
ARTICLE VIII

SEPARATION, DISCIPLINARY ACTION & REINSTATEMENT

**NORTHAMPTON COUNTY
LOCAL GOVERNMENT**

ARTICLE VIII: SEPARATION, DISCIPLINARY ACTION & REINSTATEMENT

Contents

Section 1. Resignation 2

Section 2. Voluntary Resignation without Notice 2

Section 3. Retirement..... 3

Section 4. Disability..... 3

Section 5. The Disciplinary Process (For ALL Employees)..... 3

Section 6: Separation Due to Unavailability (For ALL Employees)..... 12

Section 7. Reduction in Force for General County Employees 13

Section 8. Reduction in Force Employees Subject to the STATE HUMAN RESOURCES
ACT..... 14

Section 9. Credentials 18

Section 10. Death 19

ARTICLE VIII: SEPARATION, DISCIPLINARY ACTION & REINSTATEMENT

The separation, disciplinary and reinstatement policies are implemented to provide for County employees and management a fair, clear and useful tool for addressing separation of employment.

Department Heads and supervisors are responsible for maintaining the proper conduct and discipline of employees under their supervision. When an employee's performance or conduct is determined by a Supervisor or Department Head to be unacceptable, disciplinary action may be initiated in various methods, depending on the nature of the offense.

All separations of employees from positions in the service of the County shall be designated as either voluntary or involuntary. Employees may be voluntarily separated from County service by either resignation or retirement.

Employees may be involuntarily separated from County service by reduction in force, disability, dismissal or death. Some policies may **not** be applicable to the Sheriff's Office, Health Department, Social Services Department, or Register of Deeds (as so designated).

Section 1. Resignation

An employee may resign from employment with Northampton County by submitting a letter of resignation with a minimum of two (2) weeks' notice. A letter of resignation is required and shall be submitted to both the Department Head and Human Resources. Upon concurrence with the Department Head, the County Manager may waive the notice requirement in cases where immediate separation is in the best interest of the County.

Upper management positions, such as Department Heads, should submit a letter of resignation with at least two (2) weeks' notice; however, when possible, a 30-day notice is preferred. Department Heads should submit a letter of resignation directly to the County Manager, with exception of the Social Services and Health Director who shall submit a letter of resignation to their respective boards.

Sick leave will only be approved during the final two (2) weeks of a notice with a physician's note verifying illness or verification of medical appointment.

Section 2. Voluntary Resignation without Notice

An employee voluntarily terminates employment with Northampton County by failing to report for work without giving written or verbal notice to the Supervisor or Department Head. Such a failure shall be deemed to be a voluntary resignation from employment without notice when the employee is absent without approved leave for a period of at least **three (3)** consecutive, scheduled workdays. Separation pursuant to this policy should **not** occur until the Department Head or Supervisor has taken reasonable effort to contact the employee to determine if he/she intends to return to work. Such a separation is considered voluntary and carries no grievance or appeal rights granted to the employee.

Section 3. Retirement

An employee may retire when the employee is eligible for retirement benefits. The employee must give a minimum of two (2) weeks' notice of retirement; however, a pre-retirement conference with Human Resources is strongly recommended at least three (3) months prior to the retirement date. Employees **must** inform the Department Head as soon as the decision is made to retire, up to six (6) months in advance. The Local Government Retirement Handbook addresses all rules, policies, and procedures for the retirement process, including eligibility. (Available at: www.nctreasurer.com).

Section 4. Disability

An employee who cannot perform the required duties because of a physical or mental impairment may be separated for disability. The employee or the County may initiate action. In all cases, such action must be accompanied by medical evidence acceptable to the Department Head and in some cases, in coordination with the County Manager.

Section 5. The Disciplinary Process (For ALL Employees)

Any employee, regardless of occupation, position, or profession may be warned, demoted, suspended or dismissed by the appointing authority.

Employees employed by the Northampton County Department of Social Services and the Northampton County Health Department and the Emergency Management Coordinator are directly subject to all sections of the STATE HUMAN RESOURCES ACT. General County Employees are **not** subject to this act. The STATE HUMAN RESOURCES ACT does, however, provide the framework for which all disciplinary guidelines will be administered.

The Sheriff's Office and Register of Deeds and their respective employees are **not** subject to the above guidelines but are subject to the North Carolina General Statutes which provide the Sheriff and Register of Deeds the right to discharge an employee at will without any due process. Therefore, both department heads have the authority to determine the application of the steps within the outlined policy, if any at all.

