

XI-1 RESIGNATION

- A. Written notice of resignation shall be submitted to the Sheriff at least ten (10) business days prior to the effective date of the resignation.
- B. In accordance with ARS §23-1502, if an employee believes that intolerable working conditions exist that compel her/him to resign, in order to preserve the right to bring a constructive discharge claim against the County, the employee must notify the Sheriff in writing fifteen (15) calendar days prior to submitting her/his resignation.
 - 1. The Sheriff shall investigate the employee's working conditions and submit a written response to the employee within fifteen (15) calendar days after receiving the employee's written communication of alleged intolerable conditions.
 - 2. If the employee rejects the Sheriff's response, she/he may proceed with submitting her/his resignation. An employee who submits a resignation under these conditions need not file an appeal to proceed with a constructive discharge claim.
- C. A resignation may be withdrawn by an employee, with the written consent of the Sheriff, no later than ten (10) business days after the effective date of the resignation. If the request and/or approval occur after the effective date of the resignation, it shall be considered a break in service and the employee's new date of hire will be the first day he/she returns to County employment.

XI-2 DISMISSAL

A dismissal is the involuntary termination of employment for a disciplinary reason as provided in Rule XII.

XI-3 TERMINATION DURING INITIAL PROBATION

An employee may be terminated, without the right of appeal, at any time during initial probation. However, the terminated employee may file a grievance in accordance with Law Enforcement Merit System Rule XIII-3 if unlawful discrimination under County Personnel Policies, Law Enforcement Merit System Rules, or Administrative Procedures is alleged.

XI-4 LAYOFF

Layoff shall not be used in lieu of discipline.

- A. The Sheriff may lay off an employee covered by these Rules for inability to perform the essential functions of the employee's position with or without reasonable accommodation, or whenever it is necessary by reason of economy, lack of work, insufficient appropriations, change in departmental organization, or abolition of a position. The selection of the classification to be affected shall be made by the Sheriff.
- B. No employee with permanent status is to be separated by layoff while there are temporary, seasonal, emergency or initial probationary employees serving in the same classification for which such permanent status employee is qualified and available for reassignment.
- C. No permanent-status Deputy Sheriff shall be laid off while there are initial probationary Deputy Sheriffs.

XI-5 ORDER OF LAYOFF

- A. All permanent-status employees in any level of the classification of Deputy Sheriff shall have the order of layoff based upon full-time equivalent continuous service in any level of the classification of Deputy Sheriff. Employees shall be laid off in inverse order of seniority (the least senior Deputy Sheriff to be laid off first). For all purposes in this Rule, in the event of a tie in seniority, the following factors shall be considered by the Sheriff in this order until the tie is broken in determining seniority:
 - 1. Previous full time equivalent continuous service with Pima County Sheriff's Department.
 - 2. Previous continuous service with Pima County.
 - 3. Active Reserve Officer Status.
 - 4. Previous law enforcement experience/education in accordance with County policy.
- B. All permanent-status employees in classifications above the rank of Deputy Sheriff shall have the order of layoff determined by the Sheriff based on equitable consideration of factors such as performance appraisals, work record, conduct and seniority. Such employees may elect to exercise bump rights in lieu of layoff, or may elect pre-layoff reappointment in lieu of layoff.

XI-6 LAYOFF NOTIFICATION PROCEDURE

- A. The official Notice of Layoff shall specify the effective date of the layoff and shall be hand delivered, or sent certified with return receipt and first class mail, by the Sheriff, with a copy sent to Human Resources.
- B. The official Notice of Layoff shall be given with as much advance notice as possible, but in no case less than ten (10) business days prior to the effective date of the layoff.

XI-7 BUMP RIGHTS

- A. If an employee elects to exercise bump rights, he or she shall bump the employee in the next lower classification who has the least amount of seniority in the lower classification. Each employee who is bumped shall be laid off and shall have the same rights as a laid off employee.
- B. When an employee bumps into a lower classification, the employee's time served in the higher classification shall be added to the employee's previous time in the classification into which the employee bumps for the purposes of determining the employee's seniority in that classification.
- C. The salary of an employee who bumps into a lower classification shall be the lesser of:
 - 1. The employee's salary prior to bumping, or;
 - 2. The salary of the highest step in the classification into which the employee bumps.
- D. In the event of a tie in seniority for purposes of bump rights, the following factors shall be considered in this order until the tie is broken:
 - 1. Previous full time equivalent continuous service with Pima County Sheriff's Department.
 - 2. Previous continuous service with Pima County.
 - 3. Active Reserve Officer Status.
 - 4. Previous law enforcement experience/education in accordance with County policy.
- E. Employees who elect to bump to a lower classification shall be offered the former higher classification when an opening becomes available, prior to any other offer, including recall.

XI-8 PRE-LAYOFF REAPPOINTMENT

Pre-layoff reappointment shall follow the procedure outlined in the Pima County Merit System Rules.

XI-9 REINSTATEMENT

Reinstatement shall follow the procedures outlined in the Pima County Merit System Rules.

XI-10 TERMINATION FOR OTHER REASONS

- A. Employees on initial probation, temporary employees, or intermittent employees may be terminated at any time without cause and with no right of appeal.
- B. Any employee may be terminated pursuant to the Policy on Employment of Relatives, Personnel Policy 8-101.
- C. An employee may be terminated for failure to return to work from an approved leave of absence without pay.
- D. An employee shall be terminated pursuant to federal and/or state law for failure to establish or resolve employment authorization or identity verification.
- E. An employee who fails to submit a resignation notice in a timely manner as required by Personnel Policy 8-108 C. shall be terminated after the County has been notified that the employee has been awarded long term disability.