

5.8 SEVERANCE POLICIES

5.8.1 Resignation

Voluntary separation from employment shall require at least 30 days written notice before its effective date; less notice is permissible with agreement from the Superintendent or designee. Professional and management employees in a position that requires a certificate issued by the State Board of Education (R.C. 3319.22 to 3319.31) or a certificate issued by the Director of Mental Retardation and Developmental Disabilities (R.C. 5126.25) who resign without 30 days notice shall be subject to suspension of the certificate for a period of time not to exceed one (1) year as determined by the state board/director following a complaint filed by the county board of MR/DD and investigated by the issuing body. (R.C. 5126.29)

Failure to give proper notification may result in ineligibility for reinstatement. Employees are encouraged to have an exit interview with their immediate supervisor. All employees are required to out-process through the personnel office. Individuals who have program keys or credit cards shall not receive their final paycheck until these items are returned.

Employees are not generally eligible for vacation or personal leave during their last two (2) weeks of employment. Employees who resign during a vacation or leave shall be considered to have resigned on the first day of their vacation or leave.

An employee who fails to report to work without approval for any three (3) days in a work year will be subject to removal for neglect of duty as called for in Section 123:1-31-03 of the Administrative Code.

Any employee who accepts employment that conflicts with their position shall be considered to have resigned the first day of such new employment.

Employees who fail to provide the program a timely and written resignation may forfeit all separation benefits for which they may be eligible and may be ineligible for future employment consideration.

Any employee who resigns is encouraged to give his/her reasons for resigning and to discuss with his/her supervisor any working conditions which he/she feels are noteworthy.

Failure to give proper notification may result in ineligibility for reinstatement.

5.8.2 Disability Separation

This policy outlines the conditions under which Disability Separation may be granted and procedures for administering its use. Employees who are protected under the Americans with Disabilities Act, 1990, and/or Family and Medical Leave Act are guaranteed their rights by the Board. A disciplinary separation may be voluntary or involuntary. (The appointing authority must follow the removal provisions (R.C. 124.34) in the case of an involuntary disability separation.)

Voluntary Reduction: When an employee becomes physically unable to perform the essential duties of his/her position, but is still able to perform the essential duties of a vacant, lower level position for which the employee has the necessary credentials, he/she may voluntarily request reduction to the lower level position and the subsequent salary adjustment. Such request shall be made in writing through the proper channels stating the reason for the request.

Disability Separation: A disability separation may be granted when an employee has exhausted his/her accumulated sick leave and any authorized vacation and any other approved leave and is:

1. hospitalized, institutionalized, or on a period of convalescence following hospitalization or institutionalization as authorized by a physician at the hospital or institution; or
2. the employee has exhausted his/her disability leave benefits (if any); or
3. declared physically incapable of performing the essential duties of his/her position by a licensed physician designated by the Director of Ohio Department of Administrative Services; such examination normally is requested by the superintendent when the employee is unable or unwilling to admit his/her incapacity; the costs are paid by the Board.

Ohio Administrative Code 123:1-33-01; Ohio Administrative Code 123:1-33-02

Voluntary Disability Separation: A voluntary disability separation may be granted when requested by an employee who is unable to perform the essential job duties of his/her position due to a disabling illness, injury, or condition. (Ohio Administrative Code 123:1-33-03)

Medical/Psychological Examination: The superintendent may request a medical or psychological examination when it appears that an employee is unable to perform the essential functions of the employee's job or the employee has requested a voluntary disability separation. An employee may be disciplined, including removal, for failure to appear for the scheduled exam or failure to release to the superintendent the results of the examination.

If the superintendent determines as a result of the examination that the employee is incapable of performing the essential functions of the employee's job due to a disabling injury, illness, or condition, the superintendent shall, in the case of an involuntary disability separation, institute pre-separation proceedings (Ohio Administrative Code 123:1-33-02), or shall, in the case of a request for a voluntary disability separation, grant the employee's request (Ohio Administrative Code 123: 1-33-03). In the case of an involuntary disability separation, if the superintendent determines after the pre-separation proceedings that the employee is incapable of performing the employee's job, the superintendent shall file with the State Personnel Board of Review a R. C. 124:34 order of involuntary disability separation.

5.8.3 Separation Pay

Upon separation from employment, an eligible employee shall be paid for any unused vacation time to his/her credit as of the date of such separation.

Eligible employees shall be paid for their sick leave upon written request and according to the Board's policy (Cross-Reference: Sick Leave Conversion Policy 5.6.3).

Separation payments will be made on the nearest scheduled payday following sixty (60) days from separation.

5.8.4 Retirement

Board employees are required by law to participate in the Ohio Public Employees Retirement System or the Ohio State Teachers Retirement System, as applicable.

If an employee is age 60 and has five (5) years of service, he/she is eligible to retire. An employee can retire on a lesser benefit, as early as age 55, if he/she has 25 years of service. With 30 years of service there is no age requirement or age benefit reduction.

Employees who are retiring must submit a copy of the letter from P.E.R.S. or S.T.R.S. verifying the retirement date to the personnel office.

5.8.5 Layoff Procedure - Classified

Intent of this policy: Employees in the classified civil service may be laid off whenever a reduction in force is necessary due to a lack of funds, lack of work, or the abolishment of positions.

Implementation process: If it becomes necessary for an appointing authority to reduce its work force, the appointing authority shall lay off employees in

accordance with R.C. 124.321 to 124.327 and the rules of the Administrative Code of the Ohio Department of Administrative Services.

If an appointing authority abolishes positions in the civil service, the abolishment of positions and any resulting displacement of employees shall be made in accordance with R.C. 124.321 to 124.327 and the Administrative Code of the Ohio Department of Administrative Services.

Employees desiring a copy of the applicable codes may request them from the superintendent's office.

5.8.6 Layoff Procedure - Unclassified

Intent of this policy: Management employees may be laid off whenever a reduction in force is necessary due to a lack of funds, lack of work, or the abolishment of positions.

Implementation Process: If it becomes necessary for an appointing authority to reduce its work force, the appointing authority shall lay off employees in accordance with R.C. 124.321 to 124.327 and the rules of the Administrative Code of the Ohio Department of Administrative Services, notwithstanding that these provisions do not expressly apply to management employees of this Board.

If an appointing authority abolishes positions in the unclassified civil service, the abolishment of positions and any resulting displacement of employees shall be made in accordance with R.C. 124.321 to 124.327 and the Administrative Code of the Ohio Department of Administrative Services.

Employees desiring a copy of the applicable codes may request them from the superintendent's office.