

## SECTION IX: TERMINATION OF EMPLOYMENT

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1. TYPES OF TERMINATION. Any involuntary termination or termination of any employee who is allowed to resign, in lieu of an involuntary termination, may be reviewed with legal counsel within ten (10) working days before termination is pursued or a resignation is accepted to ensure the employee's "due process" property rights are not violated.
  - A. Retirement: Voluntary termination at the end of an employee's career.
  - B. Voluntary Resignation: When an employee wishes to leave Cottonwood Heights Parks and Recreation Service Area, he/she will notify their immediate Department Head or Supervisor either verbally or in writing.
    - A. Resignation, in Lieu of an Involuntary Termination, Agreement: The Director, or designee, may conclude that an employee should be involuntarily terminated for no reason (for probationary employees and Department Heads) or for cause. If Involuntary Termination proceedings have begun, but have not been completed and an employee suggests that they would like to voluntarily resign, the Director may agree to a Resignation In Lieu Of An Involuntary Termination Agreement
    - B. Involuntary Termination: The Director, or designee, may conclude that an employee should be involuntarily terminated for no reason (for probationary employees and Department Heads) or for cause.
  - E. Reductions in Force/Layoffs: Whenever it is necessary to reduce the number of employees in Cottonwood Heights Parks and Recreation Service Area because of lack of work or lack of funds, Cottonwood Heights Parks and Recreation Service Area may attempt to minimize layoffs by readjustment of personnel through reassignment of duty in other work areas.
  - F. Medical: The American's with Disabilities Act (ADA) prohibits illegal discrimination by an employer against an "otherwise qualified individual with a disability." Consequently, an employee should not be terminated for medical reasons without prior consultation with legal counsel.
  - G. Death: If an employee of Cottonwood Heights Parks and Recreation Service Area dies, their estate receives all pay due and any earned and payable benefits (such as payment for compensation time, annual leave, and/ or sick leave) as of the date of death.

2. REQUIRED NOTICE PRIOR TO TERMINATION.

- A. All employees, including “at-will” employees, should notify Cottonwood Heights Parks and Recreation Service Area at least two (2) weeks before retiring or voluntarily resigning to be eligible:
  - (1) To receive pay for unused, accrued vacation leave (if applicable).
  - (2) To receive pay for vested sick leave (if applicable).
  - (3) For rehire.
- B. Cottonwood Heights Parks and Recreation Service Area does not have a requirement to give any prior notice to an employee before terminating their employment with Cottonwood Heights Parks and Recreation Service Area.
- C. Unused, accrued vacation leaves (if applicable) and vested sick leave (if applicable) will always be paid for terminations of employment involving Reductions in Force/Layoffs, Medicals and Deaths.

3. TERMINATION PROCEDURES.

- A. A Notice of Voluntary Resignation Form, signed by the employee and the Director, or designee, may be utilized in Voluntary Resignations.
- B. Involuntary Terminations/Separations for Cause require Cottonwood Heights Parks and Recreation Service Area to provide their terminating employees with written notification of due process. “At-Will” Involuntary Terminations (for probationary employees and department heads) do not require Cottonwood Heights Parks and Recreation Service Area to provide their terminating employees with written notification of due process.
- C. A Resignation in Lieu of an Involuntary Termination Agreement, signed by the employee and the Director, or designee, may be utilized in negotiated terminations. A Resignation in Lieu of an Involuntary Termination Agreement does not require Cottonwood Heights Parks and Recreation Service Area to provide their terminating employees with written notification of due process.
- D. The following steps should be taken for Voluntary Retirements:
  - (1) Employees who desire retirement should notify three months in advance Cottonwood Heights Parks and Recreation Service Area.

- (2) Cottonwood Heights Parks and Recreation Service Area should communicate the status of each employee's retirement benefits. Upon request for retirement benefits, Cottonwood Heights Parks and Recreation Service Area should notify the administrator of the retirement program and the appropriate state and federal regulatory agencies.
- (3) Cottonwood Heights Parks and Recreation Service Area should carefully explain to the employee what the options are (such as Cobra and Retirement Plan Options).
- (4) Cottonwood Heights Parks and Recreation Service Area should give the employee ample time to review the retirement plan.
- (5) Cottonwood Heights Parks and Recreation Service Area should have the employee sign a release, or at least a declaration statement, to the effect that they are electing retirement of their own free will.

E. The following steps should be taken for Reductions in Force/Layoffs:

- (1) Determine whether Cottonwood Heights Parks and Recreation Service Area is required to follow statutory guidelines related to the reduction in force/layoff. If Cottonwood Heights Parks and Recreation Service Area is required to follow statutory guidelines, policy, procedure and actual practice must comply with said guidelines.
- (2) If Cottonwood Heights Parks and Recreation Service Area is facing a possible reduction in labor force, Cottonwood Heights Parks and Recreation Service Area should explain the situation to its employees, advising them of the possibility that reductions in force/ layoffs may become an economic necessity for Cottonwood Heights Parks and Recreation Service Area.
- (3) In the selection of employees for reduction in force/layoff, the following guidelines should be considered:
  - (a) Selection should be based upon the employee's ability to perform the work assignments within the affected department.
  - (b) Seniority should govern the selection when ability is equal.
  - (c) Emergency, temporary, and probationary employees should be laid off first.

