

	<p align="center">Separation from Employment</p> <p align="right"><i>Adopted 9/5/2018</i></p>
<p align="center">Last Revision Date: 11/13/2024</p>	<p align="center">Policy No. 4.608</p>
<p align="center">Last Enabling Resolution: 240-2024/920-2024</p>	<p align="center">Developer/Reviewer: Human Resources</p>

1. Purpose

The purpose of this policy is to inform hiring authorities and employees of the procedures to follow for voluntary and involuntary separations of employment.

2. Scope

This policy applies to all Sedgwick County employees, with the exception of Elected Officials, employees in the Sheriff’s Office, the District Attorney’s Office, Election Office poll or board workers, the Election Commissioner, County Engineer, County Manager, County Counselor and County Appraiser.

3. Policy Statement

County employees may be terminated for any legal reason, failure to adhere to Personnel Policies and Procedures, inappropriate behaviors or when progressive discipline steps fail to bring about improvement in an employee's performance. The hiring authority is not required to go through the progressive discipline step procedure (see Policy 4.501 Progressive Discipline) before initiating a termination.

Termination of County employees shall be made without discrimination on the basis of race, color, religion, national origin, age (40 and older), sex (including pregnancy, gender identity and sexual orientation), genetic information, disability, political affiliations, status as a member of the uniformed services, opposition to prohibited discrimination, participation in a discrimination or harassment complaint process, and other categories specifically protected by State of Kansas and Federal Law. Doing so is illegal. This policy does not in any way constitute an employment contract. Sedgwick County reserves the right to amend this policy at any time, subject only to approval by the Board of County Commissioners.

4. Definitions

- A. **Voluntary Resignation** – Separation of employment by an employee made at the discretion of the employee.

- B. **Involuntary Termination** – Termination of employment made by the County.

- C. **Form 4.608F Review of Termination** – Form completed by the hiring authority initiating the request to involuntarily separate an employee in any employment status. Form is used by hiring authority, CHRO and County Manager or Elected/Appointment Official and not shared with employee subject to separation.
- D. **Form 4.608C Involuntary Termination Checklist** – Form to be completed by the hiring authority and submitted to the CHRO with the 4.608F Review of Termination. Content summarizes employee information and all prior disciplinary action.
- E. **Form 4.608R Final Review Hearing Letter** – Letter provided to employees who are eligible for a final review hearing that includes the date, time and location of the scheduled hearing. The 4.608R is prepared by the CHRO and sent to the hiring authority to be presented to the employee at the time the 4.608T Intent to Terminate is issued.
- F. **Form 4.608T Intent to Terminate** – Form used to place employees eligible for a final review hearing on leave with pay pending the hearing. The form is not issued until CHRO has reviewed all documentation, concurs with the action and has notified the hiring authority the final review hearing is scheduled.

5. Procedures

A. Voluntary Resignation

1. Employees who desire to end their employment with the County shall submit a written resignation to their supervisor. Resignations shall be submitted at least fourteen (14) calendar days before the final workday. Employees are not to use accrued leave after submitting a resignation unless through a doctor's order or approved by the Division/Department Director or Elected/Appointed Official.
2. The Department should immediately process the personnel action form (PAF) and forward the written notice of resignation to personnel@sedgwick.gov to be added to the employee's official personnel file.
3. The period of notice may be reduced or waived upon approval of the Division/Department Director or the Elected/Appointed Official. The Chief Human Resources Officer must be notified in writing of the waiver by the hiring authority.
4. If an employee fails to give the required notice of a voluntary resignation, the hiring authority may submit a statement to the employee's personnel file noting the failure.
5. Employees who wish to withdraw their resignation may do so only by submitting a written request to the hiring authority within the fourteen (14) calendar day notice period. Requests will be reviewed and approved at the discretion of the hiring authority. No requests will be accepted after effective date of the resignation.

B. Involuntary Termination - No Final Review Hearing

PROBATIONARY, PART-TIME, TEMPORARY, and SEASONAL EMPLOYEES
Use only form 4.608F Review of Termination and 4.608C Involuntary Termination Checklist

Step 1: Form 4.608F Review of Termination

- a. Department finalizes form 4.608F and forwards the 4.608F, the completed 4.608C Involuntary Termination Checklist (including all prior disciplinary action and other relevant documentation) to Division Director, Assistant or Deputy County Manager for signature.
- b. Division Director, Assistant or Deputy County Manager sends the 4.608F, 4.608C, prior disciplinary action and other relevant documentation to the CHRO.
- c. The CHRO will consult FML/ADA Specialist or ER Specialist and County Counselor.
- d. If the CHRO does not concur with the termination, the hiring authority will be contacted.
- e. If CHRO concurs, the documentation will be sent to the County Manager.
- f. The hiring authority will be notified of status by the County Manager or CHRO.

Step 2: Separation Meeting

- a. After hiring authority receives approved and fully signed 4.608F, they meet with employee and separate them.
- b. Management will advise the employee of the specific reason(s) for the termination and the effective date.
- c. Do not give the employee a copy of the 4.608F. This form is for internal use only.
- d. Coordinate employee collection of personal belongings.

Step 3: Employee Access

- a. Immediately collect and suspend ID badge. Contact Courthouse Police Department at 660-7777.
- b. Immediately suspend electronic access. Contact helpdesk@sedgwick.gov or 660-9811.

Step 4: After the Employee Separation

- a. PAF is completed by department.
- b. CHRO collects all documentation and scans to permanent personnel file.
- c. Division of Human Resources sends letter to address on file with Sedgwick County advising employee of the status of their benefits.

