

SECTION XII SEPARATION

12.01 Resignation

To resign in good standing, except in the case of an emergency, an employee should give at least two weeks (14 calendar days) notice in writing to his or her supervisor. In the case of an emergency, the reason should be fully documented in the notice. Employees who resign shall receive payment for all accrued annual leave credit, compensatory time credit and 1/4 of sick leave credit.

12.02 Termination

Prior to termination of any regular Career Service or EMS employee, the employing Department/Division Director shall give the employee written notice and an opportunity for conference.

12.02.1 Procedure: Notification of Termination

1. The employee shall be given written notice of the proposed action at least five (5) working days prior to the date the action is to be taken.
2. The termination notice shall be hand delivered to the employee in the presence of a witness, and when possible, signed for by the employee; or shall be mailed to the employee by certified mail, return receipt requested.
3. The termination notice shall be signed by the person authorized by the employing department to take or to recommend the action and shall include the following:
 - a. The effective date of the proposed action.
 - b. A statement advising the employee that he or she may, within three (3) working days of receipt of the notice, submit a request in writing to make an oral or a written statement, or both, to the department to refute or explain the charges made against the employee.
 - c. The name, address, and telephone number of the person to whom the request shall be directed
 - d. The employee shall be notified that the conference will be held within two (2) working days after the request is made or upon a mutually agreed upon time.
 - e. The place is determined by the Department/Division Director.

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- f. The conference shall be held during regular business hours and prior to the proposed effective date of the action.
- g. A statement to the employee that states that he or she may bring witnesses to the conference or may submit statements from witnesses in the form of affidavits.

12.02.2 Procedure: Conference

If the charges are initiated by the Division Director, the conference must be conducted by the Division Director. Otherwise, a representative for the Division Director may be appointed to conduct the conference, provided such representative is either:

An officer or employee who is higher in the chain of command than the supervisor bringing the charges; or

An individual within the employing Division who occupies a staff relationship to the Division Director to make the final decision.

The conference shall be informal and held as an evidentiary hearing. The employee may bring an attorney or a witness to the incident to assist or advise.

The employee shall be permitted to submit any relevant information he/she desires, oral or written. If the employee chooses to make no response, the employing Department will proceed on the basis of the best information it can obtain.

12.02.3 Procedure: Notice of Final Action

If the employing Department determines after the conference that it will proceed with the termination, the employee shall be promptly notified by certified mail, return receipt requested. Such notice shall include explanation of the employee's right of appeal.

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12.03 Appeals Process

The employee has five (5) working days after receipt of final notice to notify the County Administrator in writing of desire to appeal.

The appeal must be in writing and must contain the following:

1. The specific action or actions giving rise to the appeal.
2. The specific issues to be addressed by the employee.
3. Who will be in attendance at the appeal. (An employee may be represented by an attorney. Attorney fees are the responsibility of the employee.)
4. Any specific rules and/or regulations alleged to have been violated.

The County Administrator or a designee will meet with the employee and others affected within five (5) working days of the filing of the appeal. The County Administrator or the designee shall render a decision in writing within fourteen (14) days following the meeting. The decision shall be final.

12.03.1 Timing in the Appeal Procedure

Any time limit designated herein shall exclude the length of time an employee or designated supervisor or official from whom a response or action is required is out of town on official business or on approved leave. Further, the time limit at any phase of the appeal procedure may be extended by the mutual consent of the affected parties. In the absence of an extension, an employee's failure to observe the time limits herein shall constitute withdrawal from the appeals process. The supervisor's failure to observe the time limits shall be noted in their performance assessment.

12.04 Reduction in Work Force

Leon County is a performance based organization and strives to provide a stable employment environment for employees. However, reductions in work force and/or elimination of positions, programs, and services may be necessary from time to time for various governmental reasons. The County is committed to a policy of Equal Employment Opportunity, which manifests the right of all persons to advance on the basis of merit, ability, and potential. Any such reductions shall not be made on the basis of or because of an employee's age, race, creed, sex, color, ethnic background, religion, national origin, or disability.

