

**Clark County Board of Mental Retardation and Developmental Disabilities**  
**Personnel Manual**  
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CHAPTER 9 SEPARATION

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# Clark County Board of Mental Retardation and Developmental Disabilities

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Policy:	Equal Employment Opportunity	Application:	Personnel Department
Procedure:	Disability Separation/Retirement	Application:	Program-wide
Procedure Revised:	11/20/01, 4/19/04 (Effective May 1, 2005)	CARF Ref:	Section I: D (p)
		Accred. Ref:	

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## Procedure

### (a) Disability Separation

An employee who is unable to fulfill the duties of his/her position may be granted a disability separation per established policies and procedures. The reason for separation may or may not be work-related. Detailed medical evidence must be submitted to the Human Resource Director/designee. The Board reserves the right of review by a physician of its choice and expense for final recommendation.

Voluntary disability separation may occur when the employee presents evidence that he/she can no longer fulfill the duties of the position (s)he holds. The employee will have up to three (3) years to return to the same or similar position beginning from the date of separation.

The Board also reserves the right to seek an involuntary disability separation with a pre-separation hearing. An employee will not be involuntarily separated while still under Family Medical Leave coverage.

(Cross Reference: OAC 123:1-33-02-04)

### (b) Disability Retirement

Employees who are taking a disability separation may also qualify for disability retirement benefits per policies and procedures established by the Public Employment Retirement System (PERS). Additional information and applications can be obtained from the Human Resource Director/designee.

# Clark County Board of Mental Retardation and Developmental Disabilities

Policy: Equal Employment Opportunity	Application: Human Resource Department
Procedure: Separation Entitlements	Application: Program-wide
Procedure Revised: 10/16/01, 5/15/07 (Effective June 1, 2007)	CARF Ref: Section I: D (p)
	Accred. Ref: _____

## Procedure

(a) Employee Responsibilities

An employee, in order to receive all separation entitlements, are responsible to return all Board property including, but not limited to, keys, identification badges and manuals.

(b) Sick Leave Entitlement

Employees retiring from the Board with a minimum of ten (10) years of continuous service will be paid out for sick leave at a rate of 1 hour of pay/4 hours of accumulated sick leave at the rate of pay at retirement. The amount to be paid will be at the highest level for which the employee is qualified as outlined below:

<i>Years of Service</i>	<i>Maximum Hours Payment</i>
<i>10 or more years of public service</i>	<i>up to 240 hours (960 hours to convert)</i>
<i>10 - 14.9 years with the Board</i>	<i>up to 280 hours (1120 hours to convert)</i>
<i>15 - 19.9 years with the Board</i>	<i>up to 320 hours (1280 hours to convert)</i>
<i>20 - 24.9 years with the Board</i>	<i>up to 360 hours (1440 hours to convert)</i>
<i>25 or more years with the Board</i>	<i>up to 400 hours (1600 hours to convert)</i>

(c) Other Leave Entitlements

Intermittent employees are entitled only to be paid for accumulated compensatory time at the point of separation. If an employee changes status from a regular position to an intermittent position, the employee shall be paid amounts owed as stipulated below at the rate of pay associated with the regular position at the point of change of status to intermittent status.

Upon separation, whether voluntary or involuntary, vacation leave, accumulated compensatory time and owed readjusted holiday pay shall be paid to the employee at the current hourly rate at the time of separation if the employee has at least one (1) year (2080 hours) of public service up to the Board's maximum liability (Cross Reference: ORC 124.13). Employees who resign and later accept employment with another public service entity may request a transfer of accumulated sick leave to the new employer.

Personal leave hours are not to be paid out under any circumstances.

(d) Limitations of Payout

No person is eligible to receive any payout at any time later than three (3) years beyond date of separation (Cross Reference: ORC 124.384).

No leave payout made in the final payout of employment is considered as earnings for retirement purposes in accordance with OPERS rules (i.e., does not count towards Final Average Salary calculations).

(e) Employee's Death

If an employee dies while in active status, leave shall be paid to the date of death to the deceased employee's estate up to the Board's maximum liability (Cross Reference: ORC 2113.04).

# Clark County Board of Mental Retardation and Developmental Disabilities

Policy: Equal Employment Opportunity	Application: Human Resources
Procedure: Separation Notification	Application: Program-wide
Procedure Revised: 10/16/01, 9/17/02, 8/19/03, 5/20/08 (Effective June 1, 2008)	CARF Ref: Section 1:D (p)
	Accred. Ref:

## Procedure

### (a) Length of Notification

Employees are expected to give written notice of intended resignation or retirement from the Board according to the following guidelines:

EMPLOYMENT TYPE	NOTICE REQUIRED
Non-Exempt	minimum two (2) weeks
Exempt (non-management)	minimum one (1) month
Management Contract	minimum 60 calendar days; if mutual agreement, may reduce to 30 days

Failure to follow these guidelines may result in immediate acceptance of the resignation.

