



County of San Bernardino TERMINATION

Termination is the separation of employment from the County of San Bernardino for the reason of voluntary resignation, dismissal, layoff or retirement.

REFERENCES

Current County Memoranda of Understanding (MOU), Exempt Compensation Plan, Personnel Rules

FORMS REQUIRED

Separation Report 

MANDATORY FIELDS

Refer to Separation Report Section

GENERAL INFORMATION

Note: Transfer to another County department is not considered termination of employment

EMACS-HR should be notified of employee terminations, via JAR packet, as soon as department Payroll Specialist is notified of the termination date. Delay of termination notification results in a delay in an employee receiving their leave payoffs, delay in employee access to their Salary Savings 457(b) and PST funds, as well as potentially causing the County to be out of compliance with Consolidated Omnibus Budget Reconciliation Act (COBRA) law.

In the EMACS system, the effective date of termination is the first day the employee will **not** work or be on approved leave.

For departments on the 9/80 schedule, the pay period ends Friday at 12:00 p.m. (noon). For example, if an employee's flex day is on Friday, and the last day of work is the last day of the pay period, the department should ensure they do not work past 12:00 p.m., or upon completion of (4) hours as applicable.

EMPLOYEE TERMINATED FROM EMACS IN ERROR

Note: Contact EMACS-HR immediately to determine if action can be reversed. If not, follow procedures under Payroll Specialist Responsibilities.

The most common reasons for an employee being terminated in error are:

- ◆ Employee worked in more than one department
- ◆ Employee should have transferred, not terminated
- ◆ Wrong employee ID number was used
- ◆ Employee going from Special Districts to County or the converse

If an employee is terminated in error, all benefit enrollments are terminated (i.e., medical, dental, retirement, voluntary life insurance, AD & D, and 457(b) deferred compensation) and the following will occur:



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- ◆ San Bernardino County Employees' Retirement Association (SBCERA) will be notified
 - ◆ Lump sum accrual payoffs will be processed, if applicable

Note: Employee cannot withdraw retirement based on being terminated in error

PAYROLL SPECIALIST RESPONSIBILITIES

- ◆ Prepare JAR with Action/Reason Code: HIR / TIE (Hire/Termination in error)
- ◆ Send a memo to SBCERA stating the employee was terminated in error and there has been no break in service
- ◆ Verify in EMACS that employee was reinstated correctly and ensure all voluntary deductions are reinstated
- ◆ Ensure leave accrual rates and balances are restored
- ◆ Request an On-Demand Pay, if applicable
- ◆ If leave accruals were cashed out, they must be paid back prior to leave balances being reinstated. Payroll Specialist will notify the employee that this is **mandatory**. The employee **MUST** return pay-off by personal check or EMACS-Payroll will do a recovery beginning with the next pay warrant and the recovery will be taken in a lump sum.

Note: If a lump sum cannot be taken due to insufficient funds, remaining recovery will be taken from pay warrants until entire balance is recovered.

TYPES OF TERMINATION

Dismissal

Probationary employees may be dismissed without right to review or appeal, unless based on political affiliation, unlawful discrimination or any other reason proscribed by law. Regular status employees in the Classified Service may be dismissed only for cause. Dismissal actions are handled by the department Human Resources Business Partner (HRBP). *Refer to Personnel Rule X, Disciplinary Actions; Sections 1 and 2*

End of Temporary Employment

An extra-help or recurrent employee can be terminated at anytime by the appointing authority.

Job Abandonment

An employee absent without approved leave for three (3) consecutive work days who fails to notify the immediate supervisor and provide an acceptable reason for the absence to the appointing authority shall be considered to have automatically resigned as of the last day on which the employee worked, unless the appointing authority or Director of Human Resources (HR) or designee approves leave with or without pay to cover the absence. *Refer to Personnel Rule IX, Section 6*



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Layoff

A layoff is the involuntary separation or reduction of a regular employee to a lower classification without fault of the employee. Layoff applies only to regular positions. A layoff occurs only when there is a surplus of employees, a position is to be deleted from the authorized table or organization, or when funds are withdrawn from a previously funded position. *Refer to Layoff Article in appropriate MOU*

Left Without Notice

An employee who does not provide advance notice of their intention to terminate County employment is considered to have left without notice.