- (d) Permanent employees should be the last to be laid off, when possible, in inverse order of their length of service.
  - (e) Before any reduction in force/layoff, Cottonwood Heights Parks and Recreation Service Area should determine whether it is subject to the requirements of the Worker Adjustment and Retraining Notification Act, 29 U.S.C. 2101, et seq.
  - (f) Cottonwood Heights Parks and Recreation Service Area should carefully explain to the employee what the options are (such as Cobra and Retirement Plan Options).
  - (g) If Cottonwood Heights Parks and Recreation Service Area cannot give advanced notice of a reduction in force/layoff to the employee, two weeks severance pay may be given in lieu of notice for a bona fide reduction in force/layoff.
- (4) Written reductions in force/layoffs notices should contain the following information:
- (a) Statement that separation from employment is based on reduction in force/layoff.
  - (b) Anticipated date of layoff.
  - (c) Any options regarding employee placement in another position.

F. Outstanding Pay.

- (1) Arrange for distribution of any paychecks which may be due the employee, including pay for any hours worked but not paid; pay for unused, accrued vacation leave (if applicable); or pay for vested sick leave (if applicable).
- (2) Under Utah State law, the required timing of the final payment at termination is:
  - (a) A Voluntary Resignation. First payday after effective date of resignation.
  - (b) An Involuntary Termination/Separation for Cause. Within 16 normal working hours of last day worked.

- G. The terminating employee will return any supplies, equipment, keys, ID Card, or uniforms which are the property of the Service Area, to Cottonwood Heights Parks and Recreation Service Area at termination.
  - H. All non-seasonal, full-time, terminating employees should complete an exit interview with the Director, or designee. The Exit Interview Form should be signed by the employee and the Director, or designee.
4. COBRA. Any benefited employee that is separated from Cottonwood Heights Parks and Recreation Service Area is entitled to a continuation of insurance coverage per the mandates of the Consolidated Omnibus Budget Reconciliation Act of 1985 or COBRA plan as stated in the Cottonwood Heights Parks and Recreation Service Area's COBRA Notification).
- A. Federal Public Law 99-272 (which became effective July 1, 1986 and is known as COBRA) requires that all employers of 20 or more full time employees to offer a continuation of group insurance coverage to individuals who fall under one of the following "qualifying events":
    - (1) Termination of employment (other than for gross misconduct), for a maximum continuation period of eighteen (18) months.
    - (2) Reduction of work hours below eligibility requirement, for a maximum continuation period of eighteen (18) months.
    - (3) Dependent coverage terminated due to death of employee, for a maximum continuation period of thirty six (36) months.
    - (4) Divorce or legal separation from employee, for a maximum continuation period of thirty six (36) months.
    - (5) Spouse or dependent of Medicare eligible employee, for a maximum continuation period of thirty six (36) months.
    - (6) Dependent child who ceases to be a dependent under the generally applicable requirements of the group plan, for a maximum continuation period of thirty six (36) months.
  - B. Under the Act, a qualifying individual is entitled to continued group insurance coverage identical to that which is provided to similarly situated beneficiaries to whom a qualifying event has not occurred. Individuals who are entitled to continued benefits under COBRA guidelines are required to pay the entire premium required under the policy during the entire period of the continued coverage. The premium a qualifying individual will be required to pay may not

exceed one hundred and two percent (102%) of the applicable premium, for any period of continued coverage. Failure to pay the monthly premium will result in a cancellation of the insurance.

- C. The insurance benefits offered under the COBRA guidelines will be terminated if and when any of the following occur:
  - (1) A qualifying individual fails to pay the premium at the time it is required.
  - (2) A qualifying individual becomes eligible for coverage under any other group insurance plan due to employment or remarriage.
  - (3) At the expiration of a qualifying individual's maximum continuation period.
  
- D. The offer of continued insurance coverage under COBRA is made independent of any other offer to continue insurance that may be required under any applicable state law.
  
- E. A qualifying individual has sixty (60) days from the termination date of their current coverage to decide whether to continue their insurance coverage under this plan. If they decide to apply for the continued coverage, all due and owing premiums must be paid before coverage will be granted. If they fail to apply for coverage within the sixty (60) days, they will have waived their rights to continuation of coverage under the COBRA guidelines. They are not required to apply for or accept coverage under COBRA.

APPROVED AND PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_

COTTONWOOD HEIGHTS  
PARKS AND RECREATION SERVICE AREA

By: \_\_\_\_\_

Mike Peterson, Director

BOARD OF TRUSTEES

By: \_\_\_\_\_

Carl Evans, Chairman

