

**TOWN OF PRESCOTT VALLEY
POLICIES AND PROCEDURES**

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| Subject: | | File Under Section: | |
| TERMINATION OF EMPLOYMENT | | PERSONNEL | |
| Effective Date: | Number: | Page: | |
| October 22, 2009 Res. No. 1671 | 2-22 | 1 of 6 | |
| Supersedes: | | Approved By: | |
| July 1, 2009 Res. No. 1646 | | Larry Tarkowski Town Manager | |
| | | Date: _____/S | |

1.0 POLICY

- 1.1 It is the policy of the Town to terminate employment because of an employee's resignation (including job abandonment), dismissal, retirement or a reduction in the work force. Employees are free to resign at any time and for any reason or for no reason at all, and the Town reserves the right to terminate employment at any time and for any reason or for no reason at all.

2.0 PURPOSE

- 2.1 The purpose of this policy is to set forth the appropriate management review and approval prior to finalization of employment and to inform employees of their pay and benefits status based upon their termination date.

3.0 APPLICABILITY

- 3.1 All Town of Prescott Valley employees.

4.0 REFERENCE

- 4.1 Uniformed Services Employment and Reemployment Rights Act of 1994

5.0 REASONS FOR SEPARATION

- 5.1 Voluntary Resignation
- 5.1.1 An employee who wishes to leave the Town service in good standing shall file a written resignation with his or her immediate supervisor at least fourteen (14) calendar days prior to the employee's final work day. The written resignation should clearly state the reason(s) for leaving as well as the last day the employee will report for work. The written

resignation shall immediately be forwarded through the employee's department head to the human resources director.

- 5.1.2 Advance notice of leaving is a required action to allow prompt replacement of the position. An employee who fails to comply with the requirement for resignation in good standing cited in 5.1.1 above may be denied future employment. The Town Manager may waive this requirement.
- 5.1.3 The Town may determine that an employee who gives notice should cease working immediately, in which case the employee will be compensated for the notice period. If the notice period is for longer than fourteen (14) calendar days, the Town Manager may approve additional compensation up to thirty (30) calendar days. In this case, the end of the notice period will be the termination date.
- 5.1.4 An employee who has submitted a voluntary resignation may withdraw this resignation with the consent of the department head, the human resources director, and the Town Manager.

5.2 Retirement

- 5.2.1 Employees retiring from the Town should submit written notification to their supervisor at least thirty (30) days prior to the retirement date. The written notification should be forwarded through the employee's department head to the human resources director.
- 5.2.2 The maximum retirement age is 65 for members of the Public Safety Personnel Retirement System. There is no maximum age for other employees.

5.3 Fitness for Duty Dismissal

- 5.3.1 An employee may be required to submit to a health examination if:
 - a. The employee becomes aware of a physical or mental disability which may affect their ability to perform the essential functions of his/her position.
 - b. The department head reasonably suspects that the health conditions of an employee constitutes a hazard to persons or property or prevents the employee from performing the essential functions of his/her position.
- 5.3.2 An employee who refuses to cooperate with an action to determine whether he or she is fit for duty will be subject to discipline up to and including dismissal.
- 5.3.3 The employee will be paid for the time required for such examinations, which shall be conducted at no cost to the employee. Correction or

- 5.3.4 If an employee is released to work within certain restrictions, the Town will determine whether the employee can be assigned temporary modified-duty (TMD). TMD may be temporarily performing regular job duties on a part-time basis or performing “light or restricted duty” within medically-imposed limitations. Refer to the Temporary Modified-Duty (TMD) Program for guidelines.
- 5.3.5 If an employee is unable, with reasonable accommodation, to perform the essential functions of his/her position, he/she shall be placed on leave until such time as he/she is certified by a physician to be able to return to full duty or a maximum of nine months, whichever comes first. In case of continuous or long-term physical or mental incapacity, the employee may be retired on disability status.

5.4 Dismissal

- 5.4.1 Introductory employees and employees classified as seasonal or temporary may be dismissed at the recommendation of the department head and with concurrence by the Town Manager.
- 5.4.2 Non-introductory employees may be recommended for dismissal by the department head to the Town Manager as outlined in the Disciplinary Action Policy.
- 5.4.3 Department heads, other than those appointed by the Town Council, may be dismissed by the Town Manager.
- 5.4.4 Employees appointed by the Town Council may be recommended for dismissal by the Town Manager and may only be dismissed by the Town Council.
- 5.4.5 The Town, at its discretion, may provide other alternatives in lieu of notice of a termination decision.

