

## **ARTICLE 8. TERMINATIONS**

### **Section**

**HR-8-01. General**

**HR-8-02. Resignation**

**HR-8-03. Reduction in force**

**HR-8-04. Separation without Prejudice**

**HR-8-05. Discharge**

**Purpose: To define actions that terminate the employee/employer relationship.**

**HR-8-01. General.**

- Q. Definition. "Termination" is the end of the employee/employer relationship. All terminations are either a discharge or a resignation.
- R. Resignation. The termination is a resignation if the employee is the moving party to sever the employee/employer relationship. It may be carried out by giving proper written notice in a resignation letter to occur in the very near future, usually in 2 weeks; or it may be verbal, or the relationship may be severed by the employee's actions or lack of actions not limited to but including walking off of the job without supervisor approval, failure to return to work at the expiration of approved leave, and/or failure to provide proper notice of absence from work.
- S. Discharge. The termination is a discharge when the City is the moving party in severing the employee/employer relationship. A discharge may be for cause in the case of regular status employees, without cause in the case of unclassified employees, temporary, emergency and seasonal, or due to a reduction in force, a temporary reduction in force, or due to separation without prejudice.

**Purpose:** To clarify when the employee is the moving party to sever the employment relationship.

**HR-8-02. Resignation.**

- A. General. An employee may terminate employment with the city by submitting a written resignation to the Department Head or Human Resources at least 10 working days prior to the effective date of the resignation. Unless the Director determines that the employee had good cause for not giving such notice, an employee who fails to give such notice shall not be eligible for rehire.
- B. Oral resignation. If an employee resigns orally, the Department Head shall confirm the resignation in writing to Human Resources within 2 working days.
- C. Refusal of resignation. Human Resources may refuse to accept a resignation and dismiss an employee pursuant to HR-7.
- D. Withdrawal of resignation. The City may accept an employee's resignation at any time. After the resignation is accepted, it may not be withdrawn unless both the Department Head and the employee agree that the resignation may be withdrawn.

**Purpose: To define reduction in force and establish procedures to conduct it.**

**HR-8-03. Reduction in Force.**

- T. General. Reduction in force shall follow fair labor practices and comply with all applicable anti-discrimination laws.
- U. When possible, temporary, seasonal, limited and original probationary employees shall be selected for reduction in force over regular status employees.
- V. The City Administrator shall establish guidelines for a reduction in force when this policy does not specify the procedure, which may include but are not limited to reassignment of positions, transfer, and offering a lower pay grade to a regular status employee. The City Administrator shall instruct Human Resources Director to carry out the reduction in force.
- W. Employee request for review. A regular-status employee who receives a reduction in force notice resulting in the employee's transfer, reduction of wages, or separation due to a reduction in force may request a written review within 3 days of the notice. The request for review shall be based upon an error, contain specific information concerning the error involved, and include a proposed resolution of the problem. Human Resources shall review the request and respond to the employee within 5 working days after receipt of the request.
- X. There is no grievance or appeal right for reduction in force actions.

**Purpose: To define separation without prejudice.**

**HR-8-04. Separation without Prejudice.**

- A. General. A separation without prejudice is a resignation. Human Resources shall determine if a resignation is a separation without prejudice.
- B. Definition. The employee separates from City service for causes beyond the employee's control such as, but not limited to,
  - 1. the employee is not able to return to work at the expiration of an approved leave due to a serious health condition of the employee or a member of the employee's immediate family as defined in FMLA.
  - 2. the employee is not able to perform the essential functions of the employee's job after a workers' compensation leave. ADA guidelines shall be followed and reasonable accommodations shall be considered.
- C. Reemployment. Regular status employees who are separated without prejudice may be reinstated to City service within one year of the termination by applying for reemployment to a vacant, open position. Reemployment candidates may compete in internal promotions and have hiring preference when competing with external candidates. Regular recruiting procedures are followed except that reemployment candidates receive preference points not to exceed 10% and a Department Head may recommend hiring a reemployment candidate without conducting interviews. Reemployment candidates are former employees and have no appeal rights.

**Purpose: To establish procedures for discharge terminations.**

**HR-8-05. Discharge.**

- Y. Pre-Termination Meeting. Prior to discharge for cause, Human Resources Director shall meet with the employee about to be discharged to inform the employee in writing of the intentions of the City to terminate the employee's employment in 5 working days and the specific reasons for the decision. The employee may request a pre-termination hearing at least 3 working days prior to the proposed discharge date to present additional information either orally or in writing.
- Z. Pre-Termination Hearing. If requested, the pre-termination hearing is held prior to the effective date of termination. It is an informal meeting for the employee to present information or evidence. The information presented by the employee shall be reviewed and the employee shall be notified of the decision. If there is no change in the termination decision, an additional notice in writing is not required. The decision of a pre-termination hearing may not be appealed, but a regular status employee may appeal the discharge.
- AA. Appeal Rights. Regular status employees have appeal rights. A regular status employee may file an appeal with the Human Resources after the effective date of the discharge and within 10 calendar days of the effective date of the discharge.
- BB. Human Resources hand delivers or mails a discharge letter to employee notifying the employee of the discharge, and the relationship is terminated unless a timely appeal is filed, and the decision is revoked by the Hearing Officer.