PURPOSE

This section establishes a policy and procedure for employees leaving City service because of resignation, retirement, death, or involuntary termination of employment. This section describes the steps that City employees and department representatives must complete to separate an employee from City employment. This section does not apply to contract employees.

AUTHORİTY

San Jose Municipal Code (Civil Service Rules), Section 3.04.1520: Resignations

An officer or employee in good standing who shall decide for any reason to leave the employ of the city shall submit a formal resignation in writing to the appointing authority at least fourteen (14) calendar days before leaving the service, and shall state therein the reason or reasons for such resignation. If an officer or employee leaves the employ of the City without submitting such a written resignation, he may be deemed to have resigned with prejudice, and a record of the same shall be made in the personnel records.

POLICY

1. Providing Notice of Separation from City Service (Form 100-4)

The Notice of Separation provides the City with written notice of an employee’s intention to leave City service. Employees must submit a Notice of Separation form to their Department Director, preferably at least fourteen days before their last day of work.

2. Continued group health coverage election (C.O.B.R.A.)

Benefited employees who are separating for reasons other than gross misconduct can elect to continue group health coverage under the Consolidated Omnibus Budget Reconciliation Act (C.O.B.R.A.). If this election is not made on the Notice of Separation form, the employee will be sent a Notice of C.O.B.R.A. Eligibility to notify him/her of the continued coverage option. If no election is made within sixty (60) days of the separation date or the receipt of the Notice of C.O.B.R.A. Eligibility letter, whichever is later, the employee’s group health coverage will be terminated effective as of his/her separation date.

3. Deferred compensation election

Employees who have funds deposited in the City’s Deferred Compensation Plan must designate a distribution date within thirty (30) days of their separation from City service. If no election has been made by the participant or his/her beneficiary within the designated thirty (30) days, the total account less any federal or state income taxes shall be disbursed in a lump sum.
4. Retirement earnings election

All members of the Federated Retirement System and the Police and Fire Retirement System must elect how they want their retirement money distributed within eighty (80) days of their separation from City employment. Upon receipt of the employee’s Notice of Separation, the Department of Retirement Services sends information regarding their distribution option and an election form. Retirement distributes funds approximately four (4) to six (6) weeks after the department receives all the necessary documents.

5. Return of City property

Supervisors are responsible for ensuring that all separating employees return any City property by their last day of work. Examples of typical property items are:

- City identification card
- City driver’s permit
- City parking permit (hang tag)
- ECOPass issued by Santa Clara Valley Transit Authority
- Keys to doors, desks, files, vehicles
- City Visa card
- Books, manuals
- Equipment, tools

After the employee has separated, supervisors are also responsible for taking appropriate security measures such as changing system passwords and disabling the employee’s access code to City Hall.

6. Reimbursement for unearned vacation time.

All separating employees who have used unearned vacation time must reimburse the City in full for time taken. The Finance Department will contact any separating employees owing money to the City.

7. Designated employee statements.

Employees in designated positions must complete a Statement of Economic Interests (Form 700) before leaving City service. This form must be returned to the City Clerk.

**PROCEDURES**

Employee

1. Notifies supervisor of intention to leave City service and date of separation if the separation is voluntary. If the separation is involuntary, the employee will be notified by a City representative, in a manner determined by the reason for leaving.
Employee Separations

Obtains Notice of Separation (Form 100-4) from the department's timekeeper or the City Intranet site (www.sjcity.net Human Resources/ES and Payroll Forms).

Supervisor

2. Provides Statement of Economic Interests (Form 700) if the separating employee is in a designated position. On the separation date, collects City property from the separating employee.

Employee

3. Submits the completed Notice of Separation to the Department Director fourteen (14) days before the last day of work.

Submits the Statement of Economic Interests (Form 700) to the City Clerk if applicable.

Department Director

4. Signs the Notice of Separation and routes it to the Department of Human Resources as soon as possible. If the employee fails to complete the form before his/her last day of work, the department director must complete the Employee Data Section, indicate that the employee is “unavailable for signature,” and sign the Notice of Separation before routing it to the Department of Human Resources.

Human Resources

5. Completes transaction in automated system and coordinates necessary actions:
   - Mails Notice of C.O.B.R.A. eligibility letter to employee if this election is not made.
   - Contacts separating employees with funds in the deferred compensation system regarding their distribution options.
   - Retains the original Notice of Separation in the employee’s personnel file.

Finance/Comp Acctg

6. Calculates retirement contribution and compensation time refunds, and deducts any monies owed for unearned vacation time used.

Retirement

7. Notifies separating employees who are members of the Federated Retirement System or the Police and Fire Retirement System of their retirement distribution options.

Approved:

/s/ Nona Tobin
Director of Human Resources

December 2, 1999
Date