

RESOLUTION 77-2020

Resolution 77-2020 It was moved by Commissioner Laybourn and duly seconded by Commissioner Willeke to adopt the revised **Separation of Employment Policies** as presented to the Board on this date, relating to changes in the nature of the employment language and the recognition of the Washington County Elected Officials and Department Heads. Said policy shall become effective immediately, and replaces the current language in the Washington County Personnel Policy and Procedure Manual. As required by the Manual, the proposed policies were referred to the Elected Officials on June 7th, 2020 and no negative comments have been received. The County Administrator is hereby directed to forward of copy of said policy as hereto attached to the various elected officials and department heads.

The foregoing Resolution was presented at a regular meeting of the Washington County Commissioners held on the 21st day of July 2020, by Commissioner Laybourn, who moved its adoption. The motion was seconded by Commissioner Willeke and on roll call vote, all votes being yes, the resolution was adopted.

Attest:

Annie Kenty

Tony N. Wells
Chairman

Richard T. Willeke
Commissioner

Sean Ann Laybourn
Commissioner

CHAPTER 10 SEPARATION OF EMPLOYMENT

Separation of employment is an inevitable part of personnel activity within any organization, and many of the reasons for separation are routine. Below are examples of some of the most common circumstances under which employment is separated:

RESIGNATION—voluntary employment separation initiated by an employee

TERMINATION—involuntary employment termination initiated by the organization

LAYOFF—involuntary employment separation initiated by the organization for non-disciplinary reasons

RETIREMENT—voluntary employment separation initiated by the employee meeting age, length of service, and any other criteria for retirement from the organization.

On behalf of employees, Washington County offers a competitive retirement plan for employees in addition to Social Security, as discussed in Chapter 6. Although not required as Washington County adheres to an “employment at will” philosophy, the County would request that any employee who desires to retire provide notice to the appropriate Elected Official or Department Head in advance so that the County may begin recruitment for the vacated position.

Pursuant to the current retirement plan documents, those employees who have vested retirement benefits should contact the third party Plan Administrator to determine how they may want their accumulated benefits disbursed (See Chapter 6-Retirement Plan).

Elected Officials and/or Department Heads should be notified of any impending retirement by their employees, however all retirements should be forwarded to the HR Department for proper processing.

RESIGNATION

Resignation is a voluntary act initiated by the employee to separate employment with Washington County. Washington County requests at least two weeks (ten working days) written resignation notice from all employees prior to the effective date of resignation.

All resignations will be documented by the Elected Official or Department Head. The separating employee shall receive a final warrant for all uncompensated time worked, unused vacation, and unused sick leave in accordance with current payroll procedures.

Prior to an employee’s departure, an exit interview will be scheduled to discuss the reasons for resignation and the effect of the resignation on benefits.

DISMISSAL OF REGULAR FULL TIME AND PART TIME EMPLOYEES - PROCEDURES

Washington County maintains an "at will" status in relation to all employment matters. As stated within the **Employee Acknowledgement Form**, the Personnel Policy Manual is not an employment contract nor should it be construed or relied upon to create either an express or implied employment contract. Unfortunately, certain instances may require the dismissal of an employee. The final authority to dismiss an employee rests with the appropriate Elected Official or Department Head to whom the employee ultimately reports.

I. Dismissal Procedures

1. No part time or full time Washington County employee will be dismissed until he/she has been notified by either a deputy, a supervisor, a department head or an elected official in writing of the termination. The HR department must be notified to ensure the proper discharge paperwork is completed.

II. Additional Related Procedures

1. **Incarceration of Employee.** An employee who is incarcerated and unable to work will be placed on leave without pay immediately.
2. **Disciplinary Actions Other than Dismissal.** This policy does not apply to any disciplinary actions taken by department heads, supervisors, or deputies that do not result in a recommendation of dismissal.
3. **Employees Not Subject to these Procedures.** These procedures do not apply to Appointed Department Heads pursuant to C.R.S. 30-11-107, the County Attorney appointed pursuant to C.R.S. 30-11-118, the Budget Officer appointed pursuant to C.R.S. 29-1-104, appointed deputies of elected officials or the Sheriff's deputies, the appointed undersheriff pursuant to C.R.S.30-10-504, or Volunteers as defined within this Manual.

