

RULE VIII. - LEAVE, LAYOFF, REINSTATEMENT AND RESIGNATION

Section 1. - Transfer.

The director of human resources may develop a procedure to permit the transfer of an employee from one (1) position to another in the same or similar classification, as determined by the director.

Section 2. - Personal leaves of absence.

- (1) In addition to leaves required under applicable law, a personal leave of absence, without pay, may be granted by the department head, appointing authority, or the director of human resources for up to thirty (30) consecutive calendar days to any employee on regular appointment upon demonstration of a satisfactory need for such leave. Personal leave may be granted when it is supportive of the employee's personal needs and does not unduly compromise the needs of the employee's department. Extensions of approved leaves, or leaves in excess of thirty (30) days, may be approved by the director of human resources in limited circumstances. The reason for the request and the desire or intention of the employee to return to service shall be made in writing and the duration of the leave shall be documented.
- (2) Leave may not be granted, or may be terminated by the director of human resources, if:
 - (a) The employee has not completed six (6) months of straight time service.
 - (b) The employee has been on a leave exceeding thirty (30) days in the six (6) months preceding the current leave request.
 - (c) The employee on leave engages in a business venture or to practice a profession or occupation outside of county service.
 - (d) A review of the circumstances of the leave reveal the leave to have been obtained under false pretenses.
- (3) An employee granted leave of thirty (30) days or less under this section shall return, upon expiration of the leave, to the previous position held. An employee granted leave totaling more than thirty (30) days under this section shall, upon expiration of the leave, be placed on the reinstatement list and shall be certified as eligible to any appropriate vacancy, as determined by the director of human resources.
- (4) An employee using paid time off of thirty (30) working days or less for the purposes of vacation, sick time, bereavement leave, accrued compensatory, holiday or other paid time off shall not be considered to be on a personal leave of absence under this section, nor shall a retirement be considered a personal leave of absence.

Section 3. - Layoff.

- (1) Whenever a department head or appointing authority of a department determines that it is necessary to reduce the number of employees in any classification in the classified service, the department head or appointing authority of the department concerned shall notify the director of human resources of the number of employees to be laid off, including position titles. Unless otherwise provided in an applicable collective bargaining agreement, employees may be laid off based on:
 - (a) County-wide seniority,
 - (b) Years of relevant experience,
 - (c) Instances of discipline,
 - (d) Job performance,

- (e) Attendance, excluding absences protected by applicable law,
 - (f) Continued ability to fund the individual position,
 - (g) Need to retain employees with special skills, experience or knowledge which are critical to program functioning, or
 - (h) Any combination of the above.
- (2) The director of human resources, in consultation with the department head of the affected department, will determine and document a layoff plan that demonstrates the basis for how layoffs are to be applied.
 - (3) An employee laid off under this section may appeal said decision to the civil service commission provided the appeal is limited to the basis for layoff determination under subsection (1) of this section.

Section 4. - Reinstatement following layoff.

- (1) Employees laid off in accordance with the rules of the commission shall be recalled in reverse order of layoff to a vacancy in the same classification and department upon intent of the department to fill said vacancy.
- (2) The names of employees laid off in accordance with the rules of the commission shall be certified as eligible for reinstatement to a vacancy in the same classification or a classification of the same character and standard of work in any other department, as determined by the director of human resources. Reinstatement shall be made in accordance with the appointment requirements of rule IV of these rules.
- (3) The names of employees laid off shall remain on the reinstatement and recall list for one (1) year from layoff or until such employee is reinstated or recalled, whichever occurs first. The name of a laid off employee may be removed from the reinstatement list for any disqualification reason listed elsewhere in these rules.
- (4) Persons on any reinstatement list may at any time before reemployment be required to submit to a medical, physical, or performance test, including a written examination, if such written test is deemed necessary by the director of human resources, and/or participate in an interview process. If any such person is found deficient and below prerequisite standards for such employment, his/her name shall be removed from the reinstatement list for such classification.
- (5) Any employee who is laid off and returned to service as a result of a certification from a reinstatement list may be required to satisfactorily complete an assessment period of no more than one thousand forty (1,040) straight time hours.

Section 5. - Resignation.

- (1) The resignation of an employee shall be filed with the department head or appointing authority and documented according to processes developed by the director of human resources.
- (2) An employee who has been absent without leave, or has failed to return from a previously authorized leave, for a period of two (2) successive scheduled work days or longer, and has made no contact with the manager or appointing authority may be considered to have resigned in absentia from the county service, in the discretion of the appointing authority.
- (3) Upon approval of the director of human resources, the name of an employee resigning from the county classified service may be restored to the appropriate eligible list, subject to the rules and regulations governing all eligible lists.