

Section 9

Non-Disciplinary Separation

Section 9.1

Resignation

- A. Employees who plan to voluntarily resign shall notify their immediate supervisor at least thirty (30) days in advance of the effective date of termination (excluding vacation days due prior to the effective date of resignation).
- B. Any employee who resigns is encouraged to give his or her reasons for resigning and to discuss with his or her supervisor any working conditions which he or she feels are unsatisfactory.
- C. A formal letter of resignation shall be required by the Superintendent.
- D. Failure to give proper notification shall result in ineligibility for reinstatement.

A person who resigns in good standing may be reinstated, at the discretion of the Superintendent, in his or her former type of position within one (1) year following resignation, provided the person remains qualified to perform the duties of the position and such reinstatement would be in the interests of the Department.

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Section 9.2

Retirement

A. All agency employees are required by law to participate in the Ohio Public Employee's Retirement System. * This program is entirely independent of the federal social security system.

If an employee is age sixty (60) and has five (5) years of service, he or she is eligible to retire. He or she may retire on a lesser benefit as early as age fifty-five (55), if he or she has twenty-five (25) years of credit. A member who has at least twenty-five (25) years of total service credit, including military service purchased, may apply for an age and service retirement benefit. With thirty (30) years of credit, there is no age requirement nor age benefit reduction.

B. The Superintendent may, on the 30th day of June of any year, terminate the employment of any employee who has attained the age of seventy (70) years. This policy is consistent with the provisions set forth in ORC Section 145.32.

* Appointing authority, seasonal, and intermittent employees are exempt from this requirement.

Section 9.3

Layoffs (Non-Contract Employees)

A. General Policy

If it becomes necessary to reduce staffing levels, the Superintendent shall lay off employees by using a system which considers length of service to determine the order of layoff. Layoffs shall only occur when one (1) of the following reasons can be demonstrated:

1. Lack of work
2. Lack of funds
3. Abolishment for reasons of economy, efficiency, and/or reorganization

B. Definitions

The following definitions shall be applied to the procedures set forth in this policy:

1. Classification means the official title assigned to a position or the employee performing the duties of the position.
2. Classification Series means those classifications which are similar in duties and functions and are described by identical terms except that they are distinguished as to their level by a numerical or supervisory designation.
3. Full-Time Employee means those employees who are scheduled to work a minimum of forty (40) hours and/or eighty (80) hours bi-weekly.
4. Intermittent Employee means those employees who are not scheduled and only work when they are called. An intermittent employee may have worked as a substitute for a full or part-time employee for a specified period of time, but such employment does not affect his or her status, unless the change has been made permanent or exceeded the probationary period.
5. Lack of Funds means that there is a current or projected deficiency in the funds to maintain current or projected levels of staffing and operations.
6. Lack of Work means that there is a current or projected temporary decrease in the work load.
7. Length of Service means the continuous, uninterrupted service of the employee, where no separation has occurred. For purposes of this

- definition, any separation lasting thirty (30) days or less shall not be deemed a separation, nor shall personal or educational leaves of absence be deemed a separation. If any employee was separated, but was reinstated by specific action of the Superintendent within one (1) year, the service time prior to the separation will be included in the employee's length of service.
8. Part-Time Employee means an employee who is scheduled to work less than forty (40) hours or eighty (80) hours bi-weekly.
 9. Pay Range means the minimum and maximum wage or salary within the compensation schedule that an employee can earn in his or her position.
 10. Position means the group of job duties that an individual employee is expected to perform.
 11. Seasonal Employee means an employee who is called into work at certain times of the year.

C. Method

1. When it is demonstrated that there is reason to reduce staffing levels, the Superintendent shall determine the number of positions and classification in which layoffs will occur. The Superintendent shall also prepare a retention point listing of all employees who have been appointed to the classification(s) selected for the layoff, and the lower classification series where displacement may occur. Such list should be posted in a conspicuous location, for employee inspection, at the time layoff notices are delivered.
2. Employees shall be assigned a base of one hundred (100) retention points. Computation of retention points for continuous full-time service shall be made by crediting each employee with one (1) retention point for each bi-weekly pay period of continuous service. For the purposes of calculating retention points, full-time service shall include service as a full-time permanent, full-time seasonal, full-time interim, or full-time temporary employee. For full-time seasonal, full-time interim, or full-time temporary service, credit will be given only for those pay periods in which the employee was scheduled to work.
3. Retention points for continuous service for other than full-time service shall be calculated on the basis of one-half (.5) point for each bi-weekly pay period of continuous service. Retention points computed for full-time continuous service and other than full-time continuous service,

whenever applicable, shall be combined to determine an employee's total retention points. Overtime shall not be considered for purposes of computation of retention points for continuous service.

4. In the event two (2) or more employees have identical retention points as calculated by this rule, the tie shall be broken by utilizing the following methods, in the following order:
 - a. First, employees having most recent date of continuous service from which no break in service has occurred shall be laid off or displaced first.
 - b. Second, the appointing authority shall determine the employee to be laid off or displaced first.

D. Order of Layoff

1. Employees shall be laid off in an order which is consistent with the needs of the Jefferson County Board of DD as determined by the Superintendent; however, in each instance, the order shall be intermittent, then part-time, and then seasonal employees.
2. The layoff lists shall be developed separating employees into the above appointment types and listing employees in descending retention point order. The lists shall indicate which employees are to be laid off. In the case of ties in retention points, the most recent hire date shall determine the employee to be laid off. If the hire dates are the same, the Superintendent shall determine which employees will be laid off.

