

**A. RESIGNATION:**

1. An employee who desires to resign from Judicial employment is requested to submit a written resignation to the Division Head at least ten (10) working days prior to the effective date of the resignation.
2. Failure of an employee who resigns to give proper notice could jeopardize consideration for future employment with the County. Failure to provide ten (10) working days notice of resignation shall result in non-payment of accrued EIB leave as provided by these Rules.
3. Any employee may withdraw a written resignation only with the written consent of the Division Head, but in no event later than the planned effective date of resignation or ten (10) working days from the date the resignation is tendered, whichever is less.

**B. DISMISSAL:**

A dismissal is the involuntary termination for a disciplinary reason of an employee from Judicial employment. The provisions regarding a dismissal for a disciplinary reason are covered in Rules 701-702.

**C. TERMINATION DURING ORIGINAL PROBATION:**

An employee may be terminated, without the right of appeal, at any time during the original probationary period. However, the terminated employee may file a grievance in accordance with Merit System Rule 603 if unlawful discrimination is alleged.

**D. ABANDONMENT OF JOB:**

An employee who is absent for three (3) or more consecutive days without authorized leave, is automatically considered to have abandoned his/her job; except where extenuating circumstances are found to have existed, such absence may be covered by leave with or without pay by the Division Head with the approval of the Presiding Judge.

**E. LAYOFF:**

1. An employee may be laid-off from his/her division due to lack of work, lack of funds, reorganization (causing cutbacks and reductions), abolition of position or other reasons as specified in these Rules.
2. The decision as to which classification shall be affected by layoff and when layoff shall be effective shall be made by the Division Head. The Division Head shall

prepare a layoff plan which shall be approved by the Presiding Judge before it is effective.

3. When any classification is subjected to layoff, non-regular status employees in that classification in the same division shall be terminated before any regular status employee is laid-off, unless exempted by the Presiding Judge.
4. When regular employees in a classification become subject to layoff, the Division Head shall determine which employee(s) shall be laid-off based on the performance, conduct, qualifications, and seniority of all regular employees in that classification in the same division, unless exempted by the Presiding Judge. The weighting of the criteria shall be stated on the approved plan.
5. When an employee fails the promotion or transfer probationary period, and no vacancy in the former classification exists, the employee failing the probationary period shall be laid-off.
6. The Division Head shall notify the employees to be laid-off, in writing, as soon as possible but no later than ten (10) working days prior to the effective date of layoff. The written notice shall be hand-delivered or sent by registered mail. A copy shall be sent to the Court Administrator. The notice shall inform the employee of the effective date of layoff and of the pre-layoff reappointment and reinstatement procedures.
7. Employees who have been laid-off may apply for reinstatement pursuant to the provisions of Rule 205(C)(3).
8. In each instance the layoff plan shall state, based on circumstances within the division, whether or not Grant-funded employees shall be grouped with other employees for layoff purposes.
9. Pre-Layoff Reappointment:
  - a. Following receipt of notice of layoff, and before the effective date of layoff, an employee subject to layoff may be considered by any Division Head in the Judicial service having a vacant position of the same or lower salary range for which the employee meets the acceptable qualifications.
  - b. If the employee wishes to seek a pre-layoff reappointment, the employee shall submit a written request with a completed application to the Court Administrator.

**ARTICLE 8.  
RULE 801.**

**SEPARATIONS  
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- c. The Court Administrator shall send the name of the employee to the Division Head who has a vacancy for which the employee qualifies. The Division Head shall promptly interview the employee. An offer of reappointment is at the discretion of the Division Head.
  - d. Upon a pre-layoff reappointment, the new salary of the employee shall be set in the same manner as for entrance salary.
  - e. A pre-layoff reappointment shall be effective on or before the date on which the layoff would have been effective, so that a break in service does not occur.
  - f. Upon pre-layoff reappointment the employee shall serve a six (6) month probationary period.
  - g. The employee shall retain all accrued EIB leave, PTO leave and compensatory time.
  - h. If the employee subject to layoff is offered and accepts a pre-layoff reappointment, then the employee forfeits the right to be placed on the Reinstatement Register.
  - i. If the employee is not offered or does not accept an offer of pre-layoff reappointment, on or before the effective date of the layoff, then the employee shall be laid-off.
10. Layoff Avoidance:
- a. The division shall make a reasonable attempt to retain a regular employee who would otherwise be subject to layoff whenever the conditions for layoff directly result from a productivity improvement.
  - b. Layoff avoidance may be handled through attrition or reassignment, preferably in the division where the productivity improvement occurs.

**F. SEPARATIONS FOR OTHER REASONS:**

- 1. An employee may be involuntarily separated with the right of appeal when it is determined by the Physician designated by the Court that the employee is unable to perform the duties of the position.
- 2. A temporary, emergency or intermittent employee may be separated at any time.

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3. Employees may be separated in compliance with the Court's established policies on nepotism.
4. An employee whose position is grant funded may be separated for lack of funding or for reasons otherwise covered in these Rules.
5. An employee may be involuntary separated with the right of appeal when it is determined that the employee is unable to maintain the acceptable qualifications for the position currently held.