

## **Chapter 12: Separation and Termination**

### **Section 12-1: Resignation**

To resign in good standing, employees other than Department Heads must give notice in writing to the Department Head at least fourteen (14) days prior to the effective date of the resignation; Department Heads must give 30 days notice in writing to the County Administrator. Failure to provide the required notice renders the employee ineligible for sick leave accruals and results in forfeiture of accrued annual leave up to eighty (80) hours notwithstanding the provisions of Chapter 5.

A resignation shall be effective when tendered. No written acceptance of a resignation shall be required as a condition precedent to its effectiveness. The notice period is for the benefit of the employer and should the Department Head decide that an effective separation, sooner than that proposed by the employee, is in the County's best interest, an earlier date may be established after consultation with the Director of Human Resources. No compensation is due beyond the actual date set. Department Heads shall transmit all resignations to the Human Resources Department within 24 hours of receipt.

### **Section 12-2: Retirement**

The County is a member of the Virginia Retirement System (VRS) and employees are entitled to retire pursuant to the rules established by VRS.

### **Section 12-3: Death**

When an employee dies while in the service of the County, all compensation due is paid to the legal representative of the employee's estate or any other properly designated individual. Assistance and benefit counseling is provided to survivors of the

employee by the Human Resources Department. Pay and benefits accrue to the last day of actual service provided to the County.

#### **Section 12-4: Termination**

Termination is defined as a separation for disciplinary reasons. The process for termination is as set forth below:

a. If termination of a non-probationary employee is warranted, the Department Head shall provide the employee with a written notice. In situations when it is not possible to personally deliver a written notice to an employee, the notice may be sent as provide in paragraph (d) of this section. Such notice shall set forth the following:

(1) A statement of the reasons for which the dismissal of the employee is being considered, in sufficient detail to enable the employee to understand fully the violation, infraction, conduct or offense for which dismissal is being considered.

(2) That the employee's past performance, including any prior disciplinary records has been considered;

(3) The effective date of the proposed dismissal, which should be no sooner than seventy-two (72) hours from the employee's receipt of the notice;

(4) That the employee is suspended, generally with pay, but for no longer than five (5) work days from the date of the notice of proposed dismissal or until a final decision is made, whichever occurs sooner.

(5) That the employee has the right to respond either in writing or in person, at the option of the employee, within two (2) working days of receipt of the notice;

(6) That the employee has the right to file a grievance pursuant to the County's grievance policy, if termination is imposed;

b. If the employee requests the right to respond in person, the Department Head should immediately schedule an informal hearing.

(1) The employee should be afforded an opportunity to explain his or her side of the story, to present any documentary evidence on his or her behalf, and to argue his or her side of the case.

(2) Such hearings are intended to be informal, and legal representatives are not permitted.

c. If, after the hearing or consideration of the employee's written response, the Department Head finds that the charge or charges against the employee are valid and support the dismissal, a written notice of such dismissal shall be given to the employee.

d. After reasonable attempts have been made to deliver in person a written notice of proposed termination or notice of termination to an employee, delivery may be made by sending notice by certified mail to the last known address of the employee. For purposes of this section, such notice shall be deemed to have been received either on the actual day it was received, or, five (5) days after it was mailed, whichever date is earlier.

#### **Section 12-5: Employee Separation Procedures**

All pay and benefits accrue to the last day of actual service provided to the County and employees can not expect to receive any compensation or benefit for periods of time beyond the last day of actual service, including pay for holidays, sick or

vacation days, etc., that occur after the last day of actual service. Since benefit accruals occur on the last day of the month, the employee must have actual service the last day of the month in order to receive this accrual. For purposes of this section, actual service shall mean the last day the employee actually worked or was on approved leave.

#### **Section 12-6: Layoffs**

Any involuntary separation other than for disciplinary reasons is considered a layoff.

Layoffs occur when in the opinion of the County Administrator proper management requires a reduction or change in the work force or the elimination of certain positions or programs. Employees to be laid off are, at a minimum, given the same notice as that required when an employee resigns.

#### **Section 12-7: Clearing Debt and Property Accounts**

Employees who separate from County service must clear all debts to the County and account for and turn in all County equipment or other property in their possession or for which they are responsible, including keys, uniforms, tools, equipment, credit cards, identification cards, books, manuscripts, papers, etc. to the Department Head. It is the responsibility of the Department Head to forward a list to the Human Resources Department of any property held by the separating employee or a statement that all such property has been returned. The employee's last check will be held by the Human Resources Department until all such property has been returned.

Failure to clear all debts and turn in all County property will result in the initiation of collection procedures to recover any losses.

**Section 12-8: Separation Pay**

Generally, all compensation due and any settlement for accrued leave is included in the paycheck due on the next regularly scheduled payday.

**Section 12-9: Post-Separation Benefits**

The Human Resources Department will provide information and counseling to separated employees regarding the availability of post separation benefits such as health insurance, life insurance, and retirement account options.

**Section 12-10: Severance Pay**

Severance pay may be approved by the County Administrator for separations that do not involve gross misconduct if deemed to be in the best interest of the County. When approved, the amount of severance pay shall not be more than 1/12th of the terminating employee's annual salary rate.

**Section 12-11: Exit Interviews**

The Human Resources Department may conduct exit interviews of separating employees when it deems necessary. An exit interview properly conducted often corrects misinformation, modifies negative attitudes, and provides valuable information to the employer. Such interviews become a part of the employee's official personnel file and the employee's signature is required to acknowledge the correctness of the information on the interview form. When required by the Human Resources Department, the exit interview is a prerequisite to final payment of any sums due the employee.