III. Miscellaneous Related Procedures

1. **Job Abandonment.** Any full or part time employee who does not contact his/her supervisor, department head or elected official and remains absent from his/her duties for one (1) working day shall be deemed to have voluntarily resigned from Washington County as of the last day on which he or she worked. The resignation will be processed without the employee's request or signature. The resignation documentation will be mailed to the address of record of the employee. The employee will not be eligible for re-employment within Washington County government for five (5) years from the effective date of the resignation.

2. **Disqualification from Employment.** If a classified employee is required to maintain a certificate and/or license in order to perform his/her job functions, such certificate or license shall be a condition of employment. Failure to possess this certificate or license shall result in a disqualification from employment.

RETIREMENT

It is the intention of the County of Washington through the County Retirement Plan and Social Security to provide for continual pay of retirees in accordance with the provisions of the Plan.

Retiring employees should advise their Elected Official or Department Head and the Retirement Plan Administrator of their intent to retire at least thirty (30) days ahead of their desired retirement date. Retirement is effective only on the first day of a calendar month.

County employees separating from County employment for reasons other than retirement may have the option of leaving retirement contributions in the retirement plan in accordance with the terms of the Plan.

LAY OFF REDUCTION IN LABOR FORCE

If it becomes necessary to lay off employees due to lack of funds, change in department status, reorganization or any other reason, the appropriate Elected Official or Department Head will make recommendations as to the layoff. The analysis will include the types of activities to be reduced, departmental organizational changes, specialties needed, which individuals or job classes of personnel are to be laid off, when the layoff should occur, etc. After the analysis to decide which employees will be laid off is completed, the following will generally apply:

1. The Elected Official or Department Head has the option to lay off employees as deemed necessary and appropriate. However, in conducting this lay off, the following items should be taken into account, in the following order:
 - a. Performance of the employee
 - b. Special abilities the employee may possess
 - c. Total time employed by the County

A full or part-time regular employee being laid off will receive a ten (10) days' notice prior to the actual lay off date unless the layoff is of a temporary nature (one month or less) due to a cause that could not be foreseen, or for budget reasons.

Regular employees that have been laid off from County service will be eligible for rehire under the following provisions:

If, within sixty (60) days from the date of layoff, an opening of the same classification becomes available within the same department from which the person was laid off and the person laid off is fully qualified for the opening, that person shall be rehired to fill the opening. If more than one person was laid off, the rehire shall be in reverse order of lay off. If all persons were laid off on the same date, the criteria for lay off shall be used as the criteria for rehire. An employee being rehired shall be notified by certified mail sent to the employee's most current address. The employee will be allowed ten (10) days from the date of mailing to return to work.

RECALL

After a reduction in force (RIF—layoff) the County may wish to recall employees to work. In recalling the employee from a previous layoff, employees for identical tasks in the same department unit, office or subdivision, regular employees shall be rehired in inverse order of layoff, this is, the last employee laid off shall be the first employee rehired.

The Notice of Recall shall be in writing to the last known address of the employee as shown in the County personnel records. The employee shall have twenty-four (24) hours after receipt of the notice to accept or reject the recall request. If not accepted within that time, the employee shall lose all recall rights to that job category and/or job classification refused or rejected.

If the employee is recalled within six (6) months of the layoff, the employee shall regain the anniversary date held at the time of layoff for purposes of vacation, sick leave and other County benefits.

If not recalled within six (6) months, all recall rights will terminate.

DEATH OF AN EMPLOYEE

In the event of the death of an employee, the final check shall be made payable to the employee and mailed to the place of residence or delivered to next of kin.

The appropriate Elected Official or Department Head will prepare a final Personnel Action Notice Form as soon as possible after notification of death of an employee.

The Elected Official or Department Head will advise the beneficiary as to insurance procedures for death claims and also if the employee was covered by the Retirement Fund.

SEPARATION PAY

The employee's final check shall not be paid to an employee until all County property has been returned and appropriate termination forms have been completed. .

Upon separation, an employee shall be entitled to the following separation benefits as otherwise described in this policy document.

UNUSED VACATION LEAVE

A regular full time employee shall be paid for the unused vacation time he or she may have accumulated prior to separation if the employee has completed the three (3) month introductory period. Employees who terminate prior to the three (3) month period do not receive pay for accrued vacation time since vacation time does not vest until the beginning of the fourth full month of employment (see Chapter 2).

UNUSED SICK LEAVE

A regular full time employee shall be paid twenty-five percent (25%) of unused sick leave, provided the employee has completed the six (6) month probationary period. Sick and vacation time do not vest until the first day of the fourth month of employment. If an employee is terminated from employment with the County, no payment will be made for accumulated sick leave hours (See Chapter 2).