

11.1 RESIGNATION

- A. Written notice of resignation shall be submitted to the Appointing Authority at least ten (10) business days prior to the effective date of the resignation. If written notice is not received, oral notice of resignation becomes effective on the date stated by the employee and must be witnessed and documented by the Appointing Authority or designee. A written confirmation of the resignation shall be sent to the employee within two (2) business days of the employee's oral notification.
- B. In accordance with ARS § 23-1502, if an employee believes that intolerable working conditions exist that compel him/her to resign, in order to preserve the right to bring a constructive discharge claim against the County, the employee must notify the department in writing fifteen (15) calendar days prior to submitting his/her resignation.
 - 1. The department shall investigate the employee's working conditions and submit a written response to the employee within fifteen (15) calendar days after receiving the employee's written communication of alleged intolerable conditions.
 - 2. If the employee rejects the department's response, he/she may proceed with submitting his/her resignation.
- C. A resignation may be withdrawn by an employee, with the written consent of the department, no later than ten (10) business days after the effective date of the resignation.
- D. An employee who is chosen for a County elected position shall resign from regular County employment prior to taking the oath of office.
- E. In accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), a regular employee inducted, ordered, or enlisted into active service of the uniformed service may resign from County employment and retain all reemployment rights. Pursuant to USERRA, a termination action for the purpose of military service is not considered a "break in service" if the employee has been separated for less than five (5) years.

11.2 DISMISSAL

A dismissal is the involuntary termination of employment for a disciplinary reason as provided in Rule 12.

11.3 TERMINATION DURING INITIAL PROBATION

An employee may be terminated, without the right of appeal, at any time during initial probation. However, the terminated employee may file a grievance in accordance with Merit System Rule 13.3 if unlawful discrimination is alleged.

11.4 LAYOFF

Layoff shall not be used in lieu of discipline.

- A. An employee may be laid off due to reduced demand for services, functions or programs, lack of funds, elimination of position, failure to successfully complete promotion probation as provided in Merit System Rule 8, or other reasons as specified in these Rules and the Personnel Policies.
- B. The decision regarding which classification(s) shall be affected by layoff and when layoff shall be effective shall be made by the Appointing Authority. In each instance, based on circumstances within the department, the layoff plan shall state whether or not grant-funded employees shall be grouped with other employees for layoff purposes.
- C. When an Appointing Authority determines that a layoff is necessary, the Appointing Authority shall draft a layoff plan, which, when the layoff is for reasons other than reduced demand for services, functions or programs, lack of funds and/or elimination of position, may be merely an explanation of the grounds for layoff. All layoff plans shall be approved by the County Administrator prior to implementation.
- D. When any classification is subject to layoff, non-permanent status employees in that classification in the same department shall be terminated before any permanent status employee is laid off, unless exempted by the Board of Supervisors. All vacant positions in that classification should be eliminated before laying off any employee in such classification.
- E. When permanent employees in a classification become subject to layoff due to reduced demand for services, functions or programs, lack of funds and/or elimination of position, the Appointing Authority shall determine which employee(s) shall be laid off based on seniority as defined in MSR 1.60 and qualifications of all permanent employees in that classification in the same department. Seniority is the primary factor, unless exempted by the County Administrator.

Qualifications (i.e. knowledge, skills and abilities) are the secondary factor, unless otherwise exempted by the County Administrator.

- 11.4 F. Human Resources shall notify employees to be laid off, in writing, as soon as possible, but no later than thirty (30) calendar days prior to the effective date of layoff. The written notice shall be hand delivered or sent certified with return receipt and first class mail. The notice shall contain the effective date of layoff, pre-layoff reappointment, reemployment and reinstatement rights, and a copy of the County Administrator approved layoff plan.
- G. Pre-layoff Reappointment: Prior to the effective date of layoff, an employee subject to layoff may be appointed non-competitively by any Appointing Authority having a vacant position of the same or lower salary grade or open salary range for which the employee meets the minimum qualifications.
1. The salary for pre-layoff reappointment shall be set in the same manner as for entrance salary, Personnel Policy 8-117.
 2. The effective date for pre-layoff reappointment shall be before the date on which the layoff would have been effective. The employee shall retain all accrued sick leave, annual leave and compensatory time.
 3. An employee who accepts a pre-layoff reappointment shall serve a twelve (12) month probation.
 4. An employee who accepts a pre-layoff reappointment retains reinstatement rights.
 5. An employee who accepts a temporary or detail assignment, prior to layoff, retains pre-layoff reappointment rights during the assignment and is subject to layoff at the end of the temporary or detail assignment.
- H. Reinstatement: An employee who is laid off shall be eligible and may apply for reinstatement to the department and the classification from which laid off. The employee shall be eligible for reinstatement for a period of two (2) years from the effective date of layoff.
- I. Reemployment: An employee who has been laid off may apply for reemployment to any classification by submitting a written application and shall be considered a County employee for certification purposes. A laid-off employee shall be eligible for reemployment and shall be considered a County employee for certification purposes for a period of two (2) years from the effective date of layoff. Additional applications may be submitted any time during this period.

11.5 TERMINATION FOR OTHER REASONS

- A. Employees on initial probation, temporary employees, intermittent employees, per diems, new hire employees who have not completed the Pima County Trainee Program, and employees in the Adult Work Experience Program may be terminated at any time without cause and with no right of appeal.
- B. Any employee may be terminated pursuant to the Policy on Employment of Relatives, Personnel Policy 8-101.
- C. An employee whose position is not County-funded may be terminated for lack of funding.
- D. An employee may be terminated for inability to meet the minimum qualifications, for failure to pass a required background check, or for failure to maintain licensing, certification or other requirements for the position currently held.
- E. An employee may be terminated for failure to return to work from an approved leave of absence without pay.
- F. An employee shall be terminated pursuant to federal and/or state law for failure to establish or resolve employment authorization or identity verification.