

## **ARTICLE 13 - ENDING EMPLOYMENT WITH THE CITY, BRIDGING OF SERVICE AND RE-EMPLOYMENT**

Ending employment with the City falls under three primary categories: voluntary termination of employment, involuntary termination of employment and retirement. With that in mind, the City has specific needs in being able to fill necessary roles and have a smooth transition of duties whenever an employee leaves service with the City. Additionally, some employees will leave service and subsequently desire to return to work for the City. This Article outlines the regulations regarding ending employment, the guidelines on bridging of service, and returning to work for the City.

### **Section 1. Voluntary Termination of Employment or Resignation**

- A. An employee who voluntarily terminates employment, or resigns from his or her position with the City is expected to provide a written notice of resignation with the Director. In order for written resignations to be considered in “good standing,” they are required to be submitted at least 14 calendar days prior to the final work day, unless the Director consents to a shorter notice period or the employment agreement for the employee requires a different notice period. The written notice of resignation must be forwarded to the Human Resources Director as soon as possible.
- B. An employee who leaves City service without filing a written notice of resignation and giving at least two weeks’ notice, the required notice set by his or her employment agreement, or the required notice approved in writing by his or her Director shall be considered in violation of the Human Resources Articles and forfeit any payout of accrued benefits that otherwise would be paid out upon separation or employment, and will have the fact entered on the service record in the personnel file, and shall be denied the right of the re-eligibility provisions of the City Human Resources Articles. The failure to provide written notice as required by this section shall be considered leaving employment not in good standing. Such voluntary termination of employment or resignation may not be appealed.
- C. A person who resigns “not in good standing” may be denied the right of re-eligibility and may apply for work only during open competitive recruitment.
- D. At the Director’s discretion, voluntary terminations of employment or resignations may go into immediate effect for employees in certain high-risk or security sensitive positions, or if continuing employment with the City would cause a verifiable hardship to either the City or the employee. Those employees may be paid for the full two weeks’ notice period and be eligible for payout of accrued benefits. Those employees may also be eligible for re-employment.

- E. When an employee resigns verbally and refuses to submit a written notice, or walks off the job, the person witnessing the resignation shall document the facts, in memorandum form, and submit the memorandum to the Human Resources Director through his or her Director. Such resignation will be considered to be not in good standing and may not be appealed.
- F. Once a notice of voluntary termination of employment or resignation has been given, any employee absence from work during his or her final 14 calendar days of work will be unpaid, unless a special exemption is approved by the Director.
- G. When an employee has been absent without authorized leave (see Article 17, Section 2. A. and 3. A.) for two consecutive work shifts, if the employee is absent at the start of the third shift, such absence shall be considered job abandonment and shall constitute a resignation not in good standing. Such voluntary termination of employment or resignation may not be appealed.
- H. The Director may deem absence without authorized leave for one day to constitute a resignation if it is the second occurrence within a twelve month period, unless the employee had both a medical impairment which prevented working, and an inability to notify his/her immediate supervisor, confirmed by a doctor's certification. The Director, after coordination with the Human Resources Director, shall notify the employee in writing either in person or by registered or certified mail that the absence constitutes resignation not in good standing. The notice shall be sent to the last known address of the employee. Such voluntary termination of employment may be appealed by qualifying employees.
- I. Directors, after consultation with the Human Resources Director, may offer an employee the opportunity to resign from his or her position in lieu of involuntary termination of employment as outlined in Section 2 below. Such resignation may be considered "in good standing," provided, however, that said employee is a signatory to the City's separation agreement. Such resignation may not be appealed.

## **Section 2. Involuntary Termination of Employment**

Even though there may be variations with respect to circumstances, involuntary termination of employment is caused primarily by one of these three reasons:

### **A. Inability to Follow Rules**

The City Administrator is authorized to establish Administrative Rules with regard to involuntary termination of employment because of an employee's inability to follow the rules that results in Disciplinary Action (see Rule 4,

Section 2). Such involuntary termination of employment may be appealed by qualifying employees.

B. Inability to perform the job to standards

The City Administrator is authorized to establish Administrative Rules with regard to involuntary termination of employment because of an employee's inability to perform the job to standards resulting in Performance Related Corrective Actions (see Rule 4, Section 4). Such involuntary termination of employment may be appealed by qualifying employees.

C. Reduction in Force (RIF)

The City Administrator is authorized to establish Administrative Rules with regard to reductions in work force that are appropriate to the circumstances of financial indigence of the City, significant change in technology, and/or position(s) that are no longer necessary or applicable to the City's operation. Any decision on which employees whose employment would be involuntarily terminated under this subsection shall give due regard to the experience, performance history, attendance records, and qualifications of the effected employees. Such involuntary termination of employment may not be appealed.

