director determines that the employee meets the minimum qualifications for the classification of the vacancy, then the Director shall send the name of the employee to the Appointing Authority. The Appointing Authority shall promptly interview the employee. An offer of reappointment is at the discretion of the Appointing Authority.
4. Upon a pre-layoff reappointment, if the employee's current salary falls on a current step in the range of the new position, the employee shall be transferred with no loss in pay. If the current salary is below the range of the new position, the new salary shall be set in the same manner as for entrance salary. If the current salary exceeds the range of the new position, the salary shall be set at the maximum of the range of the new position.
5. A pre-layoff reappointment shall be effective on or before the date on which the Layoff would have been effective, so that a break in service does not occur.
6. Upon pre-layoff reappointment, the employee shall serve the required probationary employment period.
7. The employee shall retain all accrued sick leave, annual leave, and compensatory time upon pre-layoff reappointment.
8. If the employee subject to Layoff is offered and accepts a pre-layoff reappointment, then the employee forfeits the right to be placed on the Re-employment Register.
9. If the employee is not offered or does not accept an offer of pre-layoff reappointment, on or before the effective date of the Layoff, then the employee shall be laid off.

#### **10.5 Termination for Other Reasons**

- A. An employee may be involuntarily terminated when it is determined that the employee is unable to perform the essential functions of the position. The terminated employee may file a grievance in accordance with these rules, if unlawful discrimination is alleged.
- B. An uncovered employee may be terminated at any time.
- C. An employee may be terminated in compliance with Personnel Policy #02.01 Nepotism.
- D. An employee whose position is not County-funded may be terminated for lack of funding.
- E. An employee may be terminated for inability to meet the minimum qualifications for the position currently held.