



CITY OF NEWPORT NEWS PERSONNEL ADMINISTRATIVE MANUAL

Effective Date: 04/01/90

SECTION 502	SUBJECT TERMINATION
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The policy of the City of Newport News is to process employee terminations according to the following guidelines. It is essential that these policies and procedures are followed to protect employee rights and to minimize City liability during the termination process.

The following paragraphs define each of the circumstances of employee termination and state or reference applicable policies. Refer to the Appendix for the complete Termination Code Listing.

Termination Reasons

A. Voluntary Resignation

A resignation is considered voluntary when an employee resigns of his/her own volition regardless of whether appropriate notice is given.

Normally a minimum of two weeks notice is expected from an employee who desires to resign in good standing. An employee is requested to provide written notice of the resignation to his/her immediate supervisor. The statement should include the reason(s) for leaving City employment and state the last date the employee plans to work. If the employee does not provide written notice, the supervisor is expected to state in writing the reasons for the resignation.

An employee may voluntarily resign at any time. However, if an employee has been formally charged with misconduct, the termination will be recorded as a Discharge-Misconduct/Violation of the Standards of Conduct, Code E. If the employee is under investigation for misconduct but formal charges have not been made, the termination will be coded as a voluntary resignation but the record will reflect the circumstances.

B. Discharge – Less Than Satisfactory Performance

A department head may discharge an employee for continued less than satisfactory performance or for any serious incident of less than satisfactory performance.

Except in cases of extreme seriousness, as approved by the Director of Personnel, the counseling and performance probation provisions of Section 903, Performance Counseling, Performance Probation, Demotion and Termination, will apply.

All such actions must be fully documented and cleared through the Personnel Department prior to termination action.

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C. Involuntary Resignation

Terminations coded as involuntary resignations are extremely rare. This code is used only for cases in which an employee is asked to resign for other than performance, misconduct, attendance or medical reasons. This code is usually reserved for situations such as changes in staffing by an elected or appointed official. Any such action should be documented and cleared by Personnel prior to the action being taken.

D. Discharge – Employment Probationary Period Employee

Regular full-time and regular part-time employees may be discharged during the employment probationary period for any reason stated in this policy. However, the code for probationary period employee should be used.

The same general procedures for termination or discharge of regular employees who have completed the probationary period should be followed to the extent practical. However, employees in the employment probationary period do not have access to the Employee Grievance Procedure.

E. Discharge – Misconduct/Violation of Rules of Conduct

A department head may discharge an employee for violation of the Standards of Conduct and for other misconduct. Reference Section 1000 for disciplinary procedures.

The department must forward to Personnel the termination notice and a letter stating the alleged misconduct and the date by which any grievance must be filed. All discharges for misconduct must be reviewed by the Director of Personnel prior to the action being taken.

F. Reduction-In-Force – No Work Available/End of Program

Refer to Section 503, Reduction-In-Force.

G. End of Medical Leave/Medical Reasons

A department head may discharge an employee who is medically unable to perform any of the principal duties of his/her position. However, medical situations may be complex and there may be several factors to consider in determining the appropriate course of action. Therefore, all such actions must be fully documented and cleared through the Personnel Department prior to initiating termination action. Reference Section 706, Leaves of Absence.

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Eligible employees may apply for medical retirement through the Finance Department.

H. Death

Upon the death of an employee on active status, compensation will be paid to the employee's surviving spouse or dependents through the end of the pay period in which death occurred. The Benefits Office of the Finance Department should be contacted for survivor and benefits information.

I. Retirement

The effective date of retirement is either the last date the employee worked, the date paid vacation is exhausted or in the case of employees retired on disability, the effective date approved by the Retirement Board. Contact the Benefits Office of the Finance Department for information.

J. Unavailability for Work/Job Abandonment

A department head may terminate an employee for unavailability for work when such unavailability adversely affects the operations of the department, division or unit to which the employee is assigned.