For County employees, disciplinary actions shall be initiated by the Department Head and implemented with the concurrence of the Human Resources Director or County Manager. The degree and type of action taken shall be based upon the sound and reasonable judgment of the appointing authority in accordance with the provisions of this policy and only for just cause.

There are two (2) bases for the discipline or dismissal of employees under the statutory standard of "just cause" as set out in General Statute 126-35.

ARTICLE VIII: SEPARATION, DISCIPLINARY ACTION & REINSTATEMENT

These two (2) bases are:

1. Discipline or dismissal imposed on the basis of unsatisfactory job performance, including grossly inefficient job performance.
2. Discipline or dismissal imposed on the basis of unacceptable personal conduct.

Either unsatisfactory or grossly inefficient job performance or unacceptable personal conduct constitutes just cause for discipline or dismissal. The categories are **not** mutually exclusive, as certain actions by employees may fall into both categories, depending upon the facts of each case. No disciplinary action shall be invalid solely because the disciplinary action is labeled incorrectly.

A. **Unsatisfactory Job Performance (For ALL Employees)**

Work-related performance that fails to satisfactorily meet job requirements as set out in the relevant position description, work plan, or as directed by the management of the County. Employees that fail to meet the standards of the position description and fail to satisfactorily perform the job at an acceptable level are subject to the Disciplinary Process if a series of work performance conferences have been conducted and failed to obtain desired results.

The following steps will occur when an employee demonstrated Unsatisfactory Job Performance:

1. Written disciplinary action

An employee who has continuously demonstrated failure in the performance of their duties and who has failed to improve performance as directed, may receive a written disciplinary action. A disciplinary conference will be conducted with at least the Supervisor to inform the employee of the following:

Specific deficiencies that are the basis for the written disciplinary action including specific examples that constitutes evidence. Review reasonableness of standards and the impact of employee's failure.

- a. Specific improvements that must be made to correct the unsatisfactory performance.
- b. The time allowed to make said improvements.
- c. Consequences of failure to meet corrective action plan or any other performance/personal conduct requirements.

ARTICLE VIII: SEPARATION, DISCIPLINARY ACTION & REINSTATEMENT

- d. Also include a brief summary referencing any previous disciplinary actions.

The Supervisor will also inform the employee that all points covered in the conference will be forwarded to them in a formal written disciplinary action or the Supervisor may choose to have the written disciplinary action prepared and provide to the employee during the conference. All written disciplinary actions become part of the employee's personnel file.

2. Final written disciplinary action

Failure of an employee to respond to a written disciplinary action and/or the development of further job performance related issues may result in a final written disciplinary action. The Supervisor should work with the Department Head and a final written disciplinary action can only be issued with Department Head approval. A final written disciplinary action is the last step prior to dismissal. A final written disciplinary action shall proceed as follows:

- a. A final written disciplinary action is prepared to the employee by both the Department Head and Supervisor in which specific reasons are included in the document.
- b. A disciplinary conference will be conducted with the employee; at this conference, the specific reasons for the action, the necessary improvements and the time allowed to make improvements should be discussed.
- c. The final written disciplinary action will then be presented to the employee in writing. The employee is to be informed that failure to correct the unsatisfactory performance may result in dismissal.

During the period after a final written disciplinary action, management may choose to counsel with the employee concerning his/her employment status before a decision is made to dismiss. Such counseling shall involve discussion of the necessity for the employee's commitment to improve performance.

As a part of this counseling, management may request the employee take up to a day's leave with pay to consider whether or not the employee wishes to continue his/her employment with the Department. This time away shall not be charged to the employee's vacation or sick. It is not required that successive disciplinary actions all concern the same type of unsatisfactory performance.

Disciplinary actions related to personal conduct may be included in the successive system for performance-related dismissal provided that the employee receives at least the number of disciplinary actions, regardless of the

ARTICLE VIII: SEPARATION, DISCIPLINARY ACTION & REINSTATEMENT

basis of the disciplinary actions, required for dismissal on the basis of inadequate performance.

For employees subject to the provisions of the STATE HUMAN RESOURCES ACT who have received a written disciplinary action, the document shall be removed from the employee's personnel file after a period of 18 months. For General County employees, the documentation may remain in the personnel record indefinitely. Written disciplinary actions are **not** grievable.

