



P - §38

Policy Name:

Separation of Employment

Approved Date:

Prepared By:

Human Resources

Adopted Date:

August 7, 1996

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A. PURPOSE

The purpose of this policy is to ensure that all employee separations from service are handled in a legal and professional manner with minimal disruption to the workplace.

B. DEFINITIONS

Consolidated Omnibus Budget Reconciliation Act (COBRA) - provides employees and their families, who have lost health insurance benefits, the right to choose to continue group health care benefits for a limited period of time.

Exit Interview – An interview held to discuss the employee’s reason for leaving and their experience working for the organization.

Involuntary Separations - An involuntary separation of employment, including a layoff of over 30 days, is a management-initiated dismissal with or without cause.

Layoffs – A layoff is generally considered a separation of employment due to a lack of work available. The term “layoff” is a description of a type of separation in which the employee holds no blame.

Probationary Employee – An at-will employee serving out a probation period to assess suitability for continued employment in a position.

Reduction in Force – Occurs when a position is eliminated with no intention of replacing it and results in a permanent cut in headcount. Albemarle County may decide to reduce its workforce by terminating employees or by means of attrition. Policy § P-30, Employee Reduction in Force Procedures.

Resignation - Resignation is a voluntary separation of employment initiated by the employee.

C. ROLES AND RESPONSIBILITIES

Employee: All employees are required to give the appropriate written notice of resignation for their position. An employee may separate from employment sooner than the required notice period with Department approval.

Human Resources - Ensures that all separation processes and procedures are followed in accordance with Federal law, State law, and County policy; Conducts exit interviews with employees separating from the County; Facilitates due process hearings as necessary.

Supervisor: Responsible for notifying the Department of Human Resources upon receipt of an employee resignation. The supervisor is responsible for completing all off-boarding processes and documentation.

D. POLICY

- a. The County recognizes that separation of employment can be either voluntary or involuntary. In all cases, the procedures used will be of a fair and consistent nature, taking into consideration the reasons for separation. Except for excluded positions outlined in Policy § P-34 Grievance, a permanent employee who is dismissed may appeal the decision.
- b. Probationary employees may be released or may resign during their probationary periods with or without cause or obligation.
- c. All employees will have the opportunity to participate in an in-person exit interview with the Department of Human Resources.

1. Voluntary Separation

- a. Employees are required to provide a minimum of two (2) weeks' notice of their intention to separate employment. The employee should provide a written resignation notification to his or her supervisor. Department Heads and Executive Team leaders are required to provide a minimum of thirty (30) day written notice of separation. If an employee provides less notice than required, the County may deem the individual ineligible for rehire depending upon the circumstances.
- b. The employee's supervisor is responsible for collecting all County property from the employee.
- c. The Human Resources department will coordinate the employee's departure from the County. This process will include a review of the employee's post-termination benefits status and completion of an exit interview. A COBRA letter will be sent to offer a continuation of benefits if applicable.

- d. Employees who fail to report to work for three consecutive days without properly communicating to their supervisor or manager the reasons for their absence will be viewed as voluntarily resigning their employment as of the fourth day.
- e. A resignation may be withdrawn only with the written consent of the department head.

2. Involuntary Separation Procedure

- a. Subject to §P-32 Employee Discipline provisions, employees may be dismissed from employment due to a violation of County policy or state or federal law, failure to satisfactorily perform the work required, or failure to meet the requirements of the position.
- b. Prior to the dismissal, it is expected that the department head or designee has thoroughly investigated the incident(s) or circumstance(s) leading to the dismissal, documented any action taken, and has applied the §P-32 Employee Discipline in a fair and consistent manner. The department head or designee shall keep the Director of Human Resources or designee informed of any disciplinary actions in progress.
- c. In accordance with Virginia Code, employees must receive notice and opportunity to provide evidential facts when management is considering a dismissal. A representative from Human Resources shall attend and facilitate the due process meeting.

3. Reduction in Force

When a reduction-in-force becomes necessary, the department head will notify the Director of Human Resources and the employee(s) being affected as soon as a potential reduction is known. Employees will be notified in writing as soon as possible but no later than 60 calendar days prior to the effective date of the elimination of the position.

The affected employee(s) will be given the opportunity to discuss employment options with the Director of Human Resources or designee.

Please see Policy § P-36, Employee Reduction in Force.

4. Final Pay

- a. All salary payments and benefits will be calculated based upon the effective date of the employee's dismissal and all accrued annual leave payments up to the maximum allowed will be made to the employee, less outstanding loans, advances, or other agreements the employee may have with the County, in compliance with state laws. In cases of an employee's death, the final payment

due to that employee will be paid to the deceased employee's estate or as otherwise required under state law.

- b. Employees who are dismissed must be paid all wages for hours worked on or before the date on which they would have been paid for such work had their employment not been terminated. (Virginia Wage Payment Act)
- c. If the employee is reinstated as a result of the grievance procedure, all salary and benefits will be reinstated retroactively to the date on which payments ceased or as otherwise agreed upon. In addition, the reinstated employee shall be given the choice of repaying the annual leave payment and having the employee's annual leave balance restored or returning to work with a zero balance and beginning to accrue leave at the employee's previous applicable rate. The employee's hire date will also be reinstated to reflect the employee's status prior to the dismissal.

5. Health Insurance

Medical, dental, and vision insurance coverage terminates on the last day of the month the employee separates employment. An employee will be required to pay his or her share of insurance premiums through the end of the month. Information about COBRA continuation coverage will be provided by Human Resources.

6. Return of Property

Employees must return all County property at the time of separation, including uniforms, cellphones, keys, laptops, P-cards, identification cards, etc. Employees will be required to sign a wage deduction authorization to deduct the costs of such items from the final paycheck if they are not returned undamaged. In some circumstances, Albemarle County may pursue criminal charges for failure to return county property.

7. Eligibility for Rehire

Employees who leave Albemarle County in good standing with proper notice may be considered for rehire. Former employees must follow the normal application and hiring processes and must meet all minimum qualifications and requirements of the position, including any required background check. Rehired employees will not retain the previous tenure when calculating longevity, leave accruals, or any other benefits unless required by law.

Employees who are involuntarily separated by Albemarle County for cause or who resign in lieu of termination are ineligible for rehire. In addition, employees who resign without providing adequate notice or who abandon their job will not be considered for rehire.