



Policy 3380 Separation from Employment

Version: 4.0

Effective Date:

Board or Administrative: Board

Policy Statement

Dakota County provides processes for employees to terminate their employment relationship, whether voluntarily or involuntarily, by ensuring that all state and federal employment laws are upheld and employees are treated with respect and dignity.

Definitions

Class Seniority: length of continuous service in a specific job classification with Dakota County

Layoff: may be temporary suspension or permanent termination of employment

Source

Dakota County Personnel Act, Minnesota Statutes §§ 383D.05, et seq.

Veterans Preference Act - Minnesota Statutes §197.46

General

EMPLOYEE SEPARATION PROCESS

The employment separation process will be initiated by the departing employee's immediate supervisor, as soon as the termination notice is received. A standard Separation from Employment Checklist and accompanying procedures have been established. [Employee Relations Human Resources](#) is responsible for administering and managing this process to ensure consistency.

RESIGNATION

Employees resigning from County service must submit their written resignation to the responsible authority. To resign in good standing, employees must provide at least 14 calendar days' notice. The employee's final date of employment is the last date physically at work except when on an approved [disability-medical](#) leave of absence.

Employees may not extend their final date of employment by using paid leave time.

DISCHARGE

When corrective intervention is unsuccessful or when the nature and history of the performance deficiency or misconduct precludes intervention, the County's fiduciary responsibilities to its citizens necessitate dismissal. Conduct which may preclude corrective intervention includes but is not limited to:

1. Commission of an assault or another criminal act during work hours.
2. Violation of the drug or alcohol provisions of Policy 3282 ~~Drug and Alcohol~~ Drug and Alcohol and Cannabis-Free Workplace.
3. Misrepresentation of a material fact on an employment application, resume, medical history or other document supplied to the County for the purpose of determining suitability for employment or promotion.
4. Engendering a serious threat to the health or safety of any person by an action evidencing extreme carelessness or deliberate neglect of established responsibilities.
5. Unapproved absence for three or more consecutive days.
6. Refusal to carry out specific work instructions when advised that refusal would result in dismissal.
7. Deliberate harassment of another employee.
8. Use of one's position to coerce or extract favors from another for personal gain.
9. Conviction of a crime which directly relates to the employee's job.

Before beginning discharge proceedings, the responsible authority must confer with the [Employee Relations/Human Resources](#) Director to confirm that discharge is in conformance with County policies and applicable law.

Employees in jeopardy of discharge are advised in writing of the impending action and the reasons for it. For non-probationary employees, a pre-termination hearing is scheduled for the purpose of providing notice to the employee of the charges and to provide an opportunity for the employee to respond to the charges before the decision is made to discharge.

The Veterans Preference Act provides protections to veterans against discharge or removal from office (Minnesota Statutes §197.46). Veterans must be provided with a written notice detailing the charges that form the basis for intent to discharge and provide the right to request a hearing.

DEATH

Upon the death of an employee, termination pay (described below) is provided to the surviving spouse, dependents, or personal representative in the form of a check made payable to the decedent for the purpose of depositing it with the decedent's estate.

SEPARATION PAY

Upon separation of County employment, ~~non-limited~~ employees are entitled to payment for accrued and unused Flex Leave, one-half of all Extended Sick Leave (where applicable) not to exceed 400 hours and all wages (including compensatory time) earned but not received and in accordance with Dakota County Policy 3241 Flex Leave.

Separating employees who meet the criteria to be considered a Dakota County retiree shall receive payment for accrued and unused Flex Leave and Extended Sick Leave (where applicable) according to the non-union employees Post Employment Health Care Savings Plan or applicable labor agreement.

EXIT INTERVIEWS

Upon termination of employment non-limited employees have the opportunity to participate in an exit interview conducted by [Employee Relations Human Resources](#). The exit interview includes discussion of the employee's views of employment with Dakota County.

Procedure

LAYOFF

An equitable method of employee layoff is established for periods of work curtailment. This policy takes into account each employee's position, performance, class seniority and tenure with the County.

Order of Layoff

Within each department and within each classification selected for reduction in force, the order of layoff is determined by a consideration of employees' performance and experience. Employees whose performance was at least meets standards on the most recent performance evaluation and who have the skills and abilities to perform the remaining jobs are retained in the order of their experience in the class as established by their class seniority. Employees scheduled for layoff with at least meets standards performance on the two previous performance evaluations and County experience in another class may displace other employees in the same department with ~~the least less~~ County experience (seniority) in that class.

In cases where two employees have the same class seniority, the order of layoff shall be determined by the last four (4) digits of the employees' Social Security Number, with the higher number representing the greater seniority.

Employees selected for layoff are given a 14-day written notice of the decision prior to separation.

Status of Employees on Layoff

Employees selected for separation are placed on approved unpaid personal leave of absence status for a period of time not to exceed 24 months.

Recall from Layoff

Each department recalls employees on the basis of class seniority. Employees with the most seniority are recalled first. Notice of recall indicating position, department and location is sent via certified mail to the employee's last known address. Employees have 15 working days from the date of notice to report to work. If recalled employees fail to report, [they are considered to have resigned their position and](#) the open position will be offered to the next employee on the recall list following the same procedure.

History

Version	Revision Date
1.0	New
2.0	10/1/2013
3.0	8/1/2017
4.0	

Related Policies

- Policy 3041 Conflict of Interest
- Policy 3101 Candidate Recruitment

Contact

Andy Benish
Human Resources Director
Andrew.Benish@co.dakota.mn.us

Approval