



<b>SEPARATION OF EMPLOYMENT POLICY</b>			
<b>ISSUE DATE:</b>	March 2020	<b>REVISION DATE:</b>	

**I. PURPOSE**

The purpose of this policy is to establish a procedure for employee separation with the City of Lodi by retirement, resignation, termination or reduction in force. The procedures are designated to provide the least disruption and inconvenience to the employee and the City.

**II. POLICY**

It is the policy of the City to terminate employment due to an employee’s resignation, incapacity, termination or retirement; or a permanent reduction in or restructuring of the City’s workforce. In the absence of a specific written agreement, an employee is free to resign at any time and for any reason, and the City reserves the right to terminate an at-will employee at any time and for any reason not prohibited by law.

**a. Types of Separation**

**1. Resignation**

Resignation is a voluntary act initiated by an employee to end employment with the City.

**Requirements for Resignation Notice for the employee to leave employment in good standing are:**

- The expectation for non-exempt employees wishing to resign in good standing shall give written notice to their respective Supervisor **not less than two (2) weeks** before such resignation shall be effective.
- The expectation for exempt employees wishing to resign in good standing shall give written notice to their respective Supervisor **not less than 30 days** before such resignation shall be effective.

~~The employee must provide a minimum of a two (2) week notice prior to the resignation, and must work the full two weeks, to leave employment in good standing.~~ If advance notice is not provided or the employee fails to work his/her remaining weeks of employment, the employee will be ineligible for rehire. The employee’s supervisor should confirm the resignation in writing to the employee, and ensure the resignation is properly documented. Upon receipt of the resignation, the supervisor should notify **their appropriate Director who will then inform** the Director of Administration and the Mayor.

## **2. Retirement**

Employees who wish to retire are required to notify their supervisor and the Director of Administration in writing **at least 6 (or more) months prior to the planned retirement date.**

## **3. Job Abandonment**

Employees who fail to report to work or to contact their supervisor for three (3) or more consecutive work days, or employees who fail to return from approved leaves of absence (i.e., FMLA, worker's compensation, unpaid leave of absence) on a specified return date, without notice to their supervisor, shall be considered to have abandoned their job. Supervisors shall notify the Director of Administration and the Mayor at the expiration of the third work day and initiate the proper paperwork, including the Employee Status Change Form, to terminate the employee.

## **4. Lay-Off**

A lay-off is a separation which results as a consequence of organizational restructuring, work redesign or reduced staffing requirements. Procedures set forth in the City's collective bargaining agreements will be followed, as applicable.

## **5. Involuntary Termination**

Employees may be involuntarily separated from employment through termination. Grounds for termination may include poor performance, misconduct, or other violations of the City's rules of conduct as set forth in the City of Lodi Employee Handbook.

### **b. Benefits**

A separating employee is eligible to receive benefits, as long as the appropriate procedures are followed, as stated above. A minimum of a two-week notice must be given and the employee must work the full two weeks.

1. **Vacation leave:** Unused vacation will be paid out as a lump sum payment in the pay period following the employee's final paycheck, based on proration from the last date of employment.
2. **Compensatory Time:** Unused compensatory time must be used prior to the last date of employment or the time will be lost.
3. **Sick leave:** No payment shall be made for unused, accrued sick leave when employees terminate voluntarily or involuntarily.
4. **Health Insurance:** Health insurance terminates the last day of the month of employment. Extended coverage of the health insurance benefit plan is provided in accordance with conditions outlined through the Consolidated Omnibus Budget Reconciliation Act (COBRA).

- For employees whose start date is before November 1, 2015: When a full-time employee retires, sick leave may be converted to a dollar amount based on rate of pay at retirement and applied to health insurance premiums for the individual.
  - For employees whose start date is on or after November 1, 2015: There will be no payout of unused accrued sick leave upon termination for any reason including retirement.
  - For employees who have a break in service and resume working for the City on or after November 1, 2015: There will be no payout of unused, accrued sick leave upon termination for any reason including retirement.
5. Life Insurance: Life insurance terminates the last day of the month of employment. Conversion of the group life insurance plan to an individual plan will be presented to the employee upon his/her exit.

