

YORK-POQUOSON SHERIFF'S OFFICE	RULES AND REGULATIONS
SUBJECT: Termination of Employment	NUMBER: RR 1-20
EFFECTIVE DATE: August 15, 2017	REVIEW DATE: August 15, 2017
AMENDS/SUPERSEDES: RR 1-20, February 1, 2003	APPROVED: _____  Sheriff
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15 **POLICY**

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17 This policy outlines resignation and termination procedures for both the employee and the

18 County and applies to all sworn and non-sworn positions within the Sheriff's Office. Employees

19 may resign voluntarily or their employment may be involuntarily terminated with cause.

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21 **PURPOSE**

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23 The purpose of this order is to outline and establish procedures concerning different methods of

24 resignation or termination of employment.

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26 **PROCEDURES**

- 27 • Voluntary resignation
- 28 ○ To resign in good standing, employees shall give notice in writing to the Sheriff at
- 29 least (14) days prior to the effective date of the resignation.
- 30 ○ Further, employees holding the rank of Captain or above shall provide a minimum of
- 31 (30) days' notice.
- 32 ○ In the event exigent circumstance exists this notice can be waived or modified at the
- 33 discretion of the Sheriff.
- 34 ○ See York County Personnel Policies Manual, Section 12-1 for guidance.
- 35 ○ A resignation shall be effective when tendered. No written acceptance of a
- 36 resignation shall be required as a condition precedent to its effectiveness.
- 37 ○ Generally, the specific number of days required for resignation are contained in the
- 38 letter of offer provided to the employee upon initial hire or promotion.

- 39 ○ The Sheriff shall transmit all resignations to the Human Resources Office within 24
40 hours of receipt.
- 41 ○ The notice period is for the benefit of the employer and should the Sheriff decide that
42 an effective separation, sooner than that proposed by the employee, is in the County's
43 best interest, an earlier date may be established after consultation with the Human
44 Resources Manager.
- 45 ○ No compensation is due beyond the actual date set.
- 46
- 47 ● Retirement
- 48 ○ Retirement is addressed under York County Policy Section 12-2
- 49 ○ The County is a member of the Virginia Retirement System (VRS) and employees are
50 entitled to retire pursuant to the rules established by VRS.
- 51
- 52 ● Death
- 53 ○ When an employee dies while in the service of the County, all compensation due is
54 paid to the legal representative of the employee's estate or any other properly
55 designated individual.
- 56 ○ Assistance and benefit counseling is provided to survivors of the employee by the
57 York County Human Resources Manager.
- 58 ○ Pay and benefits accrue to the last day of actual service provided to the County.
- 59
- 60 ● Termination
- 61 ○ An employee may be terminated as set forth in this policy.
- 62 ○ In circumstances such that a non-probationary employee is eligible (or being
63 considered) for termination, the Chief Deputy will provide the employee with
- 64 ▪ A written notice, or
- 65 ▪ In situations when it is not possible to personally deliver a written notice to an
66 employee, the notice may be given orally with the written notice sent to the
67 employee's last known address, setting forth the following:
- 68 ❖ A statement of the reasons for which the termination of the employee is being
69 considered, in sufficient detail to enable the employee understand fully the
70 violation, infraction, conduct or offense for which termination is being
71 considered.
- 72 ❖ That the employee's past performance, including any prior disciplinary
73 records has been considered;
- 74 ❖ The effective date of the proposed termination, which should be no sooner
75 than seventy-two (72) hours from the employee's receipt of the notice;
- 76 ❖ That the employee is suspended, generally with pay, but for no longer than
77 five (5) work days from the date of the Notice of Proposed Termination or
78 until a final decision is made, whichever occurs sooner.
- 79 ❖ That the employee has the right to respond either in writing or in person, at the
80 option of the employee, within two (2) working days of receipt of the notice
- 81
- 82 ○ Before an employee is terminated, the Sheriff shall conduct a determination hearing
83 with the employee involved.

- 84 ○ A final decision will not be made by the Sheriff until the employee has been given the
85 opportunity to express his version of the circumstances.
86 ○ If the employee requests the right to respond in person, the Sheriff should
87 immediately schedule an informal hearing.
88 ○ The employee should be afforded an opportunity to explain his or her side of the
89 story, to present any documentary evidence on his or her behalf, and to argue his or
90 her side of the case.
91 ○ Such hearings are intended to be informal, and legal representatives are not permitted.
92 ○ If, after the hearing or consideration of the employee's written response, the Sheriff
93 finds that the charge or charges against the employee are true and support the
94 termination, the Sheriff will notify the Chief Deputy of his/her decision.
95 ○ If the Sheriff disagrees with the decision to terminate the employee, he/she will refer
96 the case back to the Chief Deputy for the purposes of reassessing disciplinary actions.
97 ○ Persons whose employment has been terminated for cause are precluded from future
98 employment with the department unless the department later finds that the evidence,
99 which sustained the termination for cause was incompetent or unreliable.
100 ○ Under no circumstances shall employees respond to oral or written requests for
101 information on employees who have been terminated for cause.
102 ○ To release any information, the Sheriff's Office must receive written authorization,
103 signed by the former employee.
104 ○ Upon receipt of written authorization, the Sheriff's Office may provide the requesting
105 agency with the terms of the employee's termination for cause, the relevant evidence
106 that supported the termination, and any administrative decision, which has been
107 reached, by a hearing officer or panel related to the termination.
108 ▪ The determination hearing with the Sheriff does not apply to probationary
109 employees but at the Sheriff's discretion, he/she may allow a determination
110 hearing.
111
112 ● Employee separation procedures, York County Policy Section 12-5, Employee
113 Separation.
114 ○ All pay and benefits accrue to the last day of actual service provided to the County
115 and employees cannot expect to receive any compensation or benefit for periods of
116 time beyond the last day physically worked, including pay for holidays, sick or
117 vacation days, etc., that occur after the last day worked.
118 ○ Since benefit accruals occur on the last day of the month, the employee must
119 physically work the last day of the month in order to receive this accrual.
120
121 ● Layoffs, York County Policy Section 12-6, Layoffs.
122 ○ Any involuntary separation other than for disciplinary reasons is considered a layoff.
123 Layoffs occur when in the opinion of the County Administrator proper management
124 requires a reduction or change in the work force or the elimination of certain positions
125 or programs.
126 ○ Regular full-time and regular part-time employees to be laid off are notified in
127 writing by the County Administrator and at a minimum are given the same notice as
128 required when an employee resigns (see York County Policy Section 12-1, regarding
129 resignations).