3. Dismissal

An employee of the County may be dismissed of duties for unsatisfactory job performance after all disciplinary action has failed. Before dismissal shall occur, the following steps **must** be taken:

- a. The Supervisor shall discuss with the Department Head the recommendations to dismiss for unsatisfactory job performance. Evidence must be shown that the employee is failing to perform any or all aspects of their job to an acceptable standard and show all previous attempts, including the Disciplinary Process, to work with the employee to improve job performance.
- b. When a decision is made, a **pre-disciplinary conference** shall be scheduled with the employee in writing. A **pre-disciplinary conference** shall be conducted with the Supervisor and the Department Head.

The purpose of the pre-disciplinary conference is to inform the employee that management is considering dismissal due to unsatisfactory job performance and to receive comment or feedback from the employee regarding the pending dismissal. It also allows the employee to provide any information on their behalf that may be considered in the final decision.

Advanced written warning will be provided to the employee at least one (1) working day prior to the conference. The management shall inform the employee that this will be a pre-disciplinary conference, and provide the time, date, and location of the conference; give specific reasons why dismissal is being considered and a summary of the information supporting that recommendation; indicate that action is being considered but **not** yet decided.

The employee shall then have an opportunity to agree/disagree, respond, refute, or offer information or arguments to support his/her

ARTICLE VIII: SEPARATION, DISCIPLINARY ACTION & REINSTATEMENT

position. Every effort shall be set forth to ensure that the employee has full opportunity to present information on his/her behalf. No attorney for either side will be allowed in a pre-disciplinary conference.

Management may have present a second representative and, if necessary, security personnel.

- c. Following the conference, management shall review and consider the response of the employee and reach a decision on the proposed recommendation.

If the decision is to dismiss the employee for unsatisfactory job performance, a **letter of dismissal** shall be prepared outlining the specific reasons for the decision, the effective date of the dismissal, and any appeal rights set for the employee.

Management shall determine the effective date for dismissal for unsatisfactory job performance. If the decision is to dismiss, the decision shall **not** be communicated to the employee prior to the next business day, but before the end of the second (2) business day.

Grossly Inefficient Job Performance

Failure to satisfactorily perform job requirements as set out in the job description, work plan, or as directed by the management of the County; and the act or failure to act causes or results in:

1. Death or serious bodily injury or creates conditions that increase the chance for death or serious bodily injury to an employee(s) or to members of the public or to a person(s) for whom the employee has responsibility; or,
2. The loss of or damage to county property or funds that result in a serious adverse impact on the County.

In the case of Grossly Inefficient Job Performance, the employee may be dismissed following a **pre-disciplinary conference** if the actions warrant, or the employee may be suspended, demoted, or have the Disciplinary Process under Unsatisfactory Job Performance implemented. The basis for the degree of action taken in a Grossly Inefficient Job Performance incident is measured on the specific incident and its consequence.

C. Unacceptable Personal Conduct – an act that is:

ARTICLE VIII: SEPARATION, DISCIPLINARY ACTION & REINSTATEMENT

1. Conduct for which no reasonable person should expect prior warning; or
2. Job-related conduct which constitutes a violation of State or Federal Law; or
3. Conviction of a felony or an offense involving moral turpitude that is detrimental to or impacts the employee's service to the County; or
4. The willful violation of known or written work rules; or
5. Conduct unbecoming to a County employee that is detrimental to County service;
or
6. The abuse of a citizen(s), patient(s), student(s) or person(s) over whom the employee has charge or to whom the employee has a responsibility; or
7. Falsification of a County application/State application or in other employment documentation.
8. Insubordination which is the willful failure or refusal to carry out a reasonable order from an authorized supervisor. Insubordination is considered unacceptable personal conduct for which any level of discipline, including dismissal, may be imposed.

Employees may be dismissed, demoted, suspended, or warned on the basis of unacceptable personal conduct. Discipline may be imposed, as a result of unacceptable conduct, up to and including dismissal without any prior warning to the employee.

Demotions, suspensions, or dismissals for personal conduct require a written notification to the employee. Such notification must include specific reasons for the discipline and notice of the employee's right of appeal. Notification shall be provided to the employee's last known address, and may also be provided via alternative means reasonably calculated to reasonably reach the employee.

Prior to a dismissal of a General County employee with permanent status or an employee subject to the STATE HUMAN RESOURCES ACT with career status on the basis of unacceptable personal conduct; there shall be a pre-disciplinary conference between the employee and the person recommending dismissal and a second Supervisory personnel.

