

## 13.00 SEPARATION

**13.01 TYPES OF SEPARATIONS.** All separations of employee are designated as one of the following types:

Resignation;

Retirement;

Reduction in Force;

Dismissal;

Disability; or

Death

**13.02 RESIGNATION.** An employee who intends to resign is requested to notify his or her supervisor in writing at least 10 working days prior to the last day of work. The supervisor is responsible for notifying the appropriate elected official or department head immediately.

**13.03 RETIREMENT.** The same notice requirements for resignation apply in the case of retirement except that a longer period of advance notice may be required to start retirement payments promptly.

See the Texas County and District Retirement System's brochure for additional information on retirement.

Prior to consideration for re-hire a Bona Fide Separation of 90 days is required. Under no circumstances will a prior agreement or arrangement to return to work be made with a county retiree. There will not be any "understanding" that after a period of time the retiree may return to work. Furthermore, a retiree does not have a "right" to return to work due to being a county retiree. The decision to re-hire any retiree is strictly up to the county and there will be no explicit or implied preferential status given to retirees if they should apply for a vacant position within the county.

**13.04 REDUCTION IN FORCE.** An employee may be separated when his or her position is abolished, or when there is either a lack of funds or a lack of work.

When reductions in force are necessary, decisions on individual separations will be made after considering (1) the relative necessity of each position to the organization, (2) the

performance record of each employee, (3) qualifications of the employee for remaining positions with the county, and (4) the employee's length of service with the county.

When a regular employee is dismissed as a result of a reduction in force, he or she will be given a minimum of two weeks' written notice and paid in full to the time of discharge, including accrued benefits.

Employees who have been laid off may reapply to the county for other positions. Qualified former employees will be given priority consideration over others equally qualified in the event of a vacancy.

**13.05 DISMISSAL.** Polk County operates under the legal doctrine of employment-at-will and, within requirements of state and federal law regarding employment, can dismiss an employee at any time, with or without notice, for any reason or no reason. These personnel policies do not constitute or imply a contract, agreement, promise, or guarantee of employment or of continued employment. The county has the right to change these policies at any time, without prior notice to employees.

A dismissal may be related to failure to adequately perform the essential duties of the job, to inappropriate behavior, for disciplinary reasons, or for any reason or no reason as long as the action does not violate state or federal protections against discrimination or certain types of retaliation.

**13.06 DISABILITY.** When an employee becomes physically or mentally disabled not through a bona fide, on-the-job, work-related injury, the county judge will appoint a physician to examine the employee and make recommendations to the county regarding the employee's ability to continue to work. When the employee is determined by the physician to have a temporary disability, the county will attempt, for a reasonable period of time, to hold the employee's position open for him or her. In addition, the county will attempt to locate other positions for temporarily or permanently disabled employees whose disabilities prevent them from returning to their current positions but do not preclude their performing other types of work. In cases of disability where an employee is unable to return to work on a regular basis and within a reasonable amount of time, that employee will be separated from employment with the county.

Voluntary separations based on reasons of disability must be substantiated by medical evidence if the disability may be a factor or condition of retirement plan covering the employee.

(See sections of this manual under the main heading of **Health and Safety** for details on occupational disability resulting from bona fide, on-the-job, work-related injuries)

**13.07 DEATH.** If a county employee dies, his or her estate receives all pay due and any earned and payable benefits as of the date of death.

**13.08 CALCULATION OF SEPARATION PAY.** Upon separation from county employment, a regular employee will be paid for accrued and unused vacation leave up to the maximum allowable accumulation limit.

Payment for such leave balances will be included in the employee's final paycheck and will calculate in the following manner:

The total work time and allowable vacation (see section on "Vacation Leave" to determine allowable vacation) and compensatory leave time (for nonexempt employees) will be calculated as a total number of hours for which compensation is due. For most full-time employees, the regular hourly rate will be determined by dividing the employee's regular annual salary by 2080 working hours per year. Part-time regular employees will be compensated on a proportionate basis based on actual hours worked. Any amount paid for unused vacation will be based on the salary rate in effect for the employee at the time of termination.

For employees who are subject to the Fair Labor Standards Act, any overtime hours worked during the employee's final pay period, which have not been compensated through any of the time-off methods described under "Overtime Compensation" section in these policies, will be paid in the final paycheck at a rate of one and one-half times the employee's regular hourly rate for each overtime hour worked.

Compensatory time which has been entered and carried on a nonexempt employee's records at one and one-half times the number of hours worked will be paid at the employee's regular straight-time rate for the total number of hours on the employee's compensatory time record. Since the compensatory time was recorded at one and one-half times the number of hours worked, the payment for these hours is equivalent to time and one-half pay for the hours actually worked.

Unused sick leave will be canceled upon termination of employment and the employee will not be compensated for it.

The employee will receive his or her final paycheck on the next regularly scheduled payday following termination.

**13.09 EXIT INTERVIEWS AND RECORDS.** Each employee who leaves county employment is requested to participate in an exit interview at which time the department head restates the type of dismissal (resignation, retirement, reduction-in-force, disability, or dismissal) and, in the case of voluntary separations documents the reasons the employee is leaving and seeks suggestions about employment-related matters. These are documented on an exit interview form.

**13.10 CONTINUATION OF GROUP INSURANCE.** The federal Consolidated Omnibus Reconciliation Act of 1985 (COBRA) allows certain individuals the option of continuing their group health and dental insurance, at the individuals' full expense, under specified conditions, beyond the date on which it would otherwise terminate. An insurance certificate from the county's group insurance carrier is given each employee at the time of employment and explains these options under the county's carrier at the time the employee is hired. Later revisions in group insurance coverage are explained in subsequent insurance certificates distributed to each employee at the time the coverage revision is effective.

Each covered employee is responsible for notifying the Human Resources office of any change in family status – separation, divorce, or a child becoming eligible or ineligible for dependent's coverage. If the change would cause the employee or a covered dependent to become ineligible for county-supplemented group insurance, the county will provide an "Insurance Coverage Continuation Form" to be completed by the appropriate person(s). In order to qualify for continued coverage, specific time periods must be met, and full premiums must be paid in a timely manner by the employee or the applicable spouse or child.

*(Legal Reference: U.S. C.O.B.R.A. of 1985)*

If the affected person's payment for continuation of group health insurance is not received by the 10<sup>th</sup> of the month, the county will notify the insurance carrier that the payment was not received. If this occurs, the county will neither pay the person's premium nor enter into payment arrangements for this coverage.

*This page is left blank intentionally for future updates.*