



CITY OF WATAUGA – PERSONNEL, ADMINISTRATION AND FINANCIAL POLICIES AND PROCEDURES MANUAL

POLICY TITLE	Types of Non-Disciplinary Separation
INITIAL EFFECTIVE DATE	March 28, 2016
LAST REVISION DATE	Replaces <i>Section 19.2, 19.3, 19.4, 19.5 (partially) 19.6, 19.7 and 19.9</i> of the Personnel, Administration and Financial Policies and Procedures Manual approved on February 24, 2014.
POLICY NUMBER	11.03

OBJECTIVE The purpose of this policy is to provide guidelines regarding various types of separation from City service in good standing.

SCOPE This policy applies to all employees. Police Officers and Fire Fighters are subject to the applicable provisions of Texas Local Government Code Chapter 143, the Rules of the City of Watauga Firefighters and Police Officers Civil Service Commission, and the general and special orders of the Police and Fire Departments, which may incorporate some or all of the provisions of this policy.

POLICY

A. Resignation

To resign “in good standing,” the City requires that employees give a two (2) weeks advance written notice, return all City-issued property, pay all debts owed to the City, and attend an exit interview before terminating their employment so that an orderly transition can be made.

B. Death of an Employee

Any unpaid compensation, including unused vacation, sick leave, and accrued longevity of an employee who dies while employed by the City will be paid to their designated beneficiary. If there is no designated beneficiary, payment will be made to the employee’s estate, or as otherwise required by law.

C. Retirement

Retirement from the City is defined according to the Texas Municipal Retirement System (TMRS) guidelines. Employees eligible for retirement under TMRS can be considered retired from the City of Watauga.

Retirement from City of Watauga through the TMRS shall require the following:

1. An employee must have become vested with the TMRS with five years of completed service and be 60 years of age; or
2. The employee must have 20 completed years of service with the TMRS and retire at any age.

See Policy 7.04 Retirement.

D. Incapacity

1. Incapacity occurs when an employee, for physical or psychological reasons, is unable to perform the essential functions of their job and must be separated from the workforce. This can result from on-the-job injuries or from injuries or illnesses not related to the job or workplace.
2. The Department Director may request the employee to provide a medical assessment from a medical provider determining whether the employee is capable of performing the essential functions of their job. These reports shall evaluate the employee's fitness to perform the job functions in light of the Job Description and Job Task Analysis for the job in question. An employee may be terminated for incapacity whether the incapacity is job related or non-job related.
3. If eligible, the employee may take leave under the Family and Medical Leave Act (FMLA). Once the employee has exhausted leave under FMLA, the Department Director will meet with Human Resources to evaluate the available options for the subject employee. A determination will be made concerning whether the employee's incapacity can be reasonably accommodated by the department and/or City.
4. Separation for incapacity shall not be considered disciplinary action and shall not operate to deny an employee the use of accrued sick leave or other benefits.
5. Separation for incapacity is an Administration measure designed to protect the interest of the City and the employee and to un-encumber the employee's position so that a replacement may be assigned to perform the work. All separations of this nature will follow state and federal law.
6. Personnel who were separated for incapacity may be reinstated in their former type of position within one (1) year following separation, provided the reason for the incapacity has been removed to the satisfaction of the City, the person remains otherwise qualified to perform the duties of the position, a position is available, and reinstatement would be in the best interest of the City.
7. The City can require a second opinion from an appropriate health care provider of its choice. If there is a conflict between these reports, the City can require a third medical opinion from a health care provider mutually agreed upon by the employee and the City. The third opinion is final. All costs associated with obtaining the second and third opinions shall be paid by the City.

E. Reduction in Force or Lay Offs

1. Layoffs may occur as a result of business necessity. Business necessity includes, but is not limited to:
 - a. A discontinuation of or reduction in demand for service;
 - b. A change in the level or source(s) of funding;
 - c. Technological developments that reduce staffing requirements;
 - d. The need to accomplish economic or staffing efficiency;
 - e. Privatization or outsourcing of services; or
 - f. Requirements of State and/or Federal laws
2. The City Manager may implement a reduction-in-force or lay off at any time because of budget reductions or curtailment of work.

3. A reduction-in-force may require the separation, demotion, reassignment, or reduction in work hours of certain employees. A reduction-in-force may impact an entire department, a division within a department, or a functional area within a department.
4. Factors that will be considered in determining which employees will be adversely affected by the reduction-in-force may include employees' unique qualifications, knowledge, and skill; performance evaluations; disciplinary history; and length of service. In all cases, the needs of the City will be paramount.
5. If an employee is transferred to another position, the City Manager may authorize the employee to be paid at their pay rate before the transfer for a period not to exceed 18 months if the new position is paid at a lower rate than the former position. At the conclusion of the transfer period, the employee's compensation would be based on the pay rate for the new position.
6. A person who was laid off, including a former temporary employee separated upon completion of duties, may be routinely recalled to work at any time, provided the person remains qualified to perform the duties of the position and a position is open. All seniority and longevity administered by the City will be reinstated provided the program does not restrict reinstatement and the employee returns within two (2) weeks of being notified of recall.
7. A Reduction-in-Force and/or a Lay Off decision are not appealable.
8. Procedure for Reduction-in-Force and/or Lay Offs:
 - a. The City Manager shall notify the Department Director of any required employee reductions. The Department Director shall determine which service and/or positions should be deleted. The Department Director shall take into consideration minimizing impact to service and/or productivity as a result of a layoff.
 - b. Upon determination of the positions and services that will be eliminated, the Department shall notify the City Manager of the proposed plan with a written explanation of whether the layoff plan will impact current service or production, along with plans to continue meeting service delivery expectations. The proposed plan should include any requests for technology or other resources that are needed in order to maintain service and production.
 - c. When possible, the City will notify all employees impacted by a reduction-in-force not later than sixty (60) days prior to the effective date.
 - d. Any position eliminated as a result of a layoff may not be refilled for at least six (6) months following the effective date the position was eliminated. Any contracted services obtained as a result of the layoff must be shown to be more cost effective than maintaining the position.
9. **Hiring Freeze:** When financial circumstances warrant, the City may initiate a "hiring freeze." During a hiring freeze, no external hires will be made for a period of time without authorization of the City Manager. Although vacancies will not be advertised to the public, they may be advertised internally. If positions have been identified as part of a reduction-in-force, current employees will be encouraged to apply for these positions in order to continue their employment with the City. In the event that two (2) internal applicants are equally qualified for a position, the employee whose current position is scheduled to be eliminated shall be given preference.
10. **Outplacement Assistance:** Department Directors are encouraged to work with employees directly impacted by a reduction-in-force to help simplify the transition. The City provides the following areas of support:
 - a. Allow a reasonable amount of time during the work day for completion of applications/resumes to be submitted for internal/external job opportunities.

- b. Allow employees to receive/place phone calls for the purpose of scheduling job interviews.
- c. Allow up to five (5) hours per week for employees to attend job interviews or otherwise attend to issues related to their job search. In all cases, the Department Director or immediate Supervisor shall define “reasonable amounts of time” beyond the five (5) hours/week specifically designated to the job search.
- d. The Human Resources Department will also assist by providing information to employees, upon request, that may assist with conducting a successful job search.