



CHAPTER: Employee Conduct and Relations Standards

SUBJECT: Termination

POLICY NUMBER: 4.500 PAGES: 4

RELATED POLICIES:
4.501 4.502 4.601

ENABLING RESOLUTION:
114-1988 267-2007 269-2007
177-2014 209-2015

REVISION DATE(S):
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DEPARTMENT OF PRIMARY RESPONSIBILITY: HUMAN RESOURCES

SPECIAL NOTES: This Policy/Procedures Manual does not in any way constitute an employment contract. Sedgwick County reserves the right to amend this Manual at any time subject only to approval by the Board of County Commissioners and the Governing Body of Sedgwick County Fire District Number One.

I. Purpose

The purpose of this policy is to:

- A. outline the rights and responsibilities of a terminated employee.
- B. outline the rights and responsibilities of Sedgwick County when terminating an employee.
- C. inform hiring authorities of the appropriate procedures to follow for termination of an employee.
- D. explain the procedures that will be followed for issuing the final compensation and benefits due a terminated employee.
- E. review expected employee standards of conduct.

II. Policy

- A. Termination of County employees shall be made without discrimination on the basis of race, color, national origin, ancestry or citizenship, gender, age, religious or political affiliations, disability or status as a military veteran.
- B. Except as provided hereafter in Sections D. and E, County employees may be dismissed for any legitimate business reason including but not limited to: failure to abide by County and/or department Policies and Procedures; engaging in conduct constituting a violation of the law; unauthorized use of County property; failure to maintain proper licenses and certificates; excessive tardiness and/or absenteeism; insubordination; willful misconduct; falsification of documents or records; discriminatory practices contrary to Sedgwick County and Federal Equal Employment Opportunity guidelines; disorderly conduct; safety violations; the use, sale or possession, or being under the influence of alcohol or illegal drugs during working hours; and inadequate job performance.
- C. County employees may also be dismissed when progressive discipline steps fail to bring about improvement in an employee's performance, job related problems or adherence to Personnel Policies and Procedures. It is emphasized that the hiring authority is not required to go through the progressive step procedure before

termination may occur.

- D. During the probationary period, an employee serves at the pleasure of the appropriate hiring authority and may be terminated for any reason not prohibited by Federal or State law. He/she can be dismissed without the right to appeal or hearing except in cases of alleged discrimination, in which the Sedgwick County Grievance Policy can be utilized.
- E. Classified exempt employees serve at the pleasure of the appropriate hiring authority and may be terminated for any reason not prohibited by Federal or State law. Classified exempt employees are without the right to appeal and without the right to a termination hearing as set forth by the Sedgwick County Grievance Policy, except in cases of alleged discrimination.
- F. When an employee is terminated, he/she shall be paid earnings since the last pay period on the next regularly scheduled pay date.
- G. An employee who has been employed for more than six (6) months shall be paid unused vacation pay. Fire Union employees shall consult their Union Contract. Employees will be paid accrued leave based on their termination date.
- H. If an employee leaves County employment before six (6) months, he/she shall not be compensated for any accrued vacation leave. Fire Union employees shall consult their Union Contract.
- I. If the department terminates an employee after the employee has given notice of his/her resignation in writing and has been employed for six (6) months, the department shall be obligated to pay the employee for the two (2) weeks for which the employee gave notice, plus earned but unused vacation pay. Fire Union employees shall consult their Union Contract.
- J. An employee who gives two (2) weeks notice and fails to come to work, if the absence is unauthorized and unexcused, shall be terminated and any accrued vacation shall be paid.
- K. If an employee has been absent three (3) consecutive days without contacting his/her supervisor, the employee will be deemed to have abandoned his/her job and will be processed as a resignation.
- L. County employees may be terminated from their employment with Sedgwick County pursuant to a departmental lay off in accordance with Policy Number 4.603 Reduction-in-Force.
- M. Sedgwick County expects its employees to be courteous and respectful at all times to both the public and to fellow employees. Employees are expected to be governed by the principles and ordinary rules of good behavior and judgment. Employees are expected to be just and honorable in their relations with each other and shall refrain from conduct tending to discredit or injure other employees or engage in conduct unbecoming their status as a County employee.

- N. See Policy Number 4.300, "Employment", II. Policy, D. regarding employees who get married and are employed in the same department.

III. Procedure

- A. The procedure for terminating an employee shall be as follows:
 - 1. The appropriate department supervisor shall conduct an administrative investigation of the circumstances relating to the proposed dismissal of the employee. If necessary, the supervisor may relieve an employee of his/her duties with pay or suspend the employee without pay during this investigation. Prior to a suspension or relief of duty, notice of the proposed action shall be given to the Division of Human Resources.
 - 2. When the hiring authority reaches the disciplinary decision (termination/suspension/demotion) he or she will meet with Human Resources to discuss the disciplinary decision. Human Resources will review the information and make recommendations.
 - 3. Based on the recommendations from Human Resources, the hiring authority completes form PS- 1369, County Manager's Review of Termination/Disciplinary Suspension. A copy of the form will be given to the Division of Human Resources.
 - 4. The hiring authority gives a copy of PS-1369 and supporting documentation to the Division Director and/or Assistant County Manager.
 - 5. The Assistant County Manager, Division Director or his/her designee, should discuss the disciplinary decision with the County Manager for notification purposes.
 - 6. If appropriate, the hiring authority will schedule a pre-termination hearing, and notify the Division of Human Resources and the County Counselor's Office of the time and location.
 - 7. When the hiring authority determines there are grounds for termination, notice shall also be given to the employee of the intent to terminate said employee along with reasons for the termination and a date and time for a pre-termination hearing.
 - 8. The appropriate hiring authority shall be responsible for conducting the pre-termination hearing (except for those employees on probation or designated as classified exempt). All termination hearings shall take place in the Sedgwick County Courthouse and be recorded. He/she may have supervisors or other employees present during the hearing. At the hearing, the employee will be given the opportunity to present oral and/or written reason why he/she should not be terminated. If the hiring authority feels that further investigation in the matter is needed, a decision may be made following the gathering of such

additional information, after review by the County Manager.

9. Following the pre-termination hearing, if the hiring authority finds that the termination is justified, a final written notice shall be presented to the employee along with the reason for dismissal.
 10. The hiring authority shall forward a completed Personnel Action Form to the Division of Human Resources for processing.
- B. Whenever an employee resigns, is terminated, laid off, or in any way absolves his/her relationship with the County, he/she shall surrender to the Division Director, Department Head or Elected Official all property that has been issued by the County to said employee. This may include such items as keys, clothing, tools, identification cards, training manuals, etc.
- C. Most fringe benefits will be terminated, but some may be continued if the employee wishes to assume responsibility for the payment to the company that provides the benefit (e.g., life insurance). Certain fringe benefits may have continuing long-term benefits (e.g., retirement plans). Health insurance may be paid through the County as specified by law. Therefore, for his/her own benefit, the employee should leave time while still employed to discuss these benefits with Human Resources.