The provisions of this policy are guidelines for reductions in work force. The County reserves the right to alter this policy, and may choose another process in order to meet the governmental and organizational needs of the County with minimal impacts as possible to employees.

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A reduction in work force may occur due to specific circumstances, which may include but are not limited to the following:

- a. Unfunded legislative mandates;
- b. Budget reduction, constraints, lack of or shortage of funds;
- c. Changes in organizational structure;
- d. Lack of work, reduction in services, program discontinuation, outsourcing of functions, changes in technology;
- e. Material changes in a job;
- f. Any condition of serious distress or disaster that may be determined or declared by the Board of County Commissioners.

12.04.1 Procedure: General Provisions

The County Administrator shall determine the organizational unit(s), in which the reduction may best be accomplished based on whether services are mandatory, non-mandatory or support. In addition, reductions in levels of service may be recommended in mandatory, non-mandatory and support functions by the Office of Management and Budget. Every effort will be made to place impacted employees in other vacant positions for which they are qualified. However, placement cannot be guaranteed and will be based on the number and type of vacant positions available, as well as the qualifications of the employee. All recommendations will be coordinated and processed by the Office of Human Resources.

If it becomes necessary to reduce the work force of any Division, the Division Director, in consultation with the Department Director, will determine the number, positions, and employees that will be affected by the reduction in force based on service requirements.

The Division Director, in consultation with the Department Director, will select program area(s) or services where reductions in positions will have the least amount of negative impact on the vital programs or functions of the area.

In the event of a reduction in work force, employees in OPS, Probationary, Regular part-time and full-time classifications may be separated from employment.

The factors in determining which positions are scheduled for the reduction in work force shall include, but –are not limited to, whether services provided are Mandatory, Non-Mandatory, Support and/or essential services provided by particular employees in the classification of the department/division, group, operating unit, or other function affected.

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Within the impacted program area or service, the separation of regular employees will be based primarily on the elimination or reduction of the program area or service. Other factors that will be considered may include:

- a) Recent performance evaluation;
- b) Overall Conduct and corrective actions;
- c) Overall record on attendance (unexcused absence or abuse of leave);

Primary consideration for retention of employees will be given to an employee's performance record, experience, training, education, professional credentials, knowledge, skills, and abilities to perform the essential functions needed by the particular Division, Department or needs identified in other program areas.

Only in the event of similar job performance, knowledge, skills, and abilities, preference in retention may be granted to employees with the longest service with the County; or to veterans who may qualify for Veterans Preference in accordance with Florida Law.

Division and Group Directors shall present a proposed list of affected program areas, services, and corresponding positions to the Office of Management and Budget and to the Office of Human Resources. The Human Resources Director will provide the County Administrator a recommendation on which employees will be impacted by the reduction in force. Upon approval by the County Administrator, Human Resources, in collaboration with the Department and Division Director, will coordinate the communication process with the affected employees.

When a Division Director determines that an employee is essential to the efficient operation of the division because of special skills or abilities and needs to retain this employee in preference to an employee with a higher performance rating as provided above, the Division Director upon approval of the Department Director, will submit a written request to the Human Resources Director for permission to do so. This request must set forth in detail the specific skills and abilities possessed by the individual and the reasons why such an individual is essential to the effective operation of the department/division. If the Human Resources Director and the County Administrator approve the request, the employee may be retained.

The duties previously performed by an employee affected by the reduction in work force may be reassigned to other employees already working in positions in similar job classification and/or pay grades.

12.04.2 Notice to Impacted Employees

Employees who will be separated from employment due to the reduction in work force shall be given written notification of the separation by Human Resources.

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Upon approval by the Board, employees may receive separation pay in the amount of six weeks of their regular base pay. Upon approval by the Board, the County may also pay for the cost of the health insurance premium, in accordance with law. The separation pay and payment of health insurance premium is not mandatory and is based upon Board approval and funding availability. Any separation pay approved will be in accordance with Florida Statute 215.425

Reduction in work force decisions are not grievable under Section XI of the Human Resources Policies and Procedure. However, employees may request an Appeal under Section 12.09.