Resignation in Lieu of Termination

An employee may be allowed by the appointing authority to resign in lieu of termination.

Resignation Pending Administrative Action

An employee may be allowed by the appointing authority to resign when administrative action is pending. Generally associated with a disciplinary action.

Retirement

An employee considering retirement should be advised to call SBCERA at least two (2) months before their chosen retirement date to schedule an appointment with a Retirement Specialist to discuss available options. *Refer to Personnel Rule IX, Section 8*

Termination of Contract

An employment contract may be terminated by either party at anytime within an agreed upon time period or immediately by the County for just cause.

Voluntary Resignation

An employee wishing to leave in good standing shall file a written resignation with the appointing authority in the form of a Resignation Notice or a letter. The employee shall give at least two (2) weeks notice of intention to leave the service, unless the appointing authority consents to the employee leaving sooner. Failure to provide a written resignation and/or at least two (2) weeks notice may result in an employee being marked as ineligible for rehire. *Refer to Personnel Rule IX, Section 7*

RESIGNATION NOTICE

The Resignation Notice is an optional form and may be used by employees in place of a formal letter to notify the current department of their intent to resign, acceptance of a position in another County department or retirement from County employment.

MANDATORY FIELDS

Employee ID; Rcd No.; Last Name, First Name; Department; Job Code Title; Last Date in Paid Status; Reason for Resignation; Employee Signature; Date; Supervisor Signature; Date



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The sections entitled *Were You Satisfied With:* and *Working Conditions Were:* are not mandatory, but are helpful to the department.

GENERAL INFORMATION

An employee wishing to leave in good standing shall file a two (2) week written resignation with the appointing authority.

EMPLOYEE RESPONSIBILITIES

- ◆ Complete all applicable fields
- ◆ Submit to supervisor for signature
- ◆ Complete Separation Report, if applicable

PAYROLL SPECIALIST RESPONSIBILITIES

- ◆ Audit for completeness
- ◆ Retain copy for department file
- ◆ Attach original to Separation Report if separating from the County

RELATED FORMS/PROCEDURES

Checklist for Termination

San Bernardino County Employees' Retirement Association (SBCERA)

SEPARATION REPORT

A Separation Report must be completed for all employees who leave County employment, regardless of the position type.

MANDATORY FIELDS

Sections A, C, D

GENERAL INFORMATION

Note: JAR should be submitted upon notification of termination. It is not mandatory to send the Separation Report with the JAR; however, it must be submitted to EMACS-HR immediately upon receipt. Indicate last date in paid status on JAR.

Employee should complete Section A and B. If termination is a dismissal or employee leaves without notice a Separation Report is not given to the employee to complete and the Payroll Specialist will complete Section A and C.

In Section C, the reason "Dismissal – Unclassified" would be used for dismissal of an unclassified Exempt, PSE, Extra-Help, or Recurrent employee.



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EMPLOYEE RESPONSIBILITIES (APPLIES TO VOLUNTARY TERMINATION ONLY)

- ◆ Complete Section A and B
- ◆ Submit to Appointing Authority or designee for completion

APPOINTING AUTHORITY OR DESIGNEE RESPONSIBILITIES

- ◆ Complete Section C
- ◆ Submit to Payroll Specialist for processing

PAYROLL SPECIALIST RESPONSIBILITIES

- ◆ Provide the most current form to employee, Appointing Authority, or designee upon request
- ◆ Audit form for completeness
- ◆ Complete Section D
- ◆ Retain copy for department file
- ◆ Attach original to JAR packet, or forward to EMACS–HR if JAR was previously submitted

Refer to department guidelines for individual procedures

RELATED FORMS/PROCEDURES

Checklist for Termination 

Deceased Employee

Dismissal

Resignation Notice 

San Bernardino County Employees' Retirement Association (SBCERA)

