

# Davis County Human Resources Policies

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## Separation & Resignation #440

### 1.0 Purpose & Scope

This policy outlines the procedures for separation due to reduction in force, separation due to unavailability, job abandonment, and resignations. This policy applies to merit employees unless otherwise noted.

### 1.1 Policy

To maintain functional and fiscal operations, departments may separate employees for a reduction in force, unavailability, or job abandonment. Employees will submit resignations providing as much notice as possible. Employee resignations are accepted upon receipt.

### 1.2 Definitions

See Definitions policy.

### 1.3 Procedures

**1. Reduction in Force (RIF).** Department Heads may enact a RIF to eliminate or reduce the hours of a position or positions due to a lack of work, material changes in duties, or material changes in the department in accordance with the County Personnel Management Act, Utah Code 17.33.1. This action is not a disciplinary action and will not reflect negatively on the employee's County employment history.

- a. Request. The Department Head will submit their request for a RIF to the HR Deputy Director, Employee Relations. The request must contain the following:
  - i. Reason for RIF (lack of funds, lack of work, material changes in duties or material changes in the department);
  - ii. Explanation and justification;
  - iii. A list of impacted positions;
  - iv. Order of separation – if applicable; see section 1.3.1.b.
  - v. Notification plan (recommended 30-day minimum advance notice to employees);
  - vi. Any opportunities for employee transfers within the department;
  - vii. Replacement position summary—if applicable; see section 1.3.1.f.ii.
- b. Selection Process: When the position or positions for elimination or reduction are determined, the Department Head, in consultation with HR, will rank and subsequently select which employees will be retained, transferred, or reinstated if applicable. Employees will be retained in the order of their rank. The Department Head and HR will use the following criteria to rank employees:
  - i. 75% weight for performance – utilizing the last 2 performance evaluations preceding the RIF announcement.
  - ii. 25% weight seniority at the county in merit positions including military service fulfilled during County employment.

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- iii. Other factors that may be used to determine employee selection are formal corrective or disciplinary action that occurred over the 2 years preceding the RIF announcement and unique expertise or specialized skill sets relevant to the position. These factors may be considered with approval from the HR Deputy Director, Employee Relations.
- c. Notification. Upon approval, the department head or designee will develop RIF notification letters to be approved by HR before delivery. Employees will be notified of the RIF with as much advance notice as possible, typically 30 days or more.
- d. RIF Preference Registry. Merit employees whose positions are subject to a RIF will be placed on a preference register for 6 months from the date of separation. Employees on the register will be granted an interview for Merit positions they apply for and meet minimum qualifications. Department Heads are encouraged but not specifically required to hire employees subjected to a RIF.
- e. Reinstatement. Merit employees who have been separated due to a RIF and subsequently reinstated into another Merit position during the 6-month RIF preference period, will not serve another probationary period for the same or significantly similar positions. All accrued and unused sick leave balances that were not eligible for a payout at separation will be restored and vacation leave will accrue at the same rate that was in effect at the time of separation.
- f. Position elimination/replacement:
  - i. Positions that have been eliminated by a RIF may not be reinstated for a period of at least 1 year unless the employees who were subject to the RIF are given the opportunity to return to their positions.
  - ii. Position Replacement: When the Department Head chooses to replace a position subject to a RIF with a different position within 6 months of the effective date of the RIF, the replacement position must have significantly different qualifications or job duties compared to the position subject to the RIF, as determined by Human Resources.

**2. Separation Due to Unavailability.** Employees who are unable to work with no leave available or who are unable to return to work from a leave of absence for health-related reasons may be separated due to unavailability. This action is not a disciplinary action and will not reflect negatively on the employee's County employment history.

- a. The department may move forward with a separation due to unavailability when the following conditions have been met:
  - i. The employee's return to work date cannot be established or is a date that would cause undue hardship.
  - ii. The employee was allowed to propose reasonable alternatives to separation and no reasonable alternatives exist or the employee did not propose any alternatives.
  - iii. All available leave options including Family Medical Leave and leave as an ADA accommodation have been exhausted or are not applicable.
- b. If all leave accruals have been used, the employee will remain on leave without pay status throughout the process of determining if there are reasonable alternatives to separation.

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- c. The employee will remain on leave without pay status throughout the process of determining if there are reasonable alternatives if all leave accruals have been used.
- d. The County will maintain an employee's health, dental, vision, and life insurance coverage at current participation levels during the leave without pay period. The employee will be responsible for the employee's share of such benefits and must pay the premium as instructed. The County may deduct any such premium amounts from the employee's final compensation.
- e. The supervisor will draft a separation due to unavailability notification letter that must be approved by HR before delivery.

**3. Job Abandonment.** Merit employees who miss three consecutive shifts without following their department's call-in procedures may be separated due to job abandonment under the following conditions:

- a. The department must make two attempts to contact the employee and one attempt to contact the employee's emergency contact if unable to make contact with the employee.
- b. The supervisor will draft a job abandonment notification letter that must be approved by HR before delivery.
- c. Employee notification. If the employee contacts the department after the three missed shifts, the department may proceed with the job abandonment process or, after consultation with HR, allow the employee to continue employment.

**4. Separation Appeal.** Merit employees subjected to a RIF, separation due to unavailability, or separation due to job abandonment may appeal the decision by submitting the appeal in writing to the Administrative Officer within 5 working days from the separation date. The Administrative Officer will respond to the appeal in writing within 5 working days from receipt of the appeal. If the employee is unsatisfied with the Administrative Officer's response, they may forward their appeal to the HR Director within 5 working days from the response date. The HR Director and Commissioner assigned to the employee's department will review the appeal and make a final determination in writing within 7 working days from receipt. Additional time to submit or respond to an appeal may be granted by the HR Director.

**5. Resignations.** Employees may resign their positions by providing a resignation verbally, in writing, or electronically. The following rules apply to all resignations:

- a. Suggested employee resignation notice periods:
  - i. Employees: 2 weeks
  - ii. Supervisory Employees: 2-3 weeks
  - iii. Sr. Administration: 4 weeks
- b. Resignations may be sent to supervisors within the chain of command or Human Resources. Supervisors who receive resignations will notify Human Resources.
- c. Employees who submit their resignations verbally are encouraged to follow up with a resignation in writing or electronically.

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- d. All resignations including verbal, written, or electronic are accepted upon receipt. Supervisors may respond verbally, in writing, or electronically to affirm the acceptance of the resignation.
- e. During the notice period, the resigning employee's employment rights will remain the same except for the right to continue employment past the resignation date.
- f. If the employee requests to withdraw their resignation, it shall be subject to the Administrative Officer's discretion to accept or deny the request.

## **1.4. Policy History:**

1. Effective Date: 9/10/2024
2. Previous Catalogue: Davis County Policies & Procedures #440 Resignations; Davis County Merit System Ordinance Chapter 11.
3. Previous Revisions: 04/14/2009; 06/02/2014.