D. Other Types of Disciplinary Action

1. SUSPENSION

Investigatory or disciplinary suspension may be used by management in appropriate circumstances. The following provisions shall control its use:

a) Disciplinary Suspension:

I. General County Employees

1. An employee may be suspended **without pay** for disciplinary reasons for a current incident of unsatisfactory job performance after the receipt of at least one (1) prior disciplinary action or without prior warning or disciplinary action for any form of unacceptable personal conduct or grossly inefficient job performance.
2. The length of a disciplinary suspension **without pay** for any employee who is exempt from the overtime compensation provisions of the FLSA must be for at least one (1) full work week, but may **not** be for more than two (2) full work weeks.
3. For General County employees, the period of a disciplinary suspension without pay for the employee will typically be no more than two (2) calendar weeks. In extenuating circumstances, the County Manager may provide approval authority for the period to be extended.
4. Before an employee is placed on **disciplinary suspension without pay**, a Supervisor and/or Department Head must:
 - a. Schedule and conduct a pre-disciplinary conference. The Supervisor and/or Department Head must give advance oral or written notice of the conference to the employee.
 - b. The notice must tell the employee the type of disciplinary action (disciplinary suspension) being considered, the conference time and location, and the facts that led to the recommendation. Advance notice should be as much as practical under the circumstances.
 - c. Give the employee a statement in writing telling the acts or failure to act that are the reason for the suspension and telling the employee of their appeal rights, if applicable.

II. **Employees Subject to the STATE HUMAN RESOURCES ACT**

An employee may be **suspended without pay** as outlined in the STATE HUMAN RESOURCES ACT for disciplinary reasons.

A disciplinary **suspension without pay** for an employee subject to the provisions of the STATE HUMAN RESOURCES ACT, and overtime compensation provisions of the Fair Labor Standards Act (FLSA), must be for at least one (1) full work day, but may **not** be for more than two (2) work weeks.

2. INVESTIGATION WITH PAY

- a) Investigation with pay may be used to provide time to investigate, establish facts, and reach a decision concerning an employee's status in those cases where it is determined the employee should **not** continue to work pending a decision. Also, management may elect to use investigation with pay in order to avoid undue disruption of work or to protect the safety of persons or property.
- b) The employee must be informed in writing of the extension, the length of the extension, and the specific reasons for the extension.
- c) For General County employees, the period of investigation with pay may **not** exceed a two (2) calendar weeks. In extenuating circumstances, the Department Head may request an extension from the County Manager.
- d) Investigation with pay of an employee shall **not** be used for the purpose of delaying an administrative decision of an employee's work status pending the resolution of a civil or criminal court matter involving the employee.
- e) Placement on investigation with pay does **not** constitute a disciplinary action and is **not** subject to appeal.
- f) Department Head shall notify the employee, in writing, no later than the second scheduled work day after the beginning of the placement, of the reasons of the investigatory placement.

ARTICLE VIII: SEPARATION, DISCIPLINARY ACTION & REINSTATEMENT

1) **Time Frame for Investigation With Pay for General County Employees**

An employee who has been suspended for investigatory reasons may be reinstated with up to three (3) days' pay deducted from his/her salary. Such determination is to be based upon management's determination of the degree to which the employee was responsible for or contributed to the reasons for the suspension. Therefore, this period constitutes a disciplinary suspension without pay as noted above.

2) **Time Frame for Investigation With Pay for Employees Subject to the STATE HUMAN RESOURCES ACT**

For employees subject to the provisions of the STATE HUMAN RESOURCES ACT an investigatory suspension with pay shall **not** exceed thirty (30) calendar days. However, a Department Head may, in the exercise of his/her discretions, extend the period of investigation with pay, with the concurrence of the County Manager.

3. DISCIPLINARY DEMOTION (for General County Employees)

An employee may be demoted as a disciplinary measure. Demotion may be made on the basis of either unsatisfactory job performance or unacceptable personal conduct.

For demotions based on job performance, an employee may be demoted for unsatisfactory job performance after the employee has received at least one (1) prior disciplinary action.

For demotion regarding personal conduct, an employee may be demoted for unacceptable conduct. Cause for demotion on the basis of personal conduct does **not** have to be as serious as cause for dismissal.

An employee who is demoted must receive written notice of the specific reasons for the demotion, as well as notice regarding any grievance or appeal rights granted to that employee.

