



## SECTION 9 - SEPARATION

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### 9-101 RESIGNATION PROCESS

#### **101.1 NOTICE OF RESIGNATION**

It is requested by the City that employees who resign notify their Department Director two (2) weeks prior to the effective date. Individuals in exempt positions are requested to give thirty (30) days notice. The resignation should be made in writing, signed, and dated. The original resignation will be forwarded to Human Resources for inclusion in the employee's employment records.

The Department Director may approve the withdrawal of a resignation prior to the effective date of such resignation provided that a conditional offer of employment has not been made to fill the pending vacancy.

#### **101.2 USING LEAVE AFTER RESIGNATION**

Use of vacation leave or compensatory time during the minimum notice period shall not be permitted unless prior approval of the Department Director is obtained. An employee may use sick leave during the minimum notice period only with a statement from a healthcare provider stating that the employee's condition prevented the employee from working.

#### **101.3 POST-RESIGNATION NOTICE PROCEDURES**

Employees who resign must return all City-identification, keys, equipment, or documents and City owned property.

Employees who resign will receive a final paycheck on the next regular payroll date upon which they would have been paid if still employed.

#### **101.4 CONTINUING HEALTH-CARE COVERAGE AFTER DEPARTURE (COBRA)**

Full or part-time employees who resign and/or their eligible dependents are eligible to continue their health care coverage through COBRA for a designated period of time and must complete the necessary paperwork to indicate if they decline or accept continued coverage. The employee bears the entire cost of COBRA coverage.

## 9-102 REDUCTION IN FORCE

### 102.1 OBJECTIVE

This procedure establishes a consistent and equitable method for reduction in force when it is required due to financial necessity, a lack of work, reorganization, or changes in needs or technology.

### 102.2 SCOPE

Reduction in force could impact any employee. It can take the form of elimination of a position or a reduction in hours. Transfers to an open position may be offered to an employee in order to prevent or postpone a termination.

### 102.3 GUIDELINES

The City Administrator, with the consent of the City Council, may institute a reduction of force. Staff members may be terminated as the result of a decision to effect a reduction in force, subject to the provisions in this policy.

The identification of position to be terminated due to a reduction in force in any operating unit will be based first on position elimination. After the positions to be eliminated are identified and when there is more than one incumbent in such position the basis upon which staff members to be terminated are:

1. Individual performance
2. Seniority
3. Current Active Duty

In the event that a reduction in force is required the City Administrator may offer the employee an appointment to a vacant position or a part-time position for which the employee is qualified in lieu of termination. If the employee does not accept the transfer, the severance pay and benefits below would be offered. Should the employee be offered a position of a higher pay grade, the employee's pay would be brought to the minimum of the range or an increase of 5%, whichever is greater. If the position is of a lower pay grade, the employee's current pay would be grandfathered for two years, not to exceed 15% above the maximum of the range. During this period the employee is not eligible for any wage increases until the wages fall within the current range. Upon the duration of this time, if the employee is still in said position, their wage would be adjusted to the maximum of the range.

### 102.4 SEVERANCE PAY

Regular full time employees who are terminated due to a reduction in force will receive severance pay equivalent to one (1) week for every year of service, not to exceed 16 weeks but no less than 8 weeks. The severance will be paid in installments every two weeks for the number of weeks of severance that was offered.

Additionally, regular full time employees will be compensated for their accrued vacation, comp time (non exempt), and personal days. All vacation, comp time, and personal days will be included in a lump sum on the first pay check of the severance pay following the notification of the termination.

No further accrual of vacation, comp time, and personal days will occur following notification of termination.

### **102.5 SEVERANCE BENEFITS**

For regular full time employees who are terminated due to a reduction in force and any eligible dependents currently enrolled in the health care plan, the City will continue to pay the City's portion of the health care premium for ninety (90) days. The terminated employee remains responsible for the employee portion of the health care premium. At the end of 90 days, the terminated employee may elect to continue coverage through COBRA, and the employee must complete the necessary paperwork to indicate if they decline or accept COBRA coverage.

The Employee Assistance program through New Direction can be utilized by the terminated employee, employee spouse, and eligible dependants for 90 days.

The City will continue to pay all federal and state mandated benefits through the term of the severance pay.

The City will not continue to pay the City's matching contribution of the employee's deferred compensation program during the term of the severance pay.

Information regarding Severance Benefits will be provided by Human Resources at the time of the reduction in force notification.

### **102.6 REINSTATEMENT OF EMPLOYMENT**

Should a terminated employee be hired back within eight (8) weeks of notification of the reduction in force all accrued sick leave will be reinstated. The employment date will be reinstated to the original hire date and the vacation accrual rate will be assigned accordingly.

## **9-103 ABSENT WITHOUT LEAVE AUTHORIZATION**

Absence without leave shall be construed to be any absence in which the employee has failed to secure prior approval or, in the case of illness or emergency, has failed to notify their immediate supervisor of such absence no later than within fifteen (15) minutes after their regular shift start, except in extenuating circumstances.

Any unauthorized absence of an employee from duty shall be determined as absence without pay and may be grounds for disciplinary action, up to and including termination, by the Department Director. In the absence of such disciplinary action, employees who absent themselves for 3 (three) or more days without authorized leave, shall be deemed to have resigned, except in

extenuating circumstances. To be reinstated, with or without pay, employees must provide evidence of extenuating circumstances acceptable to the Department Director.

A written statement from the Department Director regarding the unauthorized absence by the employee will be placed in the employee's personnel file.

Employees who have resigned due to an absence without leave and/or any of their eligible dependents are eligible to continue their health coverage through COBRA for a designated period of time and must complete the necessary paperwork to indicate if they decline or accept coverage.

#### 9-104 SEPARATION DUE TO DISCIPLINE

Employees who are terminated as a disciplinary measure:

- Must return all City identification, keys, equipment, or documents and City owned property;

- Will receive their final paycheck on the next regular payroll date upon which they would have been paid if still employed; and

- Are eligible to continue their health care coverage for themselves and/or any eligible dependents through COBRA for a designated period of time (unless terminated for gross misconduct) and must complete the necessary paperwork to indicate if they decline or accept continued coverage.

#### 9-105 RETIREMENT PROCESS

Employees who plan to retire should notify the Human Resources at least 90 (ninety) days prior to their planned retirement date.

Per K.S.A. 12-5040, employees who receive a retirement or disability benefit for service with the City of Gardner, who have been employed by the City of Gardner for not less than ten (10) years are eligible to continue health care coverage until they are eligible for Medicare or another health plan. In order to continue this coverage, the former employee must complete the necessary paperwork to indicate if they decline or accept continued coverage.

#### 9-106 EXIT INTERVIEWS

Exit interviews shall be scheduled for all employees who separate from full-time and part-time positions with the City of Gardner.

Departing employees shall be asked to complete an exit interview questionnaire. Information provided shall be confidential. Completed forms shall remain on file but shall not become part of the employee's personnel record.

Group insurance conversion options and other pertinent benefit matters will also be discussed during the exit interview.

The exit interview will be conducted by the Human Resource Manager or their designated representative.