



## Weber County Human Resources Policy 2-600 Resignation & Separation

### **I. Purpose**

This policy identifies the procedures an employee should take to resign from Weber County employment and the procedures a supervisor should take to respond to an employee resignation or to initiate a separation of employment.

### **II. Policy**

Resignation or separation of employment may occur in a variety of ways and supervisors have specific procedures by which to respond to a resignation or to initiate a separation. The Human Resources Department will identify trends requiring attention or opportunities for improving the county's ability to respond to issues relating to employees' decisions to leave employment.

### **III. Procedures**

#### **A. Notification of Resignation**

1. Employees are encouraged to notify supervisors in writing at least two weeks in advance of their expected separation or sixty days before retirement from Weber County.
2. All resignations are accepted as of the date specified for resignation when received in writing by the supervisor.
  - a. After a resignation is effective, all employment rights to that position are terminated.
  - b. An employee's request to withdraw their resignation is subject to supervisor's discretion, but only if the request is made before the date specified for the resignation.
  - c. The absence of an acknowledgment letter in no way obligates management to reinstate a person who has previously resigned.
3. Whenever possible, the employee who resigns shall present the reasons for resignation in writing to the supervisor. A copy of the resignation shall be forwarded to human resources by the supervisor. Weber County encourages all supervisors to conduct exit interviews.
4. The supervisor may require the employee to take paid administrative leave until the resignation takes effect.

**B. Resignation by Absence**

1. An employee absent for three or more consecutive scheduled work days without notice, permission, or good reason will be considered as having voluntarily resigned and will be terminated from county employment.
  - a. Prior to termination, the supervisor will attempt to call the employee.
    - i. If employee contact is made and the employee fails to provide a reasonable basis for the absence, as determined by the supervisor, then the supervisor, in their discretion, may proceed with termination.
  - b. If the supervisor is unable to contact the employee by telephone, the supervisor will send written notice by registered mail to the employee's last known address informing him/her of the pending termination.
  - c. The employee will be given an opportunity to respond before the official termination.
    - i. The opportunity to respond consists of a scheduled time, within four to ten calendar days after the date of the letter, when the employee may meet with the supervisor to explain the absence.
    - ii. If the employee does not respond to the notice of termination, either in person or in writing, the termination will proceed.
  - d. If, before termination, the employee provides a reasonable basis for the absence, as determined by the supervisor, then the employee will not be terminated from county employment. However, the supervisor has discretion to initiate a lesser form of disciplinary action.

**C. Dismissal**

1. An employee holding a merit appointment in the county service may be dismissed for any of the following:
  - a. Violation of the County Personnel Management Act, Weber County Merit System Ordinance, Weber County Policies and Procedures or regulations, or Department policies or procedures.
  - b. Neglect of duty.
  - c. Disobedience of a reasonable order by any superior.
  - d. Misfeasance, malfeasance, nonfeasance or other misconduct.
  - e. Inefficiency or inability to satisfactorily perform assigned duties.
  - f. An act inimical to public service.
2. Except in aggravated cases of misconduct, no regular employee shall be dismissed from a tenured position without receiving written notice of the reasons for discharge and an opportunity to reply and have the reply considered by the supervisor, as outlined in Policy 3-600: Discipline. After following these procedures, an employee may be dismissed if the supervisor finds adequate cause or reason and obtains the approval of the Human Resources Director.

