

## **SECTION 15**

### **SEPARATION FROM EMPLOYMENT**

Separation of employment can occur for several different reasons. Employment may end as a result of resignation, retirement, termination, administrative separation, reduction in workforce and release (end of season or assignment).

#### **A. Resignation**

1. An employee who resigns shall be paid for time worked together with any accrued but unused vacation and sick leave pay (if applicable).
2. If an employee resigns between regular payroll periods, termination pay will be paid on the next regularly scheduled payday.

#### **B. Retirement**

Employees who wish to retire should notify Human Resources at least one month prior to their anticipated date of retirement and are encouraged to give at least two weeks notification to their Elected Official/Department Head.

#### **C. Termination**

1. Any employee discharged because of violation of the Rules of Conduct or incompetence shall be allowed compensation and accrued but unused vacation only on the basis of time earned prior to discharge.
2. Any employee may be dismissed at any time when, in the judgment of the Department Head, the quality of the employee's work or conduct is not such as to merit continuation in service to the County.
3. Nothing herein shall be construed as creating a contractual right to employment or altering the common-law right of the County to terminate the employment of any County employee. Employment shall be at will, so that the employment relationship may be terminated at the will of such person or at the will of the County at any time. No person acting for or purporting to act for the County has the authority to vary the employment at will relationship above stated, nor to make an oral or written agreement for permanent employment or employment for any specified period of time, except by specific Order entered in the minutes of the Commissioners' Court. No oral or written statement or representation or purported practice and custom varying the employment at will relationship above stated, heretofore or hereafter made or existing, shall be binding upon the County, nor may be relied on by any employee of the County, unless such statement or representation or a specific description of such practice and custom is hereafter reduced to writing, and approved by Order entered in the minutes of the Commissioners' Court. This Personnel Policies Manual may be revised, modified, or withdrawn by the Commissioners' Court at any time without notice.

**D. Administrative Separation**

Definition – A no-fault separation in which an employee is removed from the County’s payroll after having exhausted all earned and/or authorized time off from work for various reasons such as earned sick leave time, family medical leave time, injury leave time, personal leave, vacation or approved unpaid leave of absence. An employee will be considered unable to return to work if he or she cannot perform all the essential functions of the job, with or without reasonable accommodation. In these instances, when and if an employee is able to return to work full-time, he/she may re-apply for employment, if a position is available, and he/she will be considered along with other applicants on a competitive basis.

**E. Reduction in Workforce**

An employee may be laid off because of changes in duties, organizational changes, lack of budgeted funds or lack of work. Employees who are laid off may not appeal the layoff decision through the appeal process.

**F. Release**

Release is the end of temporary or seasonal employment.