

## **CHAPTER 11 SEPARATION**

**1.0 RESIGNATION.** An employee who resigns shall be asked to submit to the supervisor or Administrative Officer the reasons for resignation. A copy of notification of resignation shall be filed promptly with the Office of Personnel Management.

**2.0 SUSPENSION, DISMISSAL, DEMOTION, REDUCTION IN PAY.** An employee holding a merit appointment in the County service may be demoted, reduced in pay, suspended, or dismissed for any of the following:

- A. Violation of the County Personnel Management Act, Davis County Merit System Ordinance, Davis 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. Misconduct.
- E. Inefficiency or inability to satisfactorily perform assigned duties.
- F. An act inimical to the public service.

**2.1** No employee may be suspended for more than thirty (30) calendar days at one time nor for more than sixty (60) calendar days in one (1) calendar year.

**2.2** No employee shall be removed from any employment covered under the Merit System by means of job reclassification or transfer of job function where evident job reclassification or transfer of job function is primarily for the purpose of dismissing the employee.

**2.3** Demotion, reduction in pay, suspension, or dismissal shall be made only upon written order of the Administrative Officer setting forth specifically the reason for such action. Written notice shall be given to the employee with a copy sent to the Office of Personnel Management.

**3.0 DISMISSAL.** Dismissal from positions under the Merit System shall only be to advance the good of the public service, for such causes as inefficiency, insubordination, disloyalty to the orders of a superior, misfeasance, malfeasance, or nonfeasance in office. 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 Administrative Officer. After following these procedures, an employee may be dismissed if the Administrative Officer finds adequate cause or reason.

**3.1** The Administrative Officer may, in discretion, appoint a referee to follow the procedures outlined above and make findings and recommendations. Written notice shall be given to the employee for dismissals made under this procedure and a copy shall be forwarded to the Office of Personnel Management.

**4.0 REDUCTION IN FORCE.** Reduction in force required by inadequate funds, change of work load, or lack of work shall be governed by retention rosters to be established by the Personnel Office. Under such circumstances:

- A. The Administrative Officer shall designate the category of work to be eliminated, subject to review by the Personnel Director.
- B. Temporary, Seasonal, Non-merit and Probationary workers in the affected classification(s) shall be separated before any tenured employees.
- C. Retention points for each tenured employee shall be computed, allowing 75% percent weight for proficiency (based upon the employee's performance appraisal scores) and 25% percent weight for seniority in Davis County Government, including military service fulfilled subsequent to original County appointment. Tenured employees shall be separated in the order of retention points. The employee with the lowest points is to be discharged first. Retention points shall be computed to two (2) decimal points. If a tie occurs, the Administrative Officer shall determine the employee to be discharged first.
- D. Tenured employees who are separated in reductions in force shall be placed on the reappointment register and shall be reappointed without examination to any vacancies for which they are qualified which occur within six (6) months of the date of separation.
- E. County service shall be determined by the length of continuous service from the most recent appointment date to a merit-covered position and will include all uninterrupted County employment time which commenced in a competitive career service position and in which the probationary period was successfully completed. Service as a Chief Deputy, Administrative Assistant, Confidential Secretary, or appointed Department Director subsequent to attainment of career service tenure with no break in service will also be counted for purposes of seniority.

**4.1** An employee in a job classification identified for reduction-in-force may be considered for retention within the department under the following conditions: (1) the employee's position is included in a career ladder established by the County; (2) the employee previously was assigned to a lower-level position within that career ladder; (3) the employee meets the current minimum qualifications for the career ladder position to which he/she wants to

be re-assigned; and (4) the employee has a higher retention point total than another employee in the lower career ladder classification. Such retention consideration shall not be allowed across departmental lines.

**4.2** Retention points shall be calculated for each employee in the job classification(s) involved in the reduction by using the employee's County service and the performance appraisals completed preceding the date of the notice of reduction action. All of the performance appraisal scores received during the preceding two years will be averaged to a percent between 0 and 100. County service will be arrived at by setting the maximum number of years to be considered as 100% to be thirty (30) years and calculating a percentage between 0 and 100 for the employee's service. The scores will be assigned the designated weight and summed. This sum shall be the "retention points" for the employee.

**4.3** Employees who have not had a performance appraisal during the twelve (12) month period preceding the announcement of the notice of reduction shall have the option of receiving a performance appraisal, which score shall then be included in computing retention points. Employees who decide not to exercise this option shall not receive any points for missing performance appraisals.

**4.4** Employees retained in a lower-level position within their career ladder shall have their pay level established by the Administrative Officer, subject to the approval of the Personnel Director. Such pay shall be established based on performance, longevity or some other equitable means, not to exceed their current pay level and the maximum of the new grade.

**4.5** When an employee reduced in force is reappointed:

A. Selection of employees reduced in force shall be made in order of retention points, meaning the employee having the highest retention points shall be reappointed first, providing minimum qualifications are met and the employee has previously attained the pay grade level of the vacancy.

B. An employee reduced in force who is reappointed will not be required to serve a probationary period. The employee shall enjoy the rights and privileges of a regular merit employee provided the employee previously achieved County merit status prior to the reduction-in-force.

C. An employee reduced in force refusing appointment to two (2) jobs shall be removed from the retention rosters and shall have no right to re-employment.

D. A merit employee reduced in force who accepts an exempt position without a break in service shall be placed on retention rosters, provided the employee requests such in writing to the Personnel Director within thirty (30) calendar days following appointment to the exempt position.

E. An employee reduced in force who is reappointed shall have accrued and unused sick leave balance restored and shall continue to accrue paid leave at the same rate that was in effect at the time of separation. County Service for reappointed employees shall include time previously considered to be County Service as defined in 4.0, E.

**5.0 ACTING IN POSITION.** If a merit employee is temporarily assigned to perform the functions of a position of higher grade, it is not necessary that they meet the minimum requirements of the position, so long as they do not serve longer than six (6) months before either qualifying for such a position of higher grade and is regularly promoted under the provisions of these Regulations, or the position is filled in compliance with these regulations.