RETIREMENT AND SAVINGS PLAN – CASH-OUT/CONVERSION OPTIONS

Retirement Contribution Refund/Deferred Retirement Form

This form should be given to all regular employees who are members of SBCERA who elect to withdraw or defer their retirement contributions. *Refer to Retirement Plans, SBCERA procedure*

457(b) Deferred Compensation Plan

Refer employees to EBSD-HR for further information. *Refer to Salary Savings Plans procedure*

401(k) Defined Contribution Plan

Refer employees to EBSD-HR for further information. *Refer to Salary Savings Plans procedure*

PST Deferred Compensation Plan

Refer employees to EBSD-HR for further information. *Refer to Salary Savings PST Salary Savings Plans procedure*



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BENEFIT PROGRAMS – TERMINATION DATES AND CONVERSION OPTIONS

Medical and Dental Insurance

Medical and dental insurance will terminate at midnight on the last day of the pay period following the pay period in which the last entire premium deduction was made. Once EBSD-HR has been notified an employee is terminating, a COBRA Qualifying Event Notice will be sent to the employee at the mailing address on record. *Refer to COBRA procedure*

Vision

Coverage will terminate at midnight on the last day of the pay period following the pay period in which the employee coded at least 41 hours of paid time. Once EBSD-HR has been notified an employee is terminating, a COBRA Qualifying Event Notice explaining conversion options available will be sent to the employee at the mailing address on record. *Refer to COBRA procedure*

County Paid Term Life Insurance (All units except Safety and Safety Management and Supervisory Units)

Coverage will terminate at midnight on the last day of the pay period following the pay period in which the employee coded at least 41 hours of paid time. Once EBSD-HR has been notified an employee is terminating, an offer of conversion letter explaining the conversion options available will be sent to the employee at the mailing address on record.

Supplemental Term Life Insurance

Coverage will terminate at midnight on the last day of the pay period following the pay period in which the last premium deduction was made. Once EBSD-HR has been notified an employee is terminating, an offer of conversion letter explaining the available conversion options will be sent to the employee at the mailing address on record.

County Paid Occupational Accidental Death and Dismemberment (Safety and Safety Management and Supervisory Units, including Arson/Bomb Squad, Narcotics Division, IRNET Division, and specific Scientific Investigations Bureau employees only)

Coverage will terminate at midnight on the last day of the pay period the employee worked. A conversion option is not available for this plan.

Supplemental Accidental Death & Dismemberment (All units except Safety and Safety Management and Supervisory Units)

Coverage will terminate at midnight on the last day of the pay period following the pay period in which the last premium deduction was made. A conversion option is not available for this plan.

Variable Universal Life Insurance (VUL)

This is a portable life insurance policy; therefore, coverage does not end at termination of employment. Terminating employees should contact Employee Benefits and Services (EBSD) to make arrangements for continuing premium payments.



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Dependent Care Assistance Plan (DCAP)

Upon termination of employment, contributions to DCAP will cease with the employee's last paycheck (warrant) excluding leave cash-out paycheck (warrant). Claims for dependent care expenses may be filed until the end of the plan year, but not to exceed the account balance. *Refer to DCAP procedure*

Medical Expense Reimbursement (Flexible Spending Account-FSA)

Upon termination of employment, contributions to the Flexible Spending Account will cease with the employee's last paycheck (warrant) excluding leave cash-out paycheck (warrant). Claims for qualifying medical expenses may be filed until the end of the plan year, but not to exceed the account balance. *Refer to Medical Expense Reimbursement procedure*

Retirement Medical Trust Fund

Upon termination of employment, contributions made to eligible employees to the Retirement Medical Trust Fund will cease with the employee's last paycheck (warrant) excluding leave cash-out paycheck (warrant). *Refer to Retirement Medical Trust Fund procedure*

Psychological Services (Exempt)

Coverage will terminate at midnight on the last day of the pay period the employee worked. Once EBSD-HR has been notified an employee is terminating, a COBRA Qualifying Event Notice explaining conversion options available will be sent to the employee at the mailing address on record. *Refer to COBRA procedure*

LEAVE PAY-OFF

GENERAL INFORMATION

Upon termination, employees shall be compensated in a lump sum payment for any applicable unused accrued leave time eligible to be cashed out. The leave payoff is generally made in a separate paycheck (warrant) in the pay period after the termination has been entered in EMACS.