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- Clearing debt and equipment, York County Policy Section 12-7, Clearing Debt and Equipment Accounts.
 - Employees who separate from County service must clear all debts to the County and account for and turn in all County equipment in their possession or for which they are responsible, including keys, uniforms, tools, equipment, credit cards, identification cards, books, manuscripts, papers, etc. to the property/evidence custodian.
 - Failure to clear all debts and turn in County equipment will result in the initiation of collection procedures to recover these losses.

- Separation pay, York County Policy Section 12-8, Separation Pay
 - Generally, all compensation due and any settlement for accrued leave is included in the paycheck due on the next regularly scheduled payday.

- Post-separation benefits, York County Policy Section 12-9, Post Separation Benefits.
 - The County offers employees and their families, in accordance with federal law, the opportunity for a temporary extension of health coverage (called "continuation coverage") at group rates in certain instances when employment is terminated (for reasons other than gross misconduct) and coverage under the plan would otherwise end.
 - In addition, employees are notified of their right to proceeds on deposit into their Virginia Retirement System (VRS) account, any options available to them to dispose of funds accumulated in a deferred compensation account, options to convert VRS life insurance, and other information concerning benefit programs in which the employee has participated.

- Severance pay, York County Policy Section 12-10, Severance Pay
 - Severance pay may be approved by the County Administrator for probationary or non-probationary separations that do not involve misconduct. When approved, the amount of severance pay shall not be less than 1/26th or more than 1/12th of the terminating employee's annual salary rate.

MANDATORY REPORTING OF RESIGNATIONS OR TERMINATION

- Compliance with state employment reporting procedures
 - To comply with the regulations established by the Criminal Justice Services Board (CJSB) and the Department of Criminal Justice Services (DCJS) and as otherwise specified by law, agencies shall submit notice of resignations or the termination status of all sworn deputies.
 - If the deputy resigns or has his or her employment terminated for reasons that may subject the deputy to de-certification, the Sheriff shall notify DCJS as required by law

- De-certification
 - Per the Code of Virginia § 15.2-1707, upon written notification from the Sheriff, Chief of Police or agency administrator that any certified law-enforcement officer has:

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- Been convicted of or pled guilty or no contest to a felony or any offense that would be a felony if committed in Virginia, or
 - Failed to comply with or maintain compliance with mandated training requirements, or
 - Refused to submit to a drug screening or has produced a positive result on a drug screening reported to the employing agency, where the positive result cannot be explained to the agency administrator's satisfaction, which notification, where appropriate, shall be accompanied by a copy of the judgment of conviction, the Criminal Justice Services Board shall decertify such law-enforcement officer. Such officer shall not have the right to serve as a law-enforcement officer within this Commonwealth until his certification has been reinstated by the Board.
 - The clerk of any court in which a conviction of a felony is made who has knowledge that a law-enforcement officer has been convicted shall have a duty to report these findings promptly to the employing agency.
 - When a conviction has not become final, the Board may decline to decertify the officer until the conviction becomes final, after considering the likelihood of irreparable damage to the officer if such officer is decertified during the pendency of an ultimately successful appeal, the likelihood of injury or damage to the public if the officer is not decertified, and the seriousness of the offense.
 - Per Code of Virginia § 15.2-1708, the following procedures shall be observed in decertifying a sworn deputy:
 - ❖ Service of notice.
 - The Board shall, within ten days of de-certification, serve notice upon an affected officer, in person or by certified mail, and upon the law-enforcement or jail agency employing said officer, by certified mail, specifying the action taken and remedies available.
 - The Board shall stay final action until the period for requesting a hearing expires.
 - ❖ De-certification hearing.
 - Any law-enforcement officer who has been decertified may, within thirty days of receipt of notice served by the Board, request, by certified mail, a hearing, which shall be granted by the Board.
 - Upon receipt of such request, the Board shall set a date, time, and place for the hearing within sixty days and serve notice by certified mail upon the affected officer.
 - The Board, or a committee thereof, shall conduct such hearing. The affected officer may be represented by counsel. In the absence of a request for hearing, de-certification shall, without further proceedings, become final thirty days after the initial notice.
 - ❖ Standard of review.
 - The de-certification of a law-enforcement under Section [15.2-1707](#), Code of Virginia, shall be sustained by the Board unless such law-enforcement officer shows, by a preponderance of the evidence, good cause for his certification to be reinstated.

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- ❖ Final decision after request for hearing.
 - The Board shall render a final decision within thirty days.

- ❖ Notice of final action.
 - The Board shall notify the officer and the law-enforcement agency involved, by certified mail, of the final action regarding de-certification.

- ❖ Reinstatement after de-certification.
 - Any officer who is decertified may, after a period of not less than five years, petition the Board to be considered for reinstatement of certification.