This policy covers frequent absences, extended absence(s) and unavailability to work assigned schedules with the following exceptions.

1. Absences which qualify for Sick Leave, Medical Disability, Medical Leave of Absence, Workers' Compensation or other qualified leaves and absences do not come under the provisions of this section. However, absences for medical reasons may fall under this policy if the employee does not qualify for an approved leave and the employee's attendance is such that the quality or quantity of work does not meet departmental standards or operations are otherwise adversely affected.
2. Absences which violate the Standards of Conduct are processed as Discharge – Misconduct/Violation of Standards of Conduct, Code E.

All cases of unavailability for work should be reviewed and investigated. In considering action to be taken, the department head should carefully consider the nature of the unavailability for work, the anticipated duration and frequency of the absence(s), the impact of the absence(s) on work operations, the work record of the employee, alternatives to termination and the advantages/

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disadvantages to the operation of retention or termination. If applicable, an employee should be referred to the Employee Assistant Program before action is taken. If appropriate to the circumstances, the employee should be counseled and given the opportunity to meet attendance standards before action is taken.

An employee may be terminated for job abandonment when the employee fails to communicate his/her employment status or otherwise fails to take steps necessary to maintain an employment relationship with the City.

In all cases of recommended termination, the action must be fully documented and approved by the Director of Personnel prior to any action being taken. Reference Section 1006, Attendance Policies and Guidelines.

K. Discharge – Failure to Meet or Maintain Job Qualifications or Meet Job Conditions

A department head may discharge an employee for failure to attain or maintain qualifications, such as operator's licenses and other licenses or skills required by the employee's position. Further, an employee may be terminated for inability to meet job conditions and standards. Qualifications and job conditions and standards should be fully communicated to the employee.

Termination of an employee for these reasons should be fully investigated, documented and approved by the Director of Personnel prior to any action being taken.

NOTE: TERMINATION DURING OR AT THE END OF AN APPROVED LEAVE OF ABSENCE WILL QUALIFY AS A TERMINATION FOR ONE OF THE ABOVE REASONS.

TERMINATION PROCEDURES

In all cases of termination, the circumstances of the termination must be fully documented and approved Personnel when required.

- A. When an employee terminates, a Termination Notice must be completed and forwarded to Personnel immediately with all pertinent information concerning the termination stated. A copy of an employee's letter of resignation should be attached for all voluntary resignations. Information must be prompt and factual as it will be used for Unemployment Compensation and other matters.
- B. Wherever possible, the terminating employee will be given an exit interview to be arranged with the Personnel Department by the employee's supervisor. Reference Section 504, Exit Interviews.

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- C. In cases where an employee has the right to grieve, the Personnel Department will hold the Termination Notice until the deadline for filing a grievance has passed. If the employee grieves, Personnel will hold the Termination Notice and direct the Finance Department to place the employee on inactive status pending the results of the Grievance Procedure. The employee must make arrangements with the Benefits Office of the Finance Department to maintain insurance coverage during this time.
- D. If the terminating employee is vested in the retirement system and wishes to take advantage of retirement benefits upon reaching retirement age, he/she should contact the Finance Department to make the necessary arrangements. All terminated employees who have group hospitalization coverage will be notified by the Finance that they have the right to convert to an individual plan.

Date of Termination

Normally, the effective date of termination will be the last day the employee actually worked with the following exceptions:

- a) In cases of death, retirement and when the employee has worked all available working days in the pay period, the effective date will be the last day of the pay period.
- b) In cases of voluntary resignation, the employee may request, subject to the approval of his/her department head, to remain on the active payroll until accrued vacation had been exhausted. In such cases, the employee will receive the benefits of active employment until termination. The termination date will be the date the vacation is exhausted.

A payroll check for all compensation due will be issued on the payday following the effective date of termination. This check will include a lump sum payment for any accrued vacation unless the employee makes the election discussed above. Partial employee contributions for insurance premiums will be refunded. Employees who terminate prior to the end of a pay period will be paid for hours actually worked.

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