The written notice should address how and to what extent the demotion will affect the employee's salary and pay grade.

Disciplinary demotions may be accomplished in several ways. (*See* Article IV – Section 15).

ARTICLE VIII: SEPARATION, DISCIPLINARY ACTION & REINSTATEMENT

- a. The employee may be demoted to a lower classification with or without a loss in pay or,
- b. The employee may be reduced to a lower step in the same pay grade with a corresponding loss of pay. In no event shall an employee's pay be lowered below step one (1) of his/her current pay grade, unless the employee is demoted to a lower classification.

Prior to the decision to demote an employee for disciplinary reasons, the Department Head must conduct a pre-demotion conference with the employee, which will proceed in similar fashion to a pre-disciplinary conference. Advance oral or written notice of the conference is required.

Section 6: Separation Due to Unavailability (For ALL Employees)

Definitions:

Unavailability – the employee's inability to return to all of his/her position's essential duties and work schedule due to a medical condition or the vagueness of a medical prognosis and or the employee and the Department cannot reach agreement on a return to work arrangement that meets both the operation needs of the Department and the employee's health/medical needs.

Applicable Leave – sick/vacation/compensatory/shared/Family Medical Leave the employee exhausted prior to going on leave without pay.

An employee may be separated on the basis of unavailability for work when the employee becomes or remains unavailable for work after all *applicable leave* has been exhausted and management does **not** grant a leave without pay, or does **not** extend a leave without pay period for reasons deemed sufficient by the Department and the County.

Such reasons include, but are **not** limited to, lack of suitable temporary assistance, criticality of the position, budgetary constraints, etc. Such a separation is an involuntary separation and **not** a disciplinary dismissal. It may be appealed based on the appeal rights granted to the employee in the position as defined in this manual.

Employees (permanent county and career status) must be provided the right to appeal the decision (*see* Article IX: Grievance Procedures and Appeals Policies).

Prior to separation under this policy, the Department Head and Supervisor shall meet with the employee, or at least notify the employee in writing if the employee is unavailable for the requested meeting, of the proposed separation, the efforts undertaken to avoid separation and why the efforts were unsuccessful.

ARTICLE VIII: SEPARATION, DISCIPLINARY ACTION & REINSTATEMENT

The employee shall have the opportunity in this meeting or in writing to propose alternative methods of accommodation. If the proposed accommodations are **not** possible, the Department Head must notify the employee of that fact and the proposed date of separation.

The Department Head must give the employee a letter of separation stating the specific reasons for the separation and setting forth the employee's grievance or appeal rights granted to them by their position.

Department Heads (excluding Department of Social Services, Health Department and Elected Offices) should confer with Human Resources during this process.

Section 7. Reduction in Force for General County Employees

Periodically economic constraints or changing service priorities necessitate organizational restructuring, program modification or elimination and /or privatization of existing programs or services. Such changes may result in the need for the County to reduce the size of its workforce.

The County is committed to accomplishing these reductions-in-force without lay-offs if at all possible and, if **not**, to aid the transition of employees affected by a reduction-in-force into other employment outside the organization.

The County shall make every reasonable effort to retain the employee through promotion or demotion and shall further attempt, to the extent possible, to make necessary workforce reductions through normal attrition.

The authority and responsibility to initiate and implement a reduction-in-force, including layoff of employees, shall reside with the County Manager with the concurrence of the Northampton County Board of Commissioners.

For those county employees who are appointed by the Sheriff, the Register of Deeds and the Northampton County Board of Elections, the authority and responsibility to initiate and implement a reduction-in-force policy including layoff of those employees shall reside with the Sheriff, Register of Deeds and the Board of Elections respectively, and this reduction-in-force policy shall **not** apply to their employees.

The overall decision to initiate and implement a reduction-in-force, including an employee layoff, is a decision of the County Manager and the Northampton County Board of Commissioners. However, for those county employees subject to the provisions of the STATE HUMAN RESOURCES ACT, the decision to initiate and implement a reduction-in-force including an employee layoff is a decision of that respective agency director with the concurrence of the appropriate governing board.