**D. Reduction-in-force**

1. When initiating a reduction-in-force, a county Department, Division or Elected Official may designate and request the classifications to be eliminated, subject to review by the Human Resources Director. A reduction-in-force may be requested based upon inadequate funds, change of work load, lack of work, cost control, or material changes in the duties or organizational structure.
2. The Human Resources Director will review the plan and certify those positions that will be subject to the reduction-in-force. Temporary, seasonal, part-time and probationary workers in the affected classifications will be separated before any merit employees. The Human Resources Director will notify the requesting supervisor of the approval.
3. Human resources will provide written notification to the affected employees that will include:
  - a. The reason for the reduction-in-force
  - b. The effective date of the changes
  - c. The employee's rights
  - d. The agency's effort to minimize the reduction and find alternative employment in the county.
4. The Human Resources Director will permit bumping in some cases based upon retention points when determining those employees impacted by a reduction-in-force separation. Bumping provides an employee with the opportunity to return to a previously encumbered, allocated position within their Elected Office or Department.
5. Bumping is not permitted across division lines within departments or within elected offices when:
  - a. The RIF employee formerly encumbered an allocated classification within their current elected office or department, the classification still exists, and the grade is equal to or less than the employee's current classification; or
  - b. The RIF employee formerly encumbered an allocated classification and that classification has changed in title, grade, or job code
    - i. The employee may bump into that position if the essential duties of the position are still contained in the reclassified and/or reallocated position and the grade is equal to or less than the employee's current classification.
6. Merit employees in each designated classification will be rank ordered, from high to low, on the basis of their retention points. The merit employee(s) with the lowest retention points, who would otherwise be separated, will be allowed to bump when eligible.
7. Bumping is permitted when all of the following conditions have been met:
  - a. The RIF employee meets the current minimum qualifications for the previously encumbered classification or position he or she is bumping into.

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- b. The RIF employee has higher retention points than at least one other incumbent in the classification or position he or she is bumping into.
8. Retention points will be determined by an employee's ability, seniority and merit. Seniority will be based upon the total amount of time working in a merit position for Weber County without a break in service. County service time will include Military service subject to [U.S. Code 38.43. 4301- 4333 Uniformed Services Employment & Re-employment Rights Act, 1994 \(USERRA\)](#) and any other county employment required by State or Federal law to be included in the service time computation. Partial years will be pro-rated for each full month or partial month that includes at least 15 calendar days. Ability and merit will be determined by an average of the employee's last three, or fewer, completed evaluation scores. If no evaluation has been completed, the employee will receive an average score based upon the possible rating scale.
  - a. At the discretion of the requesting department or elected official, additional points may be added to the overall retention score based upon ability. When identifying the reduction-in-force plan, the department or elected official may designate ability criteria warranting the additional score. When requested, each employee in the designated classification will receive an ability rating of 1-3 based upon objective identified criteria. Ability score may be applied to identifiable skills such as, but not limited to; licensure, certifications, an ability to perform designated duties listed on the official job description which are weighted 25% or greater or an ability to operate specialized equipment or databases.
  - b. Final retention points will be created by adding together the service credit score with the averaged evaluation score. In cases where an ability score was utilized, the ability score will add points to the final retention score. In no case will ability add more than 3 points.
  - c. The employee who exercises his or her bumping option will be reassigned or transferred to the new classification, without a break in service, and will have his or her pay level established by the administrator, subject to the approval of the Human Resources Director.
9. After a reduction-in-force, reduced merit employees will submit a county employment application and human resources will add them to a reappointment register for a period of six months from the date of separation. All RIF rights will expire after six months.
10. All departments will be responsible for contacting human resources prior to completing a personnel action to determine the availability of qualified employees who have been reduced-in-force. The hiring authority will be required to interview all certified employees in an effort to reinstate those who have been reduced in force.
  - a. The human resources division will certify applicants from the reappointment register to positions for which they meet the minimum qualifications.
11. County departments, divisions and elected offices will make an attempt to reinstate employees who have been reduced in force. The county will reinstate an individual into a current vacancy when the employee meets the following:

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- a. An incumbent of the classification when they were reduced in force
  - b. Meets the qualifications for the position and was reduced from that department and the opening is at or below the individual's termination grade
12. For all certified RIF applicants not hired, the hiring authority will justify in writing to the Human Resources Director the reasons for the non-selection.
13. The hiring authority will set the salary of the reinstated employee as follows:
  - a. The employee will be required to serve a merit probation period unless the employee is being hired into the same classification in the same payroll unit from which they were reduced-in-force.
  - b. A reduced-in-force employee may be reinstated at the employee's previous salary at the supervisor's discretion, with the approval of the Human Resources Director.
  - c. The employee's service date will be adjusted to reflect all previous merit employment with Weber County. The adjusted service date will be used for the purpose of determining vacation accrual, service awards, and the calculation of reduction-in-force retention points.
  - d. The employee will have his/her sick leave hours restored.
14. The Human Resources Department will remove the names of employees who have been reduced-in-force from the reappointment register if they decline two interviews or offers of employment, without written justification deemed acceptable by the Human Resources Director when the referrals were made in accordance with this policy.