### **Section 3. Retirement**

Retirement may be another form of voluntary termination of employment. Employees are encouraged to provide Human Resources and the Missouri Local Government Employees Retirement System (LAGERS) as much prior notice as possible when they make the retirement decisions. The City and LAGERS both require that employees must submit their applications for retirement 30 to 90 days prior to the end of employment and prior to the start of receiving a monthly benefit from LAGERS. The notification of retirement must be submitted to the supervisor no less than 30 days prior to the retirement date.

For employees in the Public Safety positions of Dispatcher, Police Officer I, Police Officer II, Police Sergeant, Police Lieutenant, Firefighter, Fire Engineer, Fire Captain and Battalion Chief who have fifteen (15) or more years of service with the City, in lieu of retirement based on qualifying physical or psychological reasons, they will receive priority consideration for other available positions for which they qualify within the City.

### **Section 4. Withdrawal of Voluntary Termination of Employment or Resignation**

An employee who has submitted his or her written notice of voluntary termination of employment or resignation, to include retirement, may request the withdrawal of such notice be honored provided: 1.) the request is in writing; 2.) the request is submitted prior

to the last date of employment provided on the notice of resignation; and 3.) a replacement for his or her position has not already been hired. It will be at the Director's discretion whether or not to approve any such withdrawal of notice of resignation. The Director's decision on such request is final, and his or her decision may not be appealed.

### **Section 5. Effective Date of Termination of Employment**

- A. The effective date of a voluntary termination or resignation shall be the agreed upon date between the Director and the employee, and/or the last day that the employee worked. Employees are expected to work and fully complete their duties up and through the end of their final shifts.
- B. The effective date of an involuntary termination shall be the date determined by the Human Resources Director.

### **Section 6. Bridging of Service and Re-Employment**

Any employee who resigns in good standing may be eligible for re-employment in their former job or in another job. Bridging of Service or re-employment for regular full-time employees will be contingent upon various factors regarding available positions, the person's time away from City service, requirements of the job and following the normal steps for approving a new employee.

- A. A former regular full-time employee who resigned in good standing may return to service in the same position he or she left the City, with Director approval, provided that the position has not been filled and his or her return is within 30 days of leaving service with the City.

At the Director's discretion, this person may bypass the interview and selection process. Human Resources' background checks and drug screening will still apply. The person re-hired would incur no lapse in seniority nor any decrease in his or her previous rate of pay. Any employee returning under this guideline would maintain his or her previous accrual rates for vacation, but will lose all time accrued for vacation, sick leave and personal time if it has already been paid out.

The request to return to City service must be made in writing by the former employee.

- B. A former regular full time employee who resigned in good standing may return to service in the same position that he or she left the City, with Director approval, provided that the position has not been filled and his or her return is between 30 days and 183 days of leaving service with the City.

At the Director's discretion, this person may bypass the interview and selection process. Human Resources' background checks and drug screening will still apply. The person re-hired under this guideline would incur a one-year decrease in seniority and a one-step decrease in his or her rate of pay. Any employee returning under this guideline will lose one year in his or her years of service for vacation, and will lose all time accrued for vacation, sick leave and personal time.

The request to return to City service must be made in writing by the former employee.

- C. A former regular full time employee who resigned in good standing may return to service in the same position that he or she left the City, with Director approval, provided that the position has not been filled and his or her return is between 183 days and 366 days of leaving service with the City.

At the Director's discretion, this person may bypass the interview and selection process. Human Resources' background checks and drug screening will still apply. The person re-hired under this guideline would incur a two-year decrease in seniority and a two-step decrease in his or her rate of pay. Any employee returning under this guideline will lose two years in his or her years of service for vacation, and will lose all time accrued for vacation, sick leave and personal time.

The request to return to City service must be made in writing by the former employee.

- D. A former regular full-time employee who resigned in good standing more than 366 days earlier may return to service in the same or different open position with the City. Employees re-hired under this guideline or from the re-eligibility list shall, for all purposes, complete the interview and selection process and shall, if selected to fill the position, be considered as though they received an original appointment and may not use any of the previous periods(s) of employment for seniority purposes. Human Resources' background checks and drug screening will still apply.
- E. Employees who return to service with the City may bridge their service credit with LAGERS, provided they had not previously received payment for retirement benefits or taken distribution of their accrued balances with LAGERS.