A. Reductions involving Employee Layoffs

ARTICLE VIII: SEPARATION, DISCIPLINARY ACTION & REINSTATEMENT

When it is determined that a reduction-in-force requires employee layoffs is necessary, retention of employees in classes affected shall be based on systematic consideration of type of appointment, length of service and relative efficiency. Such reductions shall be based on the following considerations:

1. Disciplinary actions and other documentation as presented in the employee personnel file.
2. Length of Service, provided, however, those employees with more years of service shall **not** be allowed to replace employees with less years of service solely on the basis of seniority. Seniority will be determined as service worked with Northampton County.
3. The final decision regarding which employees will be based on the recommendation of the Department Head, subject to the final approval of the County Manager.
4. Employees separated from employment shall be given a minimum of a two-week notice.
5. Employees subject to lay off shall have right of appeal in accordance with the County established grievance procedure.

Section 8. Reduction in Force Employees Subject to the STATE HUMAN RESOURCES ACT

(Health Department, Department of Social Services and Emergency Management Coordinator)

This policy establishes guidelines for the administration of a reduction-in-force in which career status employees are separated due to curtailment of work, lack of funds, reorganization, or other significant changes in duties or organization. The State Personnel Commission authorizes the implementation of this policy and states the essential elements required of the agency in planning and executing a reduction in force. It is followed by agency guidelines for implementation. For employees subject to the provisions of the STATE HUMAN RESOURCES ACT, the authority and responsibility to initiate and implement a reduction-in-force including layoff of those employees shall reside with that respective agency director, with the concurrence of the appropriate governing Board.

The policy states the following:

A. Reduction-In-Force

“For reasons of curtailment of work, reorganization, or lack of funds the appointing authority may separate employees. Retention of employees in classes affected shall be

ARTICLE VIII: SEPARATION, DISCIPLINARY ACTION & REINSTATEMENT

based on systematic consideration of type of appointment, length of service, and relative efficiency.

No career status employee shall be separated while there are emergency, intermittent, temporary, probationary, permanent or trainee employees in their first six (6) months of the trainee progression serving in the same or related class, unless the career status employee is **not** willing to be demoted to the position held by the non-career status employee, or the career status employee does **not** have the knowledge and skills required to perform the work of the alternate position within a reasonable period of orientation and training given any new employee.

A career status employee who was separated by reduction-in-force may be reinstated at any time in the future that suitable employment becomes available. The employer may choose to offer employment with a probationary appointment and experience standard for the class to which he is being appointed.”

A career status employee of Northampton County who is terminated in accordance with the provisions of this policy and who has a satisfactory employment record will be considered for any vacant position for which he/she meets job specific qualifications as stated in the job announcement.

Copies of such job announcements will be forwarded to qualified individuals at the address provided by the individuals for a period of 12 months after the effective date of termination. A career status employee who is separated due to reduction-in-force shall have the right to appeal that action.

B. Determining the Scope of the Reduction and the Layoff Unit

Funding restrictions, reorganization, consolidation or abolishment of functions or organizational units, curtailment of work or activities, or other reasons may result in the need to abolish a position(s) or to so substantially redesign a position that the incumbent would **not** reasonably be considered a candidate for the new position because he/she lacks specific position qualifications requirements. When this happens, the agency director shall examine the organizational and program scope of operations of the agency and designate a “layoff unit.”

The Department Head will then determine the necessary reallocation, reassignment, and/or abolishment of positions. In considering the above, the following factors are among those which may be considered in this determination:

- a) Client service requirements
- b) Legal mandates for programs
- c) Impact on overall program objectives
- d) Possible redistribution of available resources
- e) Organization structure

ARTICLE VIII: SEPARATION, DISCIPLINARY ACTION & REINSTATEMENT

- f) Funding sources and budget guidelines
- g) Composition of the work force
- h) Economy and efficiency in service

Once the above factors have been considered, the Department Head shall prepare a reduction-in-force plan for board review which includes the layoff unit(s), the necessary reallocation, reassignment, and/or abolishment of positions and the names and positions of staff to be separated.

The layoff unit designated for the purpose of handling any necessary separation of employees may be the entire agency, any division, or any organizational, geographic or program sub-unit of the agency. It may also include a staff specialty within a division or program unit.

The layoff unit need **not** coincide with the program, function, or activity that is the source of the need for a reduction-in-force. Layoff unit designations allow management to distribute staff resources according to service priorities of the agency.

All planning efforts dealing with the abolishment of position(s) shall reflect a review process identifying the reasons for and the results of the specific organizational program and/or position changes.

1. Employee Coverage and Exemptions

The reduction-in-force policy covers all career status employees as defined below:

For purposes of this policy, the term career status employee means a person who has satisfactorily completed twelve (12) months employment in a permanent position with the agency.

