

**SECTION 11
SEPARATION FROM EMPLOYMENT**

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A. RESIGNATION

1. Resignation in good standing requires that an employee notify his/her immediate supervisor at least two (2) weeks in advance of the effective date of the resignation.
2. Resignation is to be in writing and submitted to the Appointing Authority for acceptance. A formal letter of resignation should include a statement of intention to resign, the date the notice is given, the effective date of resignation, and the reason for resignation. The employee's signature and current address should also be included.
3. An employee who does not resign in good standing is ineligible for reinstatement.
4. An employee should remove all personal items from the work area by the end of the last day of employment.
5. An employee must return all Department equipment including keys, credit cards, notary seals, parking permit, uniforms, and I.D. cards, plus current passwords to all employment-related accounts, upon resignation or any other separation from employment.

B. ABANDONMENT

1. An employee who is absent from duty without leave for three (3) or more consecutive work days may be subject to removal for neglect of duty.
2. If at any time within thirty (30) days of termination for abandonment (neglect of duty) a classified employee makes to the Appointing Authority satisfactory explanation of the cause of his/her absence, he/she may be reinstated.
3. Except for #2 above, an employee who has abandoned his/her position and been terminated for neglect of duty is not eligible for future employment with the County.

C. RETIREMENT

Retirement will be in accordance with the rules and regulations of the Ohio Public Employees' Retirement System (OPERS). Information regarding OPERS can be obtained through OPERS. See Section 5.01(B) for contact information.

D. VOLUNTARY DISABILITY SEPARATION

1. An employee, who is unable to perform the essential job duties of his/her position due to a disabling illness, injury, or condition, may request a voluntary disability separation. A voluntary disability separation occurs when the employee does not dispute his/her inability to perform the essential job duties of his/her position due to such disabling illness, injury, or condition.
2. The Appointing Authority may grant the employee's request for voluntary disability separation or may require the employee to submit to a medical or psychological examination conducted by one or more licensed practitioners selected by the Appointing Authority. If the examination supports the employee's request, the Appointing Authority will grant the employee's request for a voluntary disability separation. If the medical examination does not support the employee's request, the Appointing Authority will not approve the employee's request for voluntary disability separation.
3. An employee who is granted a voluntary disability separation will retain the right to be reinstated to his/her position for two (2) years from the date that the employee is no longer in active work status due to a disabling illness, injury, or condition. An employee may submit a written request for reinstatement from a voluntary disability separation in accordance with the rules of the DAS Director.
4. The Appointing Authority should send a written reminder to the employee at least two (2) weeks prior to the expiration of his/her disability separation. Any employee who fails to apply for reinstatement, formally resign, or take disability retirement, shall be separated from service at the end of the two (2) year period.

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A. PROBATIONARY DISCHARGE

A newly-appointed probationary employee may be probationarily removed by the County at any time during the probationary period when, in the judgment of the Appointing Authority, the employee's fitness and/or quality of work do not merit continuation in the job. Probationary removals are not appealable and are not subject to the complaint or grievance procedure.

B. DISCIPLINARY DISCHARGE

1. Discharge is a serious disciplinary measure taken when less severe methods of discipline did not produce appropriate behavior, or when a serious infraction so warrants.
2. Discharges may be appealed by classified non-bargaining unit employees to the State Personnel Board of Review as outlined in the appeals procedure found in Section 9.02 - Complaint Procedure and 9.03 – Appeals-State Personnel Board of Review.

C. LAYOFF

1. A layoff of classified employees in an Appointing Authority's office may become necessary due to a lack of funds, lack of work, or the abolishment of position(s).
2. Employees will be notified at least two (2) weeks (fourteen [14] calendar days) before the effective date of a layoff.
3. Whenever it becomes necessary to lay off employees in a classification, they will be laid off in accordance with the "order of layoff" established by the Ohio Department of Administrative Services. Layoff procedures including, but not limited to, the use of retention points and the order of layoff and displacement (or "bumping") are in accordance with the Ohio Revised Code, the rules of the Administrative Code and as adopted by the Appointing Authority.
4. The order of layoff within each classification will be established on the basis of retention points, as follows:
 - Continuous service: Each full-time employee will be assigned a base of one hundred (100) retention points and will earn one (1) additional retention point for each completed, bi-weekly pay period of continuous full-time service.

**INVOLUNTARY TERMINATION
(CONTINUED)**

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5. An employee who has been laid off from his/her current classification may displace an employee with fewer retention points in a lower classification in the same classification series or in the classification the employee held immediately prior to holding the classification from which he/she was laid off. However, an employee may not displace another employee in a classification if he/she does not meet the minimum qualifications of the classification, or if the employee last held the classification more than three (3) years prior to the date on which he/she was laid off.
6. A recall list containing the names of all employees who have been laid off will be established and remain in effect for one (1) year.
7. An employee on the recall list will be recalled to a vacancy within his/her current classification or any lower classification within the same classification series in reverse order of lay off (that is, the employee most recently laid off will be recalled first).
8. Appeal of a layoff may be made to the State Personnel Board of Review within ten (10) days of an employee's receipt of notice.

