

Category: 300
Number: 314

Subject: **SEPARATION AND LAYOFF**

1. **PURPOSE:** The purpose of this policy is to establish a uniform set of criteria and procedures for the separation and layoff of Saginaw County employees.
2. **AUTHORITY:** The Saginaw County Board of Commissioners.
3. **APPLICATION:** The rules and regulations herein set forth apply to all employees paid by Saginaw County, pursuant to Policy #301.
4. **RESPONSIBILITY:** The Controller/CAO shall be responsible for the implementation of this policy. It shall be the responsibility of Department Heads, and Agencies of Saginaw County to administer this policy.
5. **DEFINITIONS:**
 - 5.1 **Involuntary Termination.** Involuntary terminations shall be categorized and defined as follows:
 - 5.1.1 **Layoff:** A reduction in the workforce, either temporary or permanent. A reduction in hours shall not be considered a lay-off.
 - 5.1.2 **Termination:** Involuntary termination of employment for reasons other than layoff. Probationary employees and at-will employees in judicial and elected departments may be released for any reason. Regular employees may be released for cause.
 - 5.1.3 **Disability Retirement:** Disability retirement shall be in accordance with the appropriate retirement plan document and/or benefits available through that plan.
6. **POLICY:**
 - 6.1 **Causes for Termination of Employment.** Policy level employees appointed by elected officials and employees serving at the pleasure of elected officials by statute are considered "at will" employees and can be separated from employment at the discretion of the elected official. Other employees can be terminated for just cause. Layoff shall be due to a reduction in the workforce as approved by the Board of Commissioners.

- 6.2 Voluntary Resignation. An employee who intends to resign is expected to give at least two (2) weeks notice in writing to his/her Department Head. Professional and managerial employees planning to retire are expected to give at least four (4) weeks notice, if possible. No employee will lose any vacation pay or benefits provided herein by failing to give the required notice, however, employees who give less than two (2) weeks notice will have it documented in their personnel file. Prior to separation, Professional and Managerial employees shall make themselves available to their department to participate in strategic transition planning.
- 6.3 As stated in Section 6.6 of the Continuous Length of Service Policy, an employee who fails to report to work without proper notification or authorization for three (3) consecutive days will be considered a voluntary termination. (Unless discharge would have been imminent before, during or after the absence, then termination due to discharge may result).
- 6.3.1 Separation Notice. Employees affected by layoff will be given two (2) weeks notice in writing when possible. Employees terminated from County service will be given notice if possible; however, the probationary period will not be extended in order to provide probationary employees with notice. Employees terminated by reason of cause will be given a written notice of suspension with intent to discharge prior to ordering the employee to leave the workplace, if possible (see 6.5 below).
- 6.3.2 The notice of suspension with intent to discharge shall be delivered personally or confirmed in writing within 24 hours by Certified Mail.
- 6.3.3 The Personnel Division of the Controller's Office will provide appropriate blank separation forms to Department Heads upon request. The original copy will be provided to the employee, one copy to the Personnel Division and one copy will be retained by the Department Head.
- 6.3.4 Each separation notice must be signed by the Department Head or in his/her absence, by his/her designee. Involuntary separations must be coordinated with the Personnel Division.
- 6.4 Suspension Pending Termination. If a Department Head decides discharge is in order, the employee shall first be suspended for five (5) workdays (Monday through Friday excluding holidays) without pay. This will allow sufficient time for procedural matters and further investigation if necessary. After five (5) work days, the suspension will be (1) converted to immediate discharge effective the first day of the suspension; (2) changed to a suspension with pay; (3) left to remain as a suspension without pay; or (4) revoked and the employee reinstated with pay for the days not worked.

6.5 Pre-Termination Process. Once a Department Head determines involuntary separation is in order, the Personnel Division shall be advised. The employee is entitled to a pre- and post-termination hearing; however, the pre-termination process need not amount to a formal hearing. Essentially the hearing shall be an initial check against mistaken assumptions and a determination of whether there are reasonable grounds to believe the charges are true and support the proposed action. The employee is entitled to oral or written notice of the charges against him/her, an explanation of the evidence and the opportunity to rebut the charges.

6.6 Post-Termination Appeals. A non-probationary employee terminated for cause, has the right to appeal the County's action following the provisions contained in the Grievance Procedure Policy. Non-probationary employees terminated because of layoff have the right to appeal the action, but only to challenge the validity of his/her selection for layoff by the Department Head. The employee cannot appeal the County's decision to have a reduction in the workforce. The administrative hearing will be conducted as stipulated in the Grievance Procedure Policy.

6.7 Benefits At Separation. Please refer to Policy #343 for benefits at separation.

7. ADMINISTRATIVE PROCEDURES: NONE

8. CONTROLLER/CAO LEGAL COUNSEL REVIEW: The Controller/CAO has determined that this policy as submitted to the Board of Commissioners contains the necessary substance in order to carry out the purpose of the policy. County Civil Counsel has determined that this policy as submitted contains content that appears to be legal activities of the Saginaw County Board of Commissioners.

Approved as to Substance:
Saginaw County Controller/CAO

Approved as to Legal Content:
Saginaw County Civil Counsel

ADOPTED/AMENDED: April 23, 2002