

POLICY TITLE: SEPARATION FROM EMPLOYMENT
POLICY NUMBER: 3920

COMMITTEE APPROVAL DATE: 12/09/2022 **WRITTEN/REVISED BY:** HUMAN RESOURCES
BOARD APPROVAL DATE: 01/25/2023 **SUPERSEDES:** 11/28/2018

POLICY:

3920 It is the policy of the Beach Cities Health District (“District”) as an at-will employer that any employee may resign from their position at any time, and the District may terminate any employee at any time with or without cause. The employee will be paid all compensation owed to them by law, including Vacation time.

SCOPE:

3920.1 This policy applies to all District employees.

RESPONSIBILITY:

3920.2 It is the responsibility of management to understand, communicate, and enforce this policy uniformly among District employees. It is the responsibility of employees to understand the policies, guidelines, and procedures communicated by their supervisor, and to follow them accordingly. Employees must ask their supervisors if they are unclear as to its application.

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3920.3 Employment with the District is voluntary and subject to termination by the employee or District at will, with or without cause, and with or without notice, at any time. Nothing in this policy shall be interpreted to conflict with or to eliminate or modify in any way the employment-at-will status of District employees.

3920.4 Separation from employment generally constitutes the following:

3920.4.1 Voluntary Termination

A voluntary termination of employment occurs when an employee submits a written or verbal notice of resignation, including intent to retire, to his or her supervisor or when an employee is absent from work for three consecutive workdays and fails to contact his or her supervisor (job abandonment).

3920.4.1.1 Resignation: To leave District service in good standing, an employee on regular full-time or part-time status who voluntarily resigns from the District must submit a written notice of resignation at least two weeks before the effective date or one month for a managementlevel position. The Chief Executive Officer (CEO) may, however, grant good standing with less notice if they determine the circumstances warrant it. Resignations may not be withdrawn without the CEO’s approval.

3920.4.1.2 Mutual Agreement: When both the employee and District think that it would be mutually beneficial to end the employment relationship, a departure date is set by Human Resources in consultation with the employee’s immediate supervisor. If requested by the

employee, the District will record the termination by mutual agreement as a resignation.

3920.4.1.3 Retirement: The District has no mandatory retirement age. The District also provides post-retirement medical benefits through CalPERS to eligible employees who retire directly from the District. The District contributes the Public Employees' Medical & Hospital Care Act (PEMHCA) minimum amount towards the health premium for the CalPERS healthcare plan for retirees and the remainder amount is paid by the retiree. For additional information on group health plans and benefits, contact Human Resources.

3920.4.2 3920.4.2.1 Death: In the event of an employee passing away, Human Resources will ensure proper notification and dissemination of benefits information and final pay occur. The date of an employee's death will be considered as the effective date of separation from employment.

3920.4.3 Involuntary Termination: The District may terminate the employment relationship immediately with severance pay according to District Policy 3910: Severance, for any reason considered to be sufficient, in the discretion of the District.

3920.4.3.1 At-Will: District employees serve "at-will" and therefore termination need not be justified by unsatisfactory performance or misconduct. However, if the employee is dismissed for unsatisfactory performance or misconduct, what constitutes "unsatisfactory performance" or "misconduct" is within the sole discretion of the District. The following description of termination procedures are merely guidelines and no employee's termination will be invalidated by reason of the District's failure to follow the guidelines set out below.

3920.4.3.2 Unsatisfactory Performance: An employee may be terminated for failure to meet performance standards, to complete tasks in a timely and competent manner, or to maintain an adequate attendance record. Prior to termination for unsatisfactory performance, the District will make a reasonable effort to resolve the problem with the employee in accordance with District Policy 3835: Employee Conduct and Working Environment. Failure to correct performance within the time frame discussed and documented will result in termination from employment. Uncooperative behavior that affects the work or morale of other District employees during the corrective time period may result in immediate termination.

3920.4.3.3 Misconduct: Misconduct is described and detailed in District Policy 3835: Employee Conduct and Working Environment.

3920.4.3.4 Layoffs: Whenever, in the judgment of the CEO, it becomes necessary, due to the lack of work, lack of funds, or other economic reason, or because the necessity for a position no longer exists, the Chief Executive Officer may eliminate any position of employment, and the employee holding such position may be laid off, transferred or demoted.

3920.5 Final Pay

An employee who resigns or is discharged will be paid through the last day of work, plus any unused paid time off (Vacation), less outstanding loans, advances or other agreements the employee may have with the District, in compliance with state laws. In cases of an employee's death, the final pay due to that employee will be paid to the deceased employee's estate or as otherwise required under state law.

3920.6 Eligibility for Rehire

Employees who leave the District in good standing with proper notice may be considered for rehire. Former employees must follow the normal application and hiring processes and must meet all minimum qualifications and requirements of the position, including any required qualifying exam. Rehired employees will not retain previous tenure when calculating longevity, leave accruals or any other benefits, unless required by law. Employees who are involuntarily terminated by the District for cause or who resign in lieu of termination are ineligible for rehire. In addition, employees who resign without providing adequate notice or who abandon their job (without exception made by the CEO) will not be considered for rehire.

EXCEPTIONS:

3920.5 The Chief Executive Officer is the only person authorized to make exceptions to this policy.