D. INVOLUNTARY DISABILITY SEPARATION

1. When an Appointing Authority has reason to believe that an employee is incapable of performing the essential functions of the employee's position due to disabling illness, injury, or condition, the Appointing Authority may require the employee to submit to a medical or psychological examination conducted by one or more licensed practitioners selected by the Appointing Authority. It is not, however, necessary for the Appointing Authority to require the employee to submit to such examination prior to involuntary disability separation if: (1) the employee is hospitalized at the time such action is to be taken, and (2) the employee has exhausted any leave to which he/she is entitled under the FMLA.
2. When the Appointing Authority has received the results of a medical or psychological examination and initially determines that the employee is incapable of performing the essential functions of the employee's position due to a disabling illness, injury, or condition, the Appointing Authority will institute pre-separation proceedings. Under the proceedings, a hearing will be scheduled and advance written notice of at least seventy-two (72) hours will be provided to the employee. At the hearing, the employee will have a right to examine the Appointing Authority's evidence of disability, to rebut the

**INVOLUNTARY TERMINATION
(CONTINUED)**

evidence, and to present testimony and evidence on the employee's own behalf. The employee should also be permitted to waive his/her right to a hearing.

3. If the Appointing Authority determines, after weighing the testimony presented and the evidence admitted at the pre-separation hearing, that the employee is unable to perform the essential functions of his/her position, the Appointing Authority will issue an involuntary disability separation order.
4. The effective date of separation, for the purpose of reinstatement, will be based on the date the employee was no longer in active work status due to the disabling illness, injury, or condition. The total continuous time of absence due to the disabling illness, injury, or condition will not exceed two (2) years for purposes of reinstatement rights.
5. An employee who is involuntarily disability separated will have the right to appeal in writing to the State Personnel Board of Review within ten (10) days following the date the order is served on the employee. Section 9.03
6. The Appointing Authority will also notify the employee, at the time the involuntary disability separation order is provided to the employee, of the required procedures to apply for reinstatement.

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A. SICK LEAVE CONVERSION

1. At the time of retirement from active service with the County, an employee with ten (10) or more years service with the state or any political subdivision of the State of Ohio may choose to be paid in cash for one-fourth (1/4) the value of his/her earned but unused sick leave credit. The maximum payment may not exceed two hundred forty (240) hours, or thirty (30) days.
2. Payment is based upon the employee's base rate of pay at the time of retirement.
3. Payment may be made only once and will eliminate all sick leave credit accrued by the employee.
4. An eligible employee who dies is considered to have terminated his/her employment as of the date of death. Sick leave conversion will be paid according to RC 2113.04, or paid to the employee's estate.
5. Eligible employees, retiring from active service, shall complete a "Sick Leave Retirement Conversion Form" to initiate the payment process. This is the only time the employee will have the opportunity to exercise the retirement cash conversion option. If the employee fails to exercise the option at the time of his/her retirement, such opportunity shall be lost.

B. HEALTH CARE BENEFITS CONTINUATION (COBRA)

In certain instances, employees and their families have the right to temporarily extend their health care benefits at group rates. The Health Care Benefits Continuation Program will be administered in accordance with all applicable rules and regulations. Information regarding this program can be obtained through the Wayne County Commissioners Office.

C. OHIO PUBLIC EMPLOYEES' RETIREMENT SYSTEM (OPERS) DISABILITY AND SURVIVOR BENEFITS

1. Public employees and their survivors may be entitled to disability or survivor benefits in accordance with the rules and regulations of OPERS.
2. Information regarding disability and survivor benefits can be obtained through OPERS. See contact information at Section 5.01 (B)(1).

**TERMINATION BENEFITS
(CONTINUED)**

D. ACCRUED LEAVE

At the time of separation, an employee will be paid at his/her current hourly rate of pay for all vacation and compensatory time credit. To be eligible to receive the vacation time, the employee must have at least one (1) year of service with the County or any political subdivision of the state.

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- A. Upon separation from employment, an employee must meet with his/her supervisor or with the Appointing Authority to process paperwork and return County property.

- B. The Appointing Authority or his/her designee will inform the employee of all termination benefits, verify forwarding addresses for the employee and any dependents, and obtain necessary signatures. (It is the responsibility of the employee to notify the Employer of a change of address for the purpose of mailing the employee his/her W-2 form.)

- C. The employee will relinquish all identification cards, equipment, keys and passwords.

- D. If a separation is voluntary, the employee will be asked to complete an exit interview questionnaire and discuss his/her answers during the exit interview. Information gathered in exit interviews is used to evaluate County practices and identify areas requiring action to make the County a more attractive employer. Exit interview questionnaires will not be place in the employee's personnel file. (See Appendix V)

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