2. Establishing a Plan and Procedure for Employee Separation

The necessary separation of employees in the layoff unit(s) shall be determined based on the systematic consideration of the type of employment, length of service and relative efficiency of the employees. The following factors shall apply in determining and scheduling employees for separation.

The type of appointment shall be the first determinant. No career status employee in an affected classification shall be separated while there are emergency, intermittent, temporary, probationary, permanent or trainee employees working in the same classification in the agency.

ARTICLE VIII: SEPARATION, DISCIPLINARY ACTION & REINSTATEMENT

C. Separation of non-permanent employees shall be made in the following order

1. Emergency, intermittent, and temporary employees. For this purpose, the three (3) categories will be treated as one (1) group.
2. Probationary, permanent and trainee employees in their first six (6) months of the trainee progression. For this purpose, the three (3) categories will be treated as one group. Non-career status employees shall be given written notice of separation as soon as possible in advance of the scheduled separation.
3. Separation of career status employees from positions in the affected classifications in the layoff unit shall be made after systematic consideration of length of service and relative efficiency.

For the purposes of this policy, service standing shall be determined by length of continuous service (paid employment) with Northampton County only. Service with other agencies will **not** be a part of this computation.

4. Performance evaluations and warnings received in accordance with the provisions of the Agency's disciplinary action policy will be included in consideration of relative efficiency.
5. Nothing in this policy shall be interpreted as assigning to an employee the right to displace or “bump” a *career status* employee from a position in order to create a vacancy.

D. Notice Requirements

After the necessary reduction-in-force decisions have been made through application of the above criteria, the Department Head shall give formal written notice to all career status employees scheduled for separation.

The notice shall be given as soon as practical. The Department Head shall review with the employee the reasons for the action and discuss mutual rights and responsibilities under the reduction-in-force policy.

E. Appeal Rights

A career status employee, as defined in this policy, who is separated due to a reduction-in-force, shall have the right to appeal the separation in accordance with the respective Appeals Policy.

Section 9. Credentials

1. Employee's Responsible for Credentials

By statute and rules, some duties assigned to positions may be performed only by persons who are duly licensed, registered or certified as required by the relevant provisions. All such requirements and restrictions are specified in the statement of essential qualifications or recruitment standards for classifications established by Northampton County and/or by the State Personnel Commission as well as documented in the position description for the position.

Employees in such classifications are responsible for obtaining and maintaining current, valid credentials as required by law. Failure to obtain or maintain the legally required credentials constitutes a basis for immediate dismissal without prior warning, consistent with dismissal for unacceptable personal conduct or grossly inefficient job performance.

An employee who is dismissed for failure to obtain or maintain credentials shall be dismissed under the procedural requirements applicable to dismissals for unacceptable personal conduct or grossly inefficient job performance.

2. Falsification of Credentials

Falsification of employment credentials or other documentation in connection with securing employment constitutes just cause for disciplinary action. When credential or work history falsification is discovered after employment with an agency, disciplinary action shall be administered as follows:

If an employee was determined to be qualified and was selected for a position based upon falsified work experience, education, registration, licensure or certification information that was a requirement for the position, the employee must be dismissed.

In all other cases of post-hiring discovery of false or misleading information, disciplinary action will be taken but the severity of the disciplinary action shall be at the discretion of the Department Head.

When credentials or work history falsification is discovered before employment with an agency, the applicant shall be disqualified from consideration for the position in question.

3. Credentials Obtained Through County Funding

A number of Northampton County employees occupy positions that require specialized certifications and which enable them to perform the essential functions of

ARTICLE VIII: SEPARATION, DISCIPLINARY ACTION & REINSTATEMENT

their positions. The employees often obtain and retain certifications after employment, and the expenses associated with the completion of the certifications are provided by the County. Effective January 2016, any employee who completes a certification at the County's expense will be expected to remain employed with Northampton County Local Government for a two-year period after completion of the certification. Failure to do so will result in the employee reimbursing the County for one-half of the certification expense.

Section 10. Death

Payment for unpaid salary, unused vacation leave (not to exceed 240 hours), and travel must be made, upon establishment of a valid claim, to the deceased employee's estate. In the absence of an administrator, payment must be made to the Clerk of Superior Court of the County of the deceased employee's residence. Payment shall **not** be made for unused sick leave.