Employees impacted by the reduction in work force shall be paid out for all accrued annual leave, compensatory leave, and one-fourth of accrued sick leave. Employees may continue medical, dental and vision insurance coverage through COBRA. Employees who will retire and receive a benefit from the FRS Pension Plan will be eligible to continue Health Insurance as a Retiree.

The Human Resources Director, with approval by the County Administrator, may provide assistance to employees in the form of career counseling, guidance, assistance with job searches, resume and job interview preparation.

12.04.3 Retention of Employees

Employees who are scheduled for a reduction in work force shall not have “bumping rights” to other positions in any division or department.

Employees scheduled for a reduction in work force may be considered for other vacant ~~County~~ positions for which they are qualified.

1. An employee with an acceptable record of employment may, at the discretion of the Department or Division Director, be offered a transfer to a vacant position of equal or lesser pay grade within the same Department or Division if the employee is qualified for the position. Employees in positions scheduled for a reduction in work force may also be transferred to another vacant position of equal or lesser pay grade outside of their Division or Department upon approval of the County Administrator. In some instances, training may be available.
2. The Department or Division Director of the vacant position, in consultation with, the Human Resources Director, shall determine the appropriate level of compensation to be offered to employees considering a move to a different position. The provisions of Section V Pay Plan shall apply.
3. An employee who does not accept transfer to another position that the County offers will not have a position with Leon County.
- 4.. An employee subject to a reduction in work force may apply for any posted position and compete with all other applicants for that position.

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12.04.4 Rehire of Impacted Employees

1. Employees may be rehired following a reduction in work force if they had an acceptable work record, meet the minimum qualifications of the vacant position and successfully complete the background check and drug screening.
2. If an employee is rehired within 1 year of the reduction in work force, the employee will be credited with the remaining unpaid sick leave accrual balance. Also, the employee will be granted credible service for the accrual of annual leave based on their previous service with the County.

12.05 Voluntary Separation Incentive Program

This policy authorizes the County Administrator, with Board approval, to develop and offer a Voluntary Separation Incentive Program. The purpose of offering the Program is to enable the County to achieve budgetary reductions through voluntary separations of employees in order to avoid or minimize the need for a reduction in force. The Program will provide an incentive to employees who are interested in voluntarily leaving employment through resignation or retirement. The program shall be utilized at the County's sole discretion and shall not constitute an employee entitlement. Eligibility and any payment incentive will be determined at the time the Program is approved by the Board. Approval of the voluntary separation applicants will be at the sole discretion of the County. The Office of Human Resources is responsible for the communications and administration of the program.

12.06 Termination

Following consultation with the Human Resources Director, a hiring authority may terminate an employee whenever an employee's work habits, attitude, production, or personal conduct falls below acceptable standards for continued employment or whenever an employee has been found guilty of serious or repeated violations of rules, policies, or procedures. Terminations may be appealed. (See appeal section.)

12.07 Retirement

An employee of the County may retire subject to the provisions of the Florida Retirement System. An employee planning to retire shall notify the Human Resources Office at least ninety (90) days prior to the planned date of retirement.

12.08 Death While Employed

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The official date of termination shall be the date of death. All compensation and benefits due to the employee as of the effective date of termination shall be paid to the beneficiary of record, surviving spouse, or to the estate of the employee as determined by law or by forms executed by the employee.

12.09 Exit Interviews

Division Director shall make every reasonable effort to interview separating employees. A written summary of this exit interview or reason for not conducting an interview shall be forwarded to the Human Resources Division with the Personnel Action Form. Human Resources will conduct a sign out session with the employee when an exit interview has not been possible between departing employee and the Division Director.

12.10 Appeal Policy

In cases of a reduction in force or employee dismissal, the employee may file a notice of appeal in writing to the County Administrator. Such an appeal must be filed within five (5) working days of the termination.