

SECTION 29. TERMINATION

(As amended October 21, 2008)

29-1. Definition.

Termination: A nondisciplinary act by a department director to end an employee's County employment for a valid reason. Examples of valid reasons for termination include those stated in Section 29-2.

29-2. Reasons for termination.

- (a) A department director may terminate the employment of an employee:
 - (1) who is a probationary employee;
 - (2) who has abandoned the employee's position by failing to report for work on 3 or more consecutive workdays without having approval for the absence;
 - (3) who is a temporary employee if:
 - (A) the employee's job performance or attendance record does not warrant retention of the employee, or
 - (B) the employee's services are no longer needed or wanted;
 - (4) who is a term employee whose term of employment has ended;
 - (5) who does not have a current license or certification required as a minimum qualification for the employee's occupational class;
 - (6) who fails to perform assigned duties in a satisfactory manner as indicated by receiving the lowest overall performance rating during an annual or interim performance evaluation under Section 11 of these Regulations;
 - (7) who has not returned to work within 30 calendar days after exhausting all FMLA leave and paid leave of any type, including leave from a sick leave donor program, because of an on-going medical or personal problem;
 - (8) who has used more than 12 consecutive months of LWOP; unless termination would conflict with State or Federal law;
 - (9) who has an impairment not susceptible to resolution that causes the employee to be unable to perform the essential functions of the employee's job; or

- (10) who:
 - (A) is employed by Fire and Rescue Services in the firefighter/rescuer occupational series;
 - (B) was hired after June 30, 1999; and
 - (C) used a tobacco product on or off duty.
- (b) Under subsection (a)(2) above, an employee has not abandoned the employee's position if the employee was:
 - (1) physically or mentally unable to obtain approval for the absence; or
 - (2) unable to report for work for reasons beyond the employee's control.

29-3. Management responsibility for termination.

- (a) Before a department director terminates the employment of an employee with merit system status for the reason described in Section 29-2(a)(6) (failure to perform assigned duties in a satisfactory manner), the director must:
 - (1) give the employee advance written notice of the problem;
 - (2) counsel the employee on corrective action to take; and
 - (3) allow the employee adequate time to improve or correct the employee's performance or attendance.
- (b) Before a department director terminates the employment of an employee with merit system status for the reason described in Section 29-2(a)(7) (failure to return to work within 30 calendar days of exhausting all paid leave), the director must send written notice of the possible termination to the employee at the most recent home address given by the employee at least 10 calendar days in advance of the issuance of a notice of proposed termination.
- (c) A department director must not terminate a qualified employee with a physical or mental disability under 29-2(a)(9) above unless efforts at reasonable accommodation as described in Section 8 of these Regulations are unsuccessful.

29-4. Notice of proposed termination and notice of termination for employees with merit system status.

- (a) ***Notice of proposed termination.*** A department director must give an employee with merit system status a written notice of proposed termination that includes:
 - (1) the reason for termination;

- (2) that the employee may submit a written response to the proposed termination;
 - (3) the person to whom the employee may submit a response; and
 - (4) that the employee's response must be filed within 10 working days of the employee's receipt of the notice.
- (b) **Notice of termination.** If a department director decides to terminate an employee with merit system status, the department director must give the employee a written notice of termination and include the following in the notice:
- (1) the effective date of the termination;
 - (2) the reason for the termination;
 - (3) that the employee did or did not respond to the notice of proposed termination and, if the employee responded, whether the response, influenced the termination decision;
 - (4) if the employee may file a grievance or MSPB appeal; and
 - (5) the deadline for filing a grievance or an appeal.

29-5. Notice of termination for probationary and temporary employees. Before terminating the employment of a probationary or temporary employee, a department director must give the employee a written notice that states the effective date of the termination and the reason for the termination.

29-6. Effective date of termination.

- (a) A department director may make the termination of a probationary or temporary employee effective immediately.
- (b) A department director must issue a notice of termination to an employee with merit system status at least 5 working days before the effective date of the proposed termination.

29-7. Appeal of termination.

- (a) An employee with merit system status who is terminated may appeal the termination under Section 34 or 35, unless the employee is a term employee:
 - (1) whose term of employment has expired; or
 - (2) who has completed the work the employee was employed to perform.

- (b) A term employee may appeal a termination under Section 34 or 35 unless it is a termination described in (a)(1) or (2) above.
- (c) A probationary or temporary employee may not appeal a termination.

Editor's note – The subjects covered in this section of the Personnel Regulations are addressed for bargaining unit employees in the current collective bargaining agreements as indicated below:

Bargaining unit	Articles of current agreements with references to termination
Firefighter/Rescuer	23, Hours of Work 40, Employee Status 51, Pensions
OPT/SLT	4, Voluntary Checkoff of Union Fees and Deductions 5, Wages, Salary and Employee Compensation 16, Leave Without Pay 26, Termination 27, Reduction-in-Force 30, Notices to Employees 44, Defined Contribution Plan
Police	3, Agency Shop and Dues Checkoff 15, Hours and Working Conditions 43, Discipline 52, Termination