

SECTION 11 – SEPARATIONS FROM EMPLOYMENT

Effective 5/29/09
Replaces Policy Sect. 11
Dated 1/21/09

Separations and/or termination from positions in the service of the City are designated as one of the following types:

11.1 Voluntary Separation.

An employee who terminates employment voluntarily may be terminated in good standing, providing the employee gives a minimum of two (2) weeks written notice to the Department Director or immediate supervisor. Under appropriate circumstances, the employee's Department Director or City Manager may approve a shorter period of notice.

Resignations should be submitted in writing and provide an effective date. For record purposes, regardless of the date on the resignation letter, the effective date of the termination will be the last day of the employee's active employment with the City. The original must be signed and accepted by the Department Director, or designee, and forwarded to the HR director.

Unauthorized absence from work for a period of three (3) consecutive days shall be considered a voluntary separation unless there is acceptable mitigation as determined by senior management. Actions of this nature must be reported immediately to the HR Director by Department Directors.

11.2 Retirement.

Retirement is voluntary separation from the employment of the City upon completion of a specified term of service with entitlement to the commensurate benefits then in effect, as specified in the Retirement Plan Regulations. Retirement regulations and benefits will conform to the provisions of the retirement plan in effect at the date of retirement.

An employee planning to retire is advised to contact the HR Department at least six (6) weeks in advance of retirement to assure a smooth transition.

11.3 Health.

If disability of any kind is discovered and it impairs the employee's ability to perform the essential functions of the job, or makes continuance on the job a direct threat to the safety or welfare of the employee or others, the City may request that the employee be examined by a City selected physician. The following action shall be taken:

- A. An employee may be separated for disability because of a physical or mental impairment when he/she cannot perform the essential functions of the job with reasonable accommodation as determined by the City. In all cases, the decision to separate must be supported by medical evidence acceptable to the City Manager. The City may require an examination at its expense and performed by a physician of its choice.
- B. If the employee cannot be accommodated to perform the essential function of his or her job, the City may attempt to place the employee in another vacant position that the employee can perform with or without a reasonable accommodation.
- C. In accordance with provisions of the Americans with Disabilities Act (ADA), employees will be provided reasonable accommodation for qualified disabilities provided the accommodation does not cause an undue hardship on the City as determined by the City.
- D. The City reserves the right at any time to require an evaluation of employees to verify their fitness for duty whenever a reasonable belief based on objective evidence exists to question such fitness for duty. The failure to cooperate is considered insubordination.

11.4 Death.

For record keeping purposes, separation shall be effective as of the date of death. All benefits due to the employee as of the effective date of separation will be paid to the beneficiary as designated by the employee on the "Life Insurance Beneficiary Designation Card" on file with the HR Department.

11.5 Reduction in force and Recall.

- A. Reduction in Force - The City may reduce the number of employees because of lack of funds, shortage of work, and the abolition of a position, City Manager's prerogative, or other causes which do not reflect discredit on the service of the employees. The duties performed by any employee laid off may be reassigned to other employees already working who hold positions in appropriate class(es).
- B. Position Elimination- When a position is permanently eliminated, the City Manager may follow the Layoff protocol listed below, or make a managerial determination based on the department director's recommendation, efficiencies, and needs of the department(s) affected.
- C. Order of Layoff - When it becomes necessary to reduce the number of employees due to lack of funds, shortage of work, or other causes that do not reflect discredit on the service of employees, the City Manager shall lay off on the basis of the following factors:

1. Job Classification
2. Training, experience, education, special skills and abilities.
3. Performance evaluation for the past three (3) years.
4. Length of service with the department.
5. Length of service with the City.

In addition to weighing the above factors, targeted positions will be laid off in the following order of appointment:

1. Emergency, temporary, provisional, regular intermittent or regular part-time employees.
2. Introductory period employees (new).
3. Regular full-time employees.
 - a) Any employee who is laid off will be compensated for accrued wages and personal leave, as provided for in this manual.
 - b) Employees on layoff status have preference to recall. In the event of a recall, employees are called back in the inverse order of the layoff.
 - c) In the event an employee is to be recalled, the City will notify him/her by certified mail, return receipt requested, not less than fourteen (14) days prior to the date he/she is to report for duty.
 - d) Failure of an employee to keep the City informed of his/her current address will relieve the City of all responsibility with regard to the notification time frame.
 - e) The employee must contact the HR Department within three (3) days of the date that he/she receives the recall notice, and will inform the City whether or not he/she intends to return to work.
 - f) An employee who fails to contact the HR Department within three (3) days of receipt of the recall notice, or later fails to report to duty as scheduled will be considered to have voluntarily terminated his/her employment with the City, unless the employee has notified the HR Department of the inability to return to work as scheduled and has been excused from duty by the City Manager.

11.6 Involuntary Separation.

Involuntary separation is defined as an employee's separation from employment with the City when such separation is initiated by the City. Terminated employees will not be eligible for rehire and will lose all seniority and reinstatement privileges.

Employment with the City is "at will". Any reason deemed sufficient by the City Manager may form the basis for involuntary separation, if not prohibited by law.

11.7 Exit Interviews.

It is the desire of the City to determine why employees leave City employment. Therefore, the HR Department, prior to the departing employee's last day of active employment, will conduct an exit interview.

This program has been established to determine the causes of and possible solutions for turnover within the work force. Exit interviews, when possible, will include discussion of COBRA eligibility and will be scheduled by the HR Department in cooperation with Department Directors.

11.8 City Property.

At the time of separation, and prior to receiving final monies due, all records, books, assets, uniforms, keys, tools, and other items belonging to the City that are in the employee's custody must be transferred to the department. The Department Director accepting the employee's resignation must make certification to this effect. Any monies due the City may be collected through appropriate payroll action.

11.9 Pay on Termination.

- A. Employees who are involuntarily separated from employment with the City are not eligible to receive payment of any accrued benefits such as vacation and sick leave unless otherwise directed by the City Manager.
- B. Employees who are separated from employment during the initial employment introductory period forfeit rights to any accrued benefits, including vacation and sick leave.