

RULE 18 – Terminations

18.1 Resignation

- A. An employee may terminate employment with the County by submitting a written resignation to the Appointing Authority at least ten working days prior to the effective date of the resignation. Unless the Appointing Authority 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 reinstatement.
- B. If an employee resigns orally, the Appointing Authority shall confirm the resignation in writing.
- C. An Appointing Authority may refuse to accept a resignation and dismiss an employee pursuant to Rule 21.2.C.
- D. A resignation shall be final unless both the Appointing Authority and the employee agree that the resignation may be withdrawn.

18.2 Dismissal. A dismissal is the involuntary termination of an employee from County employment. The provisions involved in a dismissal for a disciplinary reason are covered in Rule 21, Disciplinary Action.

18.3 Dismissal during Original Probation. An employee may be terminated, without the right of Appeal, at any time during the original probationary period. However, the terminated employee may file an Appeal in accordance with Rule 22, if discrimination in violation of Rule 4 is alleged.

18.4 Layoff

- A. An employee may be laid off from his/her Department due to lack of work, lack of funds, abolition of position or other reasons as determined by the Board of Supervisors.
- B. The decision as to which classification shall be affected by Layoff and when Layoff shall be effective shall be made by the Appointing Authority. The Appointing Authority shall prepare a Layoff plan which shall be approved by the Director before it is effective.
- C. When any classification is subjected 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 unless exempted by the Board of Supervisors. The weighing of the criteria shall be stated on the approved plan.
- E. When an employee fails promotional probation, and no vacancy in the former classification exists in the present Department, the employee failing probation shall be laid off as provided in Rule 19.
- F. 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.
- G. 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.
- H. Pre-Layoff Re-appointment
 1. Following receipt of notice of Layoff, and before effective date of Layoff, an employee subject to Layoff may be considered by any Appointing Authority in the County having a vacant position for which the employee meets the minimum qualifications.
 2. If the employee wishes to seek a pre-layoff re-appointment, 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, the new salary of the employee shall be set in the same manner as for entrance salary.
 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 period.
 7. The employee shall retain all accrued sick leave, annual leave and compensatory time.
 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 Reinstatement 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.
- I. Reinstatement Register.
1. An employee who is laid off from a County-funded position shall be placed on the Reinstatement Register for the classification of the position which he/she last held. The laid off employee shall be placed on the Reinstatement Register on the first working day following the effective date of the lay off.
 2. Names shall be placed on the Register in order of seniority.
 3. If a request is received for a position for which there is a Reinstatement Register and such Register contains the names of employees laid off from the requesting department, the Director shall prepare a listing of employees who were laid off from that classification within the department. The Appointing Authority must appoint from the list.
 4. A laid-off employee who has been placed on a Reinstatement Register shall be eligible for Reinstatement for up to one (1) year from the effective date of the layoff.
 5. It shall be the laid-off employee's responsibility to verify with the Personnel Department his/her current address and phone number, and to notify the Personnel Department of any change of address or phone number.
- J. Removal of Names from a Register
1. The Director may remove the name of an Eligible from a Register at any time for any of the following reasons:
 - a. When the Eligible cannot be located, despite reasonable efforts by the Appointing Authority or the Director;
 - b. Receipt by the Director or the Appointing Authority of any written or verbal communication from the Eligible that consideration for a position in the classification is no longer desired, or that the Eligible is no longer available for the appointment;
 - c. Refusal or rejection by the Eligible of an offer of appointment;
 - d. Failure to respond to a Reinstatement notice;
 - e. An initial appointment of an Eligible.

18.5 Separation

- A. A temporary employee may be separated at any time.
- B. An employee with Regular Status who is retired as provided under the State or Public Safety Personnel Retirement System is deemed to be separated without prejudice and does not have the right to appeal to the Commission.
- C. An employee whose position is not County-funded may be separated for lack of funding.
- D. An employee may be separated for inability to meet the minimum qualifications for the position currently held.

18.6 Rehire. An employee who has left County employment in good standing shall not be eligible for rehire for a period of ninety (90) days after they have left County employment, except with the approval of the Board of Supervisors.