Separation request forms are available in the Human Resource Department.

Employees called to military duty with less than the time stated above are exempt from this expectation. These time lines may also be waived at the discretion of the Superintendent/designee.

### (b) Accepting Resignation/Retirement Notification

The Superintendent or designee (all Directors and mid-managers) may accept an employee's notification of resignation or retirement. The notification is effective immediately upon acceptance, which must include a copy of the acceptance being given to the employee. An employee may rescind his/her resignation up until they have received a written acceptance of the resignation. After the acceptance of the resignation/retirement has been conveyed to the employee, the employee may only be reinstated if requested in writing by the employee and subject to the Superintendent's review and approval.

### (c) Failure to Give Appropriate Written Notification

Employees who fail to give appropriate written notification of separation will not be eligible for re-hire for one (1) year. These individuals must re-apply for employment under established procedures.

(d) Job Abandonment

Employees who fail to show to work for three (3) consecutive scheduled work days without notification of absence will be subject to disciplinary action up to and including termination. If, upon investigation, it is determined that the circumstances qualify as job abandonment and/or neglect of duty, the individual will not qualify for unemployment benefits.

(e) Verbal Resignations

Verbal resignations may be considered as failure to give appropriate notice. If the employee does not specify a resignation date, the resignation will be considered effective as of the date the statement was made. The statement must be written as completely as possible and taken to the Superintendent/designee for signature immediately.



# Clark County Board of Mental Retardation and Developmental Disabilities

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Policy:	Equal Employment Opportunity	Application:	Personnel Department
Procedure:	Management Layoff	Application	Program-wide
Procedure Revised:	February 19, 2002 (Effective March 1, 2002)	CARF Ref:	Section I: D (p)
		Accred. Ref:	

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## Procedure

### (a) Reasons for Layoff

The Board, in its sole discretion, may layoff management employees due to a lack of funds, a lack of work, and/or a reorganization declared by the Board. The Board shall determine the job titles in which a reduction in force shall occur. This procedure is established for management employees as stipulated in Ohio Revised Code (ORC) 5126.22; provisions of ORC Chapter 124 do not apply to these employees for layoff purposes. (Cross Reference: ORC 5126.21(G))

### (b) Layoff Order

All employees holding limited contracts for that title shall be laid off before any employee holding a continuing contract for that title is laid off. Within each category of contract, part-time employees shall be laid off before full-time employees. Layoffs shall proceed in inverse order of seniority. Seniority shall be considered the total number of weeks of continuous service with the Board at the time of reduction in force. In the event of a tie, the names of the tied employees will be drawn at random after being written down on a slip of paper and placed in an opaque container. The name(s) will be drawn by a disinterested party. The person whose name(s) is/are drawn shall be laid off in the order name(s) are drawn.

Notice of intent to layoff shall consist of notice in writing identifying one or more of the reasons set forth for a lay-off, hand-delivered with a signed receipt or mailed by certified mail, return receipt requested. All notices shall include an effective date ninety (90) calendar days from the date the layoff was determined. Employees may not bump into other job titles.

### (c) Layoff Rights and Reinstatements

Employees retain the right to be reinstated to the job title from which the employee was laid off for one (1) calendar year following layoff. Employees shall be offered re-employment in inverse order of layoff as stated in section (b) above.

When a vacancy occurs in the job title from which the employee was laid off, the employee eligible for reinstatement shall be notified in writing of the vacancy. The notice shall be mailed by certified mail with return receipt requested, to the employee's last known address. Laid off employees are responsible for notifying the Board, in writing, of any change of address.

Laid off employees shall accept or decline the offer of reinstatement within five (5) days after it is received. Offers of reinstatement are deemed received on the earlier of ten (10) days after mailing to the correct address or actual receipt. Failure to respond to any offer of re-employment with the Board within these time limits constitutes refusal of that offer.

Laid off employees are to report to work within thirty (30) calendar days of reinstatement unless mutually extended. Laid-off employees are also expected to maintain required certifications, registrations or licensures required for the position. Any employee who fails to retain required credentials forfeits his/her right to re-employment. An employee who declines re-employment forfeits his/her right to re-employment except that no employee shall lose his/her right to re-employment for refusing to accept a part-time position.

(d) New Hires

No person may be hired into any job title in which a layoff has occurred, other than by reinstatement until all laid off employees have been reinstated or declined reinstatement or more than one (1) year has elapsed since the layoff occurred. No person shall be hired into any position for which a laid off employee holds a continuing contract until that position has been offered and declined by all eligible employees as provided above.

(e) Grievances

Employees may file a grievance with the Superintendent alleging a misinterpretation, misapplication or violation of the provisions of this procedure solely (Cross Reference: Grievance procedure).

No Board action taken under this section shall be overruled unless it resulted from bad faith on the part of the Board or a misinterpretation, misapplication or violation of the provisions of this procedure as grieved by the employee who raised the issue. The fact that the Board acted upon mistaken, though honestly held, information does not establish bad faith.