

02. PERSONNEL

2.5. Transfer, Demotion, Layoff, Resignation, and Dismissal

BOS Adopted – Jan 4, 2016

2.5.1. Transfers. (excluding Social Services and the School Board) The County Administrator has the authority to transfer employees, other than employees that report to Constitutional Officers, as necessary in the best interest of the County. The pay of an employee transferred to another position of the same pay grade shall remain unchanged.

2.5.2. Transfer from Department of Social Services and the School Board. Transfer of employees from the Department of Social Services and the School Board to County employment shall be entitled to the following regarding leave balances and seniority:

A. Annual Leave Balance - Any annual leave balance shall be paid to the employees by the employer who incurred the annual leave liability according to that employer's policy and no annual leave balance shall be allowed to be carried over by an employee transferring from the Department of Social Services or the School Board.

B. Sick Leave Balance - One-half of an employee's sick leave balance or a maximum of fifteen (15) days shall be allowed to be carried over by an employee transferring from the Department of Social Services or the School Board Office to county employment.

C. Seniority - Credit for years of service with the Department of Social Services or the School Board will be given to a transferred employee only in regards to the annual leave accrual rate.

2.5.3. Demotions. The pay of an employee demoted to a position of lower grade shall be reduced to a step below the present salary and within the new salary classification schedule, unless such salary step is above the maximum for that class to which the employee is demoted. In this case, the maximum step will be the appropriate step. The foregoing constitutes the minimum reduction that may occur and, at the discretion of the County Administrator, or Constitutional Officer for their respective employees, this reduction may be greater.

2.5.4. Layoffs. The order of layoff is hereby declared to be as follows:

A. The order of the layoff shall be inverse to the relative value of the employees to the County, as determined by the County Administrator, subject to review of the Board of Supervisors; Constitutional Officers retain sole authority to determine the order of layoffs;

B. No permanent employee shall be laid off from any position while any temporary employee is continued in a position of the same class;

C. Each employee laid off shall be given a written notice. Whenever practical, this notice should be given not less than two weeks prior to the effective date and should include the reasons

for the layoff, the effective date, and any other information deemed necessary by the County Administrator, or Constitutional Officer for their respective employees, to include information on unemployment benefits, anticipated length of layoff, etc.

2.5.5. Resignation

A. An employee who resigns from County service is required to give at least two weeks written notice to the department head. A department head is required to give at least four weeks written notice to the County Administrator. This notification shall include the reason for resignation, the actual date and hour the resignation is to become effective and shall be signed by the employee. A copy of the notification shall be forwarded to Human Resource for its inclusion in the file. Such resignation may be withdrawn by the employee at any time prior to the effective date with the approval of the department head. Employees are expected to work during their entire notice period. Vacation, Personal Days and Compensatory Time may not be used during the notice period. This includes time off approved prior to the resignation. If an employee needs to use Sick Leave during the notice period, the employee shall furnish Human Resources with a written statement from his/her physician indicating the nature of the employee's condition and the approximate anticipate date of medical release by the physician.

B. The County reserves the right to provide an employee with up to two weeks time off pay (up to four weeks for department heads) in lieu of notice in situations where job or County needs warrant such action. Such a decision should not be perceived as reflecting negatively on the employee since it may be for a variety of reasons not known to the individual or other employees. The pay will be deducted from the Employee's accrued unused leave balance in the following order: Comp Time, Vacation, and Sick Leave. This payment of time off is separate and apart from payment of leave balances under Section 2.5.7., Final Settlement.

2.5.6. Dismissal. The County Administrator, or designee, and Human Resources are to be contacted prior to the dismissal of an employee with the exception of those working in Constitutional Offices. The procedure and reasons for dismissal of a non-probationary employee are detailed in section 2.16 of this policy. Probationary employees may be dismissed with or without cause and are not eligible to use the County's Employee Grievance Procedure pursuant to state law.

2.5.7. Final Settlement

A. When an employee leaves employment with the County, regardless of the circumstances, he shall receive his final paycheck on the next regular payday. Non-Probationary employees who leave County employment shall receive payment for all annual leave up to the maximum number of hours that can be carried forward at the end of the calendar year, based on length of service. If the employee has five or more years of continuous service when County employment ends, he or she also will be paid for 25% of the unused sick leave, not to exceed \$2,500. The employee also will be paid for any overtime leave balance and compensatory leave balance. Payment for this time will be on the next regular payday following the issue of the final paycheck. Any County property not returned upon leaving County employment will result in having the value of the property deducted from any pay due to the former employee.

B. Any employee giving less than the required notice period outlined in Section F.5 upon resignation will forfeit an equivalent amount of accumulated leave. The County Administrator, or Constitutional Officer for their respective employees, reserves the right to waive this penalty in the event of extenuating circumstances beyond the control of the employee.

C. It is the responsibility of the department head or Constitutional Officer to submit a Personnel Action Request (PAR) to Human Resources stating the amount of leave due the employee and any debit to that leave balance due to lack of notice or unreturned County property.

2.5.8. Benefits. Upon leaving County employment, the employee has the option to convert group life insurance and to extend health coverage under COBRA provisions.

2.5.9. Employment References. The Human Resources Department is designated to respond to reference check inquiries from other employers. All calls, contacts and written inquiries concerning current or former employees should be referred to the Human Resources Department. It is the policy of Fluvanna County to provide neutral references concerning former employees. Responses to such inquiries will confirm dates of employment, wage rates and title of positions held. Constitutional Officers are exempted from this policy unless the Officer specifically requests in writing to be subject to this policy.