5.5 Reduction in Force

- 5.5.1 The human resources director and the department head, with the approval of the Town Manager, may institute a reduction in force whenever necessary due to lack of funds, lack of work, or reorganization. The human resources director, department head, and the Town Manager shall determine the number and classes of employees affected by the reduction in force within their sole discretion based on their determination of what is in the best interests of the Town.
- 5.5.2 Upon approval of the Town Manager, employees subject to layoff may be transferred to a vacant position in a related class in the same or different department without examination.

5.5.3 An employee who is laid off is not precluded from applying for future vacancies within the Town service. Terms of reemployment will be based on the employee's break in service and all applicable policies.

5.6 Job Abandonment

5.6.1 Employees who are absent from work for three (3) consecutive days without being excused or giving proper notice will be considered as having voluntarily quit and are not eligible for re-hire.

6.0 REINSTATEMENT

6.1 Non-introductory employees who resign from Town service may request in writing to the human resources director to be placed on a reinstatement list for equivalent or lower position classes occupied at the time of resignation. Placement on a reinstatement list must be in accordance with the following:

6.1.1 Department head approval.

6.1.2 The request for reinstatement occurs within one year of an employee's termination date.

6.1.3 Candidates on a reinstatement list may be subject to further testing.

6.1.4 Employees who accept reinstatement to any position in Town service will have their names removed from all other reinstatement lists.

6.1.5 Employees hired from a reinstatement list are classified as new employees and may be required to serve an introductory period.

6.1.6 Employees reinstated within thirty days are considered to have continuous service for purposes of salary and benefits.

6.1.7 Reinstated employees are eligible to apply for promotional examinations.

6.1.8 Employees who resign during their initial introductory period are not eligible for reinstatement to that position or class.

6.1.9 Employees who resign during their introductory period following promotion, transfer or demotion may be reinstated to the position occupied before the personnel action.

6.1.10 An employee who resigns from Town service to enter active duty in the armed forces, voluntarily or involuntarily, will be covered under the Uniformed Services Employment and Reemployment Rights Act.

7.0 INDEPENDENT REVIEW

7.1 All terminations shall be reviewed by the Town Manager before finalization.

7.2 For involuntary terminations, other than Reductions in Force; the review should determine exactly why the employee is being terminated and that the action is:

- justified by the circumstances
- properly documented
- supported by the employee's personnel record
- consistent with the Town's policies and response in the past
- implemented by following all applicable policies and procedures

Final termination should not be discussed with the employee until the review has been completed and the Town Manager is satisfied that dismissal is appropriate based on the factors described above.

8.0 RETURN OF TOWN PROPERTY

8.1 An employee leaving the Town service is responsible for returning any and all Town property issued to or in his/her possession. Upon termination, such property must be returned to the department from which the employee is terminating prior to the issuance of any final pay.

8.2 If the employee owes the Town any money or is responsible for any lost or damaged property, those accounts are to be settled as originally agreed or by deductions from final pay, unless prohibited by law.

9.0 TERMINATION DATE

9.1 Termination date is the last day an employee is at work, the date determined in accordance with Section 5.1.3 above, or the date determined by disciplinary action.

9.2 General leave pay, holiday pay, comp time or any other form of compensation paid to an employee will not change the termination date.

10.0 TERMINATION PAY AND BENEFITS

10.1 The ending date for group insurance coverage and all other benefits will be in accordance with the applicable plan administration documents and based on the employee's termination date.

10.2 An employee who voluntarily leaves the Town service shall be paid wages due, together with any earned and unused leave, as a lump sum on the next regularly scheduled payroll following the last day worked.

10.3 An employee who involuntarily leaves the Town service shall be paid all types of monetary payments due as a lump sum no later than the third (3rd) business day following the last day of work.

10.4 Department heads are considered "at will" employees. Severance pay shall be granted to the department head for three (3) months' pay plus accrued general

leave unless dismissal is for disciplinary reasons. Severance pay is not available for voluntary separation.

11.0 EXIT INTERVIEW

- 11.1 The Town Manager and/or human resources director shall conduct an exit interview no later than the employee's last working day or earlier if circumstances warrant.
- 11.2 The human resources director shall maintain as confidential any and all written reports of the exit interview meeting. Pertinent items requiring managerial review and needed changes of policy shall be brought to the attention of and/or addressed by the Town Manager.