Perfect Attendance Leave, Annual Leave (except for Safety Unit Annual Leave) and Attorney Leave do not cash-out upon termination of employment.

Retiring employees may elect to use available vacation leave to enhance retirement benefits.

Compensation Time - Payment will be made at the employee's base rate of pay (including POST incentive pay, if applicable) for any hours on record immediately prior to termination. This payment occurs with all other leave cash-outs the pay period following the termination being entered in EMACS. *Refer to Employment Provisions Article in Exempt Compensation Plan; Overtime Compensation Article in other applicable MOUs*

Administrative Services, Clerical, Craft Labor and Trades, Management, Professional, Supervisory and Technical and Inspection Units

Vacation and Holiday Leave – Employees shall be compensated in a lump sum payment at their current base rate of pay for accrued vacation and holiday leave balances. *Refer to Leave Provisions Article in appropriate MOU*



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Sick Leave – All eligible employees will be required to contribute the cash value of their unused sick leave balances to the Retirement Medical Trust, upon separation from employment with the County for reasons, other than death or disability retirement, in accordance with the provisions of the MOU.

Upon the death of an active employee with ten (10) years of continuous service from the most recent date of hire in a regular position, the estate of a deceased employee will be paid for unused sick leave balances in accordance with the formula established in the MOU. *Refer to Leave Provisions Article in appropriate MOU*

Employees who receive a disability retirement due to permanent incapacity to work and shall be entitled to one hundred percent (100%) cash payment of any unused sick leave balances computed at their then current base hourly rate, if they elect an early retirement in lieu of exhausting such accrued sick leave balances. *Refer to Leave Provisions Article in appropriate MOU*

Administrative Leave (Management Unit) – Unused administrative leave will be paid at the current rate of pay only by the amount of hours that would have been accrued at the rate of 6.67 hours per month minus the total number of hours previously used and/or cashed out. *Refer to Administrative Leave Article in Consolidated MOU*

Administrative Leave (Supervisory Unit) - Unused administrative leave will be paid at the current rate of pay only by the amount of hours that would have been accrued at the rate of 3.33 hours per month minus the total number of hours previously used and/or cashed out. *Refer to Administrative Leave Article in Consolidated MOU*

Attorney Unit

Attorney Leave – Any Attorney Leave remaining on the books upon termination or separation from the Attorney Unit shall be forfeited.

Vacation and Holiday Leave – Employees shall be compensated in a lump sum payment at their current base rate of pay for accrued vacation and holiday leave balances. *Refer to Leave Provisions Article in appropriate MOU*

Sick Leave – All eligible employees, including those who receive a disability retirement, will be required to contribute the cash value of their unused sick leave balances to the Retirement Medical Trust, upon separation from employment with the County, other than death, in accordance with the provision of the MOU.

Upon the death of an active employee with ten (10) or more years of continuous service from the most recent date of hire in a regular position, the estate of the employee will be paid for unused sick leave balances in accordance with the formula established in the MOU.

Exempt

Vacation and Holiday – Employees shall be compensated in a lump sum payment at their current base rate of pay for accrued vacation and holiday leave. Retiring employees may elect to use vacation leave to enhance retirement benefits or be compensated in a lump sum payment for accrued vacation leave. *Refer to Leave Provisions Article in Exempt Compensation Plan*

Grandfathered Holiday – An employee promoted from the Safety Management and Supervisory Unit to Exempt who has grandfathered holiday time at the time of promotion, will be allowed to retain such grandfathered holiday time. This time may be used or compensated at the time of retirement or termination under the same terms and conditions as are applicable to Safety Management and Supervisory Unit employees. *Refer to Leave Provisions Article in Exempt Compensation Plan and Safety Management and Supervisory Unit MOU*



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Sick Leave – At separation from County service for reasons other than death or disability retirement, all eligible employees will be required to contribute the cash value of their unused sick leave balances to the Retirement Medical Trust.