E. Displacement

1. An employee who is to be laid off or displaced may fill an available vacancy, or if no vacancy exists, displace within his or her classification. If the employee exercises the right to displace within his or her classification, he or she shall displace the employee with the fewest retention points in that classification.
2. An employee who is to be laid off or displaced may fill an available vacancy, or if no vacancy exists, displace the employee with the fewest retention points in the next lower and then successively lower classifications in the classification series. This process shall continue, if necessary, until the employee with the fewest retention points in the lowest classification of the classification series has been reached and, if necessary, laid off.
3. An employee who is to be laid off or who is displaced may fill an available vacancy, or if no vacancy exists, displace the employee with

the fewest retention points in a classification that has the same or similar duties and a lower or the equivalent pay range. Displacement rights are limited to those classifications that are designated as a similar classification or classifications in the list published by the director in rule 123:1-24-08 of the Administrative Code.

4. In no event shall an employee have the right to displace into a classification with a higher pay range assignment than the laid off or displaced employee's classification.
5. Where more than one (1) classification in the list of same or similar classifications, as listed in rule 123:1-24-08 of the Administrative Code, have the same pay range assignment, the employee exercising his or her right of displacement shall displace the person with the fewest retention points in the group of the same or similar classifications.

F. Notification of Layoff or Displacement

1. Employees shall be provided with a hand-delivered written notice of their layoff or displacement by another employee at least fourteen (14) calendar days prior to the layoff, or if delivered by certified mail, a seventeen (17) calendar day prior notice as to the layoff or displacement by another employee. The written notice shall include the effective date of layoff, the employee's retention points, information as to displacement rights, and how to exercise those rights, and the reason for the layoff.
2. Employees must notify the Superintendent in writing of their intention to exercise their displacement rights within five (5) calendar days after receipt of the notice of layoff or displacement.

G. Pay Following Displacement

1. Whenever an employee displaces to a lower classification as a result of layoff, every effort shall be made not to reduce his or her pay; however, pay rates shall be established according to the following provisions:
 - a. If the lower pay range permits, the employee's rate shall be set at the same or most nearly the same pay level, without receiving an increase.
 - b. If the employee's pay rate exceeds the pay range of the lower classification, it will be set at the top level of the lower pay range.

H. Appeals

1. Employees who believe that they have been laid off in error may appeal the action to the State Personnel Board of Review within ten (10) days

of the receipt of the notice. Such appeal must be in writing and include reasons as to why the layoff or displacement was improper.

I. Reinstatement Rights

1. The Superintendent shall establish a recall list, and employees shall be eligible for reinstatement for one (1) year following layoff. Employees shall be offered positions that become available at their classification level and lower classification levels within their classification series according to their retention points. The recall list shall be prepared for all laid off or displaced employees and shall be in the inverse order of layoff by classification (e.g., the employee with the most retention points shall be first on the recall list).

Section 9.3.1

Layoff Procedures (Contract Employees)

When the Superintendent and/or the Board, when applicable, determines that a reduction in force is necessary, he may layoff employees in the manner set forth in this policy.

For purposes of this section, neither the substantive nor the procedural provisions of Chapter 124 ORC shall apply.

The Superintendent or the Board, when applicable, shall determine the job titles in which a reduction in force shall occur. Within each job title, the order of layoff shall be as follows:

- A. All employees holding limited contracts for that job title shall be laid off before any employee holding a continuing contract in that title.
- B. Within each category of contract, part-time employees shall be laid off before full-time employees.
- C. Layoff shall proceed in inverse order of agency seniority. "Agency seniority" means the total number of quarters of employment completed by the employee with the Board of DD and shall not include time served in other county agencies. Where employees have equal seniority, the tie shall be broken by a method determined by the Superintendent. An employee shall be informed, in writing, as follows:
 1. The effective date of the layoff
 2. The employee's recall rights (one (1) year following the effective date of layoff)
 3. The employee's obligation to maintain a current mailing address on file with the Human Resource Department
 4. COBRA benefits
 5. Severance pay, if any
- D. Employees may not displace individuals in other job titles.
- E. Reinstatement

Employees retain the right to be reinstated to the job title from which they were laid off for one (1) year following layoff.

 1. Employees shall be offered re-employment in the inverse order of layoff.

2. When a vacancy occurs in a job title from which employees have been laid off, the employee eligible for reinstatement shall be notified in writing of the vacancy. Notice shall be mailed, certified U.S. mail, return receipt requested, to the employee's last known address. Laid off employees are responsible for notifying the Board, in writing, of any change of address.
3. Laid off employees shall accept or decline the offer of reinstatement within five (5) work days after it is received. Offers of reimbursement are deemed received on the earlier of ten (10) days after mailing to the correct address or actual receipt. Failure to respond to an offer of re-employment within the time limits imposed by this division constitutes refusal of that offer.
Any employee who declines re-employment under this division forfeits his right to re-employment except that no employee shall lose his right to re-employment for refusing to accept a part-time position.
4. No person may be hired into any job title in which a layoff has occurred, other than by reinstatement until:
 - a. All laid off employees have been reinstated or declined reinstatement
 - b. More than one (1) year has elapsed since the layoff occurred

F. Appeal Rights

Employees may appeal layoffs, failures to reinstate from layoff, or the failure to offer them other positions for which they may hold continuing contracts in the following manner:

1. At such hearing the Superintendent shall prove, by a preponderance of the evidence, a good faith basis for the action appealed and the employee shall prove, by a preponderance of evidence, procedural defects in the implementation of that action.
2. No layoff action taken under this section shall be overruled unless it resulted from bad faith on the part of the Employer, or from a procedural defect in its implementation prejudicial to the employee who raised that defect.
3. The fact that the Employer acted upon mistaken though honestly held, information does not establish bad faith.

