

## VII. SEPARATIONS

- A. Resignation. An employee may resign from County employment by giving written notice to the department head and the Office of Human Resource Management.
1. An employee's resignation will be accepted without prejudice if received ten (10) or more working days prior to its effective date.
  2. If inadequate notice (less than 10 working days) of resignation is given, the Director may include a record of this fact in the employee's file.
  3. An employee may, in writing, withdraw or modify a resignation notice prior to its effective date.
- B. De Facto Resignation. An employee who is absent from work for three (3) or more consecutive working days in an unauthorized leave status, unless incapable of providing notification, shall be deemed to have resigned and shall be informed of same in writing by the Director.
- C. Retirement. An employee may retire at any time after meeting retirement qualifications as defined by the applicable Utah Retirement System. An employee shall give adequate notice of his/her retirement date.
- D. Reduction in Force. No Career Service employee shall be notified of the possibility of separation or reduction until completion of the first six (6) items below:
1. The Director is notified of position elimination proposals. Time limited employees performing the same or similar job duties in the department must be separated before any Career Service employee is reduced in force. Grant funded employees shall continue working in the grant-funded position as long as funds are available unless separated under another provision of these rules.
  2. The Director identifies the names of all employees filling the positions proposed for elimination and/or Reduction in Force in the department or the division(s)/work group(s) of a department and ranks incumbent employees in each position classification according to composite retention points from highest to lowest. In the case of an equal number of composite retention points for two employees, the employee with the older review date for the position being eliminated shall be ranked higher. Retention points shall be calculated for affected employees in three categories which are seniority, ability and merit. The maximum number of retention points is fifty (50) points for seniority, twenty-five (25) points for ability and twenty-five (25) points for merit, for a total of one hundred (100) retention points. The definitions and method for calculating retention points for seniority, ability and merit are as follows:
    - a. Seniority. Seniority is the continuous service that an employee has with Utah

County as a career service employee from their most recent career service hire date. Service time shall not be subtracted for approved leaves. Only complete years of service will be used in computing retention points for seniority. Two (2) retention points shall be given for each year of service as a full-time career service employee. Service as a  $\frac{3}{4}$  or  $\frac{1}{2}$  time career service employee shall be prorated. In the case where a career service employee's status has changed from or to full-time,  $\frac{3}{4}$ , or  $\frac{1}{2}$  time in a year, the year shall be computed as a full year based upon what their status was for the majority of the year. Retention points for seniority shall not exceed fifty (50) points.

- b. Ability. Ability is the consideration of knowledge, skills and abilities such as technical expertise or experience related to job functions remaining after the Reduction in Force; possession of certifications, licenses, degrees, letters of commendation or other qualifications related to job functions; versatility and flexibility to perform a variety of job functions; interpersonal skills, including the ability to positively influence the performance of others; productivity, including quantity and quality of work performed.

The Department Head shall provide a list to the Director indicating ability retention points for all employees in positions

proposed for elimination or reduction in force, as well as the justification for the ability retention points. If the Director determines that the proposed ability retention points cannot be adequately justified, the Director may adjust the ability retention points for any employee on the list. Retention points for ability shall not exceed twenty-five (25) points.

- c. Merit. Merit is evidenced by the average of the three (3) most recent performance appraisals (including 3 month, probation, trial period, and/or annual reviews). Merit retention points are calculating by adding the final score for the employee's three most recent performance appraisals, dividing this number by three, and then multiplying the result by 5. If the employee has had fewer than three appraisals since the last merit hire date, the score will be based on the average of appraisal scores.

Each previously documented disciplinary action imposed in the prior three years will result in points being subtracted from the merit score according to the following scale: Oral Reprimand = -1 point; written reprimand = -3 points; Suspension = -5 points. Retention points for merit shall not exceed twenty (25) points.

- 3. The Director identifies affected employees and potential bumping rights.

- 4. A closed meeting shall be held with the County Commission, the department head, the Director of the Department of Office of Human Resource Management, and an attorney from the Civil Division of the Office of the County Attorney. During the closed

session:

- a. The department head presents an organizational chart identifying the position(s) proposed for elimination; and
  - b. The Director presents the employee lists, identifies employees with the fewest retention points, identifies potential employee bumping rights, and certifies that assigned job classifications are accurate for affected positions; and
  - c. The discussion will include projected savings and factors that would mitigate the reduction in force.
5. The County Commission provides authorization for the reduction in force and identifies the position(s) to be eliminated.
  6. Human Resources prepares reduction in force notifications for affected employees and provides them to the department head.
  7. The department head, and the Director if requested by the department head, meets with the affected employee(s), provides the prepared notice, and coordinates all further steps with the Office of Human Resource Management.
  8. All Career Service employees reduced in force will be:
    - a. Permitted to use "Bumping Rights". An employee has bumping rights into a position of the same, or of a lower, job classification level providing he/she has performed the essential functions of the position at some previous time within the department and will require little or no training to perform the duties again. The employee having the fewest retention points within a job classification is the employee that may be bumped. If bumping into a lower classified position and the employee's salary step is above the maximum of the salary range for the lower classified position, the employee's salary step must be reduced to the maximum of the lower salary range. Bumping rights apply only to the department in which the worker is currently employed.
    - b. Separated from employment if no bumping rights exist, if the employee does not select to exercise bumping rights, or when bumped and no further bumping rights exist.
    - c. Placed on a rehire register, if the employee was separated, for a period of one (1) year. To be placed on a rehire register, the individual must complete a new application for employment and indicate positions and/or departments of interest. The rehire register will be provided to the hiring department along with the competitive recruitment employment register. A selection may be made from either register. The separated individual will be invited to

interview for any open position for which the Office of Human Resource Management considers them qualified. Rehired employees' previous years of service will be reinstated.

- E. Dismissal. An employee may be dismissed for cause as explained in Section VII of these rules, and a department head may dismiss an employee having other than Career Service status, with or without cause, and without right of appeal.