**c. Rehire/Reinstatement**

A former employee who has attained regular status may be reinstated to his/her former position if he/she resigned in good standing and if, within one year from the date of resignation, there is a vacancy, and his/her reinstatement is recommended by the department head and approved by the Director of Administration, or the Police Commission for positions under the jurisdiction of this Commission, and the Mayor. Employees granted reinstatement will serve a trial period of six (6) months from the date of the reinstatement, regardless of the length of probation served during the prior service.

**III. PROCEDURE**

- a. The department shall notify the Director of Administration and the Mayor immediately when it becomes known that an employee has resigned or plans to retire. The Director of Administration, or designee, will off-board the employee, as well as make arrangements for the exit interview (Appendix A). Forms should be forwarded to the Director of Administration.

**i. Return of Property**

All items which have been issued to an employee during the course of employment remain the property of the City. At the time of an employee's separation, whether voluntary or involuntary, all City documents and other items of City property in the employee's possession (i.e., cell phone, identification card, uniform, key, key card, credit card or procurement card, tools and equipment) must be returned on or before the last day of work. It will be the supervisor's responsibility to ensure that all City property is returned.

**ii. Exit Interview**

An exit interview will be conducted for all separations of employment for regular full and part-time employees through the Mayor, Director of Administration, Director of Operations, the Chief of Police, or any combination of individuals. This interview is intended to be beneficial for both the City and the departing employee. Employees will have the opportunity to air concerns or receive answers to specific questions. It is the intention of the City to obtain information that will help in employee recruitment and retention efforts.

The Director of Administration is responsible for ensuring the exit interview has been scheduled (reviewed as part of the checkout process). During the interview, an exit questionnaire (Appendix A) form may be completed or asked of the employee, and the employee will have an opportunity to ask questions, discuss any areas of concern, as well as answer more specific questions conducted by the Directors, Chief, Mayor, or any combination of individuals. Information obtained from the exit interview will be shared with the appropriate department managers and/or staff.

## **ADDENDUM TO POLICY PROCEDURE FOR LAY-OFF**

The Director of Administration is authorized and responsible for documenting the justification for the layoff, the effective date of the layoff, identification of eliminated functions, and the position(s) to be eliminated. The plan will identify the operational area(s), position title(s), and the number of employees that are expected to be laid off.

Employees subject to layoff will be determined and evaluated using the following criteria including, but not limited to, the needs of the institution to deliver services; relative skills, knowledge, or expertise of employees; and the length of service of employees.

The Director of Administration is to discuss the layoff plan with the Mayor, Directors and Council members as may be appropriate. All anticipated layoffs will be reviewed in advance by the Director of Administration. The review must occur before any proposed layoff is announced or implemented.

Once the layoff group has been determined, any employee from within the affected layoff group may elect to retire or voluntarily be laid off to avoid involuntary layoffs.

Affected employees will be provided written notification prepared by the Director of Administration at least 30 calendar days in advance of a layoff. The notification will include the reason for the layoff and the effective date of the layoff as well as any other pertinent information.

Alternatives to Layoff: If a layoff is deemed necessary, an employee may be moved to another position regardless of being designated in layoff status. The employee shall receive written notice no less than 14 calendar days in advance. Involuntary employee movements are not meant to circumvent the recruitment process and should only be used to avoid a reduction in force.

Refill of Positions: For 18 months from the anniversary of the layoff, no person may be employed in a position with an expectation of continued employment in that operational area to perform duties reasonably comparable to the duties of the laid off employee, without first making an offer of return to the laid off employee. An employee's failure to accept such an offer of return shall terminate the employee's rights under this section.