For employees with five (5) years of continuous service from date of hire in a regular position, upon death, the estate of a deceased employee will be paid for unused sick leave balances in accordance with the formula established by County Ordinance. *Refer to Leave Provisions Article in Exempt Compensation Plan*

Employees who receive a disability retirement due to permanent incapacity to work shall be entitled to one hundred percent (100%) cash payment of any unused sick leave balances, up to a maximum of one thousand (1,000) hours, computed at their then current base hourly rate if they elect an early retirement in lieu of exhausting such accrued sick leave balances. *Refer to Leave Provisions Article in Exempt Compensation Plan*

Administrative Leave – Upon termination of employment, unused administrative leave will be paid at the current rate of pay. *Refer to Leave Provisions Article in Exempt Compensation Plan*

Nurses Unit

Vacation and Holiday Leave – Employees shall be compensated in a lump sum payment at their current base rate of pay for accrued vacation and holiday leave balances. *Refer to Leave Provisions Article in appropriate MOU*

Sick Leave - At retirement, all eligible employees will be required to contribute the cash value of their unused sick leave balances to the Retirement Medical Trust, upon separation from employment with the County for reasons, other than death or disability retirement, in accordance with the provision of the MOU.

Upon the death of an active employee with ten (10) or more years of continuous service from the most recent date of hire in a regular position, the estate of the employee will be paid for unused sick leave balances in accordance with the formula established in the MOU.

Employees who receive a disability retirement due to permanent incapacity to work shall be entitled to one hundred percent (100%) cash payment of any unused sick leave balances, computed at their then current base hourly rate, if they elect an early retirement in lieu of exhausting such accrued sick leave balances.

Safety Unit

Annual Leave – Employees shall be compensated at their base rate of pay (including POST incentive pay) in a lump sum payment for accrued annual leave. Retiring employees may elect to use annual leave to enhance retirement benefits or be compensated in a lump sum payment for accrued time they are entitled to use as of the date of termination. This is shown as vacation in EMACS.

Grandfathered Bank (previously vacation and holiday leave) – Employees shall be compensated in a lump sum cash payment for the balance of grandfathered annual leave (referred to as Grandfathered Holiday Leave in EMACS) at the time of retirement or termination at the base rate of pay in effect immediately preceding June 2, 1979.



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Sick Leave –At retirement, all eligible employees, including those who receive a disability retirement, will be required to contribute the cash value of their unused sick leave balances to the Retirement Medical Trust, in accordance with the provisions of the MOU. Unused sick leave shall not be payable upon termination of employment, except as noted below:

Upon the death of an active employee with ten (10) or more years of continuous service from the most recent date of hire in a regular position, the estate of the deceased employee will be paid for unused sick leave balances in accordance with the formula established in the MOU.

Refer to Leave Provisions Article in Safety MOU

Safety Management and Supervisory Unit

Vacation and Holiday - Employees shall be compensated in a lump sum payment at their current base rate of pay (including POST incentive pay) for accrued vacation and holiday leave (except Grandfathered Holiday time). Retiring employees may elect to use vacation leave to enhance retirement benefits. *Refer to Leave Provisions Article in Safety Management and Supervisory Unit MOU*

Grandfathered Holiday - Employees shall be compensated in a lump sum cash payment for the balance of grandfathered holiday leave at the time of retirement or termination at the base rate of pay in effect on July 1, 1977. *Refer to Leave Provisions Article in Safety Management and Supervisory MOU*

Administrative Leave – Unused administrative leave will be paid at the current rate of pay only by the amount of hours that would have been accrued at a rate of 6.67 hours per month (Sheriff's Sergeant, Sheriff's Criminalist III receive accruals based on 3.33 hours per month) that exceeds the total number of hours previously used and/or cashed out. *Refer to Administrative Leave Article in Safety Management and Supervisory Unit MOU*

