

## **Personnel Rule 6.1 – Resignation and Quit**

### **6.1.0 Authority**

SMC 4.04.050 and subsequent revisions thereto, Rule-making authority

SMC 4.16.075 and subsequent revisions thereto, Prohibited conduct after leaving City employment

SMC 4.20.200 and subsequent revisions thereto, Holiday pay—Employee to work day preceding or following

SMC 4.24.030 and subsequent revisions thereto, Change in position or department

SMC 4.26.060 and subsequent revisions thereto, Failure to return to work

SMC 4.34.065 and subsequent revisions thereto, Payment in lieu of use of vacation credit

### **6.1.1 Definitions**

- A. "Appointing authority" shall mean the head of an employing unit authorized by ordinance or City Charter to employ others on behalf of the City, or a designated management representative. The term includes and can be used interchangeably with department head, department director, superintendent or chief.
- B. "Code of Ethics" shall mean Seattle Municipal Code Chapter 4.16as amended.
- C. "Discharge" shall mean separation from employment for justifiable cause.
- D. "Job abandonment" shall mean voluntary separation from an employee's job with no notice or same-day notice, or failure to appear for work as regularly scheduled for 3 consecutive work days absent proper authorization.
- E. "Matter" shall mean application, submission, request for ruling or other determination, permit, contract, claim, proceeding, case, decision, rulemaking, legislation, or other similar action. Matter includes the preparation, consideration, discussion or enactment of administrative rules or legislation. Matter does not include advice or recommendations regarding broad policies and goals.
- F. "Quit" shall mean to voluntarily separate from City employment without proper written notification from the employee at least 2 weeks in advance of his or her last day of employment.
- G. "Regularly appointed employee" shall mean an individual with a probationary, regular or exempt appointment to a position of employment in the City.
- H. "Resign" shall mean to voluntarily separate from City employment with proper written notification from the employee at least 2 weeks in advance of his or her last day of employment.

### **6.1.2 Application of this Rule**

- A. The provisions of this Rule apply to regularly appointed employees.

- B. For regularly appointed employees who are represented under the terms of a collective bargaining agreement, this Rule prevails except where it conflicts with the collective bargaining agreement, any memoranda of agreement or understanding signed pursuant to the collective bargaining agreement, or any established and recognized practice relative to the members of the bargaining unit.
- C. This Rule does not apply to individuals hired by the City on a temporary, intermittent or seasonal basis, or for a work schedule of fewer than 20 hours per week; nor does it apply to individuals hired under contract to the City.
- D. This Rule does not apply to individuals who are employed under the terms of a grant that includes layoff provisions that conflict with this Rule.
- E. Appointing authorities may establish written policies and procedures for the implementation and administration of this Rule to facilitate the management of the personnel system within their employing units, provided that such policies and procedures do not conflict with the provisions of this Rule.

### **6.1.3 Quitting or Resigning City Employment**

- A. A quit or resignation shall become effective on the employee's last actual work day. An employee is not eligible for pay for any holidays occurring after his or her last actual work day.
- B. The appointing authority may, at his or her discretion, permit an employee to rescind a resignation for a period of 30 calendar days following the employee's last actual work day. An employee must agree to make a lump sum repayment of any vacation cash-out or retirement account withdrawals immediately upon return to active employment status in order to rescind a resignation. If the employee's absence is longer than 15 calendar days, it shall be treated as an unpaid leave of absence.
- C. An employee who quits or resigns shall forfeit any accumulated and unused sick leave balance.
  - 1. The employee may request to donate accumulated and unused sick leave hours to an approved eligible recipient employee, but may not donate more hours than he or she could use between the date of donation and his or her last actual work day. The donation must not cause the employee's sick leave balance to fall below 240 hours.
  - 2. An employee who is rehired following a quit or resignation shall not have his or her accumulated and unused sick leave balance restored.
- D. An employee who resigns or quits rather than return from Family and Medical Leave for any reason other than a continuation of his or her serious health condition or other circumstances beyond the employee's control may be required to reimburse the City for health care premiums paid on his or her behalf while on Family and Medical Leave.
- E. An employee's accumulated and unused vacation balance shall be cashed out at the rate of pay in effect for the classification or title to which he or she is regularly appointed effective the date of separation.

### **6.1.4 Job Abandonment**

- A. Job abandonment shall be treated as a major disciplinary offense. The appointing authority or a designated management representative shall provide an employee who abandons his or her job with written notice, via personal delivery or certified mail to the employee's address as shown in personnel records, that he or she shall be discharged from City employment. The employee shall be given 5 business days to schedule a pre-disciplinary hearing with the appointing authority to provide mitigating information.
- B. Failure by the employee to respond to such notice shall result in discharge effective the employee's last actual work day.
- C. Following a pre-disciplinary hearing, the appointing authority may discharge the employee or take other such action as he or she deems appropriate.

#### **6.1.5 Prohibited Conduct after Leaving City Employment**

- A. It is a violation of the Code of Ethics for an individual who has separated from City employment to disclose or use any confidential information gained by reason of his or her City work.
- B. It is a violation of the Code of Ethics for a former City employee, for a period of 1 year following separation from City employment, to:
  - 1. Communicate, on behalf of any person on a matter involving the City, with an employee of the agency of the City with which he or she was previously employed.
  - 2. Participate in a competitive selection process for a City contract in which the former employee assisted the City to define the scope of the project, work to be done, or process to be used.
- C. It is a violation of the Code of Ethics for a former City employee, for a period of 2 years following separation from City employment, to assist any person on a matter in which he or she participated.
- D. The prohibitions of Rule 6.1.5 (B1) and (C) shall not apply to former employees when they act on behalf of another governmental agency, as long as their actions are not adverse to the City's interests.