C. Involuntary Termination – Final Review Hearing Eligible

FULL-TIME and BENEFITTED PART-TIME EMPLOYEES no longer on initial probation
Use forms 4.608F Review of Termination, 4.608R Final Review Hearing Letter and 4.608T Intent to Terminate

Step 1: Form 4.608F Review of Termination

- a. Department finalizes form 4.608F and forwards the 4.608F, the completed Involuntary Termination Checklist (including all prior disciplinary action and other relevant documentation) to the Division Director, Assistant or Deputy County Manager for signature.
- b. Division Director, Assistant or Deputy County Manager sends the 4.608F, Involuntary Termination Checklist, prior disciplinary action and other relevant documentation, to the CHRO.
- c. CHRO will consult FML/ADA Specialist or ER Specialist and County Counselor.
- d. The hiring authority will be notified of status by the CHRO.

Step 2: Forms 4.608T Intent to Terminate and 4.608R Final Review Hearing Letter

- a. If the decision is made to proceed with the termination, the CHRO will schedule the Final Review Hearing to be held within three (3) business days of the notification of the intent to terminate. The CHRO will complete form 4.608R Final Review Hearing Letter communicating the date, time and location and forward to the Division/Department.
- b. Division/Department Director will complete form 4.608T and present it, along with the 4.608R Final Review Hearing Letter, to the employee within one (1) business day.
- c. The Division/Department should maintain the original 4.608T and provide a copies to the employee and the Chief Human Resources Officer.
- d. Form 4.608T also serves to place the employee on relief of duty with pay (see procedure outlined in Policy 4.501 Progressive Discipline).
- e. After presenting the 4.608T Intent to Terminate and 4.608R Final Review Hearing Letter, the hiring authority should offer the employee the opportunity to collect their personal belongings.

Step 3: Employee Access

- a. Immediately collect and suspend ID badge. Contact the Courthouse Police Department at 660-7777.
- b. Immediately suspend electronic access. Contact helpdesk@sedgwick.gov or 660-9811.
- c. Supervisor should retain keys, computer and other SG CO property.

Step 4: Final Review Hearing

- a. An eligible employee may refuse the Final Review Hearing.
- b. Elected/Appointed Officials may serve as Hearing Officer for their employees or opt to have the County Manager serve.
- c. Present at the Final Review Hearing will be:
 - i. Employee
 - ii. Immediate Supervisor
 - iii. Division and/or Department Director
 - iv. Chief Human Resources Officer or designee
 - v. Hearing Officer (County Manager or designee or Elected/Appointed Official)

- d. The employee may bring a non-legal representative to the Final Review Hearing. The representative may not speak on the employee's behalf.
- e. During the Final Review Hearing, the hiring authority will present information regarding the termination request. The employee will have the opportunity to dispute information regarding the termination.

Step 5: Final Decision

- a. The Hearing Officer will send a letter to the employee's home address communicating the final decision.
- b. **Termination is upheld**
 - i. PAF is completed by department.
 - ii. The County Manager or Elected/Appointed Official that served as Hearing Officer will sign form 4.608F and return it to the Chief Human Resources Officer. The CHRO will collect all documentation, including the outcome letter signed by the Hearing Officer, and scan to the employee's permanent personnel file.
 - iii. Division of Human Resources will send a letter to the employee's home address advising the employee of the status of their benefits.
- c. **Termination is not upheld**
 - i. Employee returns to work.

D. Violations of 4.505 Workplace Violence or 4.506 Workplace Discrimination

When Human Resources personnel have completed an investigation into an alleged violation of policies 4.505 and/or 4.506 with a finding of a policy violation that results in a recommendation for termination, the employee shall not receive the 4.608T form and will not be eligible for a Final Review Hearing. Management will use form 4.608F. The County Manager or Elected/Appointed Official will meet with the employee to communicate the outcome of the investigation and termination. In these instances, the employee will be ineligible for rehire.

E. Job Abandonment

If an employee has been absent for three (3) consecutive scheduled work days without contacting their supervisor, the employee will be deemed to have abandoned their job and the separation will be processed as a voluntary resignation. The employee's timecard should reflect hours without pay and a comment added indicating no call-no show for each day. Departments should consult the Division of Human Resources prior to processing the Personnel Action Form.

F. Reduction in Force

County employees may be terminated from their employment with Sedgwick County pursuant to a reduction in force (RIF) in accordance with Policy 4.603 Reduction-in-Force.

G. Payment of Wages, Vacation Leave and Employee Notice

- 1. When an employee resigns or is involuntarily terminated, they shall be paid all earnings which are due and owed on a regularly scheduled pay date.

2. When an employee separates, either voluntarily or involuntarily, and has been employed in a full-time or benefitted part-time position consecutively for more than six (6) months, the employee shall be paid for any unused vacation at one hundred (100) percent of their hourly rate.
3. If an employee separates either voluntarily or involuntarily before six (6) months of employment, the employee shall not be compensated for any accrued vacation leave.
4. When an employee leaves employment, Sedgwick County has the authority to withhold wages under certain criteria. Refer to Policy 4.2001 Wage and Salary Administration.

H. Processing Separations of Employment

1. When an employee resigns, is terminated, is part of a RIF, or in any way separates their employment relationship with the County, they shall surrender to the hiring authority all property that has been issued to them by the County. This may include such items as keys, personal computers or other electronic items, clothing, tools, identification cards, training manuals, etc.
2. The hiring authority shall forward the completed Personnel Action Form to the Division of Human Resources for processing. The hiring authority shall take steps to ensure access to all Sedgwick County electronic systems is terminated no later than the employee's last day of employment.
3. Sedgwick County employees are eligible to request unemployment benefits. The determination of unemployment benefits is based upon the procedures and guidelines of the Kansas Department of Labor.