Grandfathered Administrative Leave - Administrative leave accumulated and unused in calendar year 1995 and calendar year 1996 was placed in a separate bank for employee's later use. Any balance remaining at the time of retirement or termination will be cashed out at the then current rate. *Refer to Administrative Leave Article in Safety Management and Supervisory Unit MOU*

Sick Leave – At retirement, all eligible employees, including those who receive a disability retirement, will be required to contribute the cash value of their unused sick leave balances to the Retirement Medical Trust, in accordance with the provisions of the MOU. Unused sick leave shall not be payable upon termination of employment, except as noted below:

Upon the death of an active employee with ten (10) or more years of continuous service from the most recent date of hire in a regular position, the estate of the deceased employee will be paid for unused sick leave balances in accordance with the formula established in the MOU. *Refer to Retirement Medical Trust Article in Safety Management and Supervisory MOU*

Specialized Peace Officer Unit and Specialized Peace Officer Supervisory Unit

Administrative Leave – Upon termination of employment or appointment to a position in another occupational Unit, unused Administrative will be paid at the current rate of pay only by the amount of hours that would have accrued. *Refer to Administrative Leave Article in Specialized Peace Officer and Specialized Peace Officer Supervisory MOU*



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Holiday – Upon retirement or termination, employees shall be compensated for any unused accrued holiday time at the then current base equivalency unless the employee's position was abolished as a result of a layoff. *Refer to Leave Provisions Article in Specialized Peace Officer and Specialized Peace Officer Supervisory MOU*

Vacation – Employees shall be compensated in a lump sum payment at their current base rate of pay for accrued vacation leave. Retiring employees may elect to use vacation leave to enhance retirement benefits or be compensated in a lump sum payment for accrued vacation leave. *Refer to Leave Provisions Article in Specialized Peace Officer and Specialized Peace Officer Supervisory MOU*

Sick Leave – All eligible employees will be required to contribute the cash value of their unused sick leave balances to the Retirement Medical Trust, upon separation from employment with the County for reasons, other than death or disability retirement, in accordance with the provision of the MOU.

Upon the death of an active employee with ten (10) or more years of continuous service from their date of hire, the estate of a deceased employee will be paid for the unused sick leave balances in accordance with the formula established in the MOU. *Refer to Retirement Medical Trust Article in Specialized Peace Officer and Specialized Peace Officer Supervisory MOU*

Employees who receive a disability retirement due to permanent incapacity to work shall be entitled to one hundred percent (100%) cash payment of any unused sick leave balances, up to one thousand (1,000) hours computed at their then current base hourly rate, if they elect an early retirement in lieu of exhausting such accrued sick leave balances. *Refer to Leave Provisions Article in Specialized Peace Officer and Specialized Peace Officer Supervisory MOU*

PAYROLL SPECIALIST RESPONSIBILITIES

- ◆ Audit all forms for completeness
- ◆ Retain copies for department file
- ◆ Submit JAR packet to EMACS-HR as soon as notification of termination is received. If Separation Report is not immediately available, do not delay sending JAR packet; however, on the JAR indicate the last date in paid status and send the Separation Report as soon as possible
- ◆ Ensure Separation Report is completed
- ◆ If employee is a member of SBCERA and termination is not a retirement, provide Retirement Association Contribution Refund/Deferred Retirement form and Justification for Non-Signature of Spouse form. Forward completed forms to the Board of Retirement
- ◆ Provide Employee Personal Data form to employee if they anticipate a change of address within the tax year of termination. This will insure correct mailing of the employee's W-2
- ◆ Refer employee to EBSD-HR if they have specific questions regarding Deferred Compensation/PST
- ◆ Follow department guidelines regarding notification of department computer services, collection of County ID, keys, other County-issued property, and other internal procedures
- ◆ Audit in EMACS to ensure termination has been processed and leave pay-off has been completed

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DEADLINES

Refer to Master Calendar for EMACS Processing

RELATED FORMS/PROCEDURES


Checklist for Termination 

Deceased Employee

Dependent Care Assistance Plan (DCAP) Reimbursement Request 

Dismissal

Retirement Medical Trust Fund

Resignation Notice 

San Bernardino County Employees' Retirement Association