

Sec. 54-314. - Separation.

All separations of employees from positions in the service of the city shall be designated as one of the following types and shall be accomplished in the manner indicated: resignation, left-job, reduction in force, disability, retirement, death, or dismissal.

- (1) *Resignation.* An employee may resign by submitting, in writing, the reasons and the effective date of such resignation to the respective department head as far in advance as possible, but a minimum of 15 calendar days is required. Failure to comply with this provision shall result in forfeiture of future re-employment rights with the city.
- (2) *Left job.* Unauthorized or unreported absence from the job for three consecutive work days shall be considered as a resignation on the part of the employee and, therefore, the employee shall automatically be dropped from the city's roster and payroll.
- (3) *Reduction in force.* In the event that a reduction in force becomes necessary, consideration shall be given to the quality of employee's past performance, the need for the employee's service, and seniority in determining those employees to be retained. Employees who are laid off because of reduction in force shall be given at least 15 calendar days' notice of the anticipated layoff.

In addition to proper notice, the city manager may authorize a separation payment if such payment is warranted. No regular employee shall be separated for reduction in force while there are temporary employees serving in the same class in the department, unless the regular employee isn't willing to transfer to the position being held by the temporary employee.

- (4) *Disability.* An employee may be separated for reasons of disability (including those incurred on the job) when that employee cannot perform the required duties because of a physical or mental impairment. Action may be initiated by either the employee or the city, but in all cases it must be supported by medical evidence, as certified by a competent physician. The city may require an examination at its expense and performed by a physician of its choice.

Before an employee is separated for disability, a reasonable effort shall be made to locate alternate positions within the city's service for which the employee may be suited.

- (5) *Retirement.* When an employee meets the conditions set forth under the provision of the state local governmental employee's retirement system or the state law enforcement officers' benefit and retirement system, he/she may elect to retire and receive all benefits earned under the provisions of the retirement system.
- (6) *Death.* All compensation due to an employee shall, upon his/her death, be paid to his/her estate. All insurance policies, retirement contributions and similar funds shall be paid to the decedent's designated beneficiary upon his/her death. The date of death shall be recorded as the separation date.
- (7) *Dismissal.* Any employee may be dismissed in accordance with article X.

(Ord. No. 1994-43, art. IX, § 4, 7-26-94; Ord. No. 2012-178, § 1, 11-27-12)

NOTE:

During the employee orientation, Separation is covered by the HR department. This information is included in the Employee handbook and online at www.NewBernNC.gov under City Ordinances – Personnel.

4.1.13 - Separation