Separation Policy

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1. Purpose

The purpose of this policy is to establish clear and consistent terms and conditions of employee separations from employment.

2. Applicability

This policy applies to all Buncombe County departments and employees unless there is a conflict with GS 153A-103 related to hiring, discharging, and supervising employees. Such an exclusion is noted at the end of this policy. Otherwise, departments may adopt and enforce policies that are more restrictive than County Policy.

3. Policy

3.1 The County expects separations from employment to be handled with respect, professionalism, discretion, and official documentation. It is beneficial for all parties that the conditions and expectations for separations are clear, transparent, and consistent.

3.2 Types of Separation

3.2.1 All separations shall be designated as voluntary or involuntary.

3.2.1.1 Voluntary separations include the following reasons for separation:

- End of temporary employment
- Resignation
- Retirement

3.2.1.2 Involuntary separations include the following reasons for separation:

- Separation from at-will employment
- Disciplinary dismissal
- Death
- Reduction in force
- Unavailable for duty
- Conflict with employment terms and conditions

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3.3 **Reasons for Separation**

3.3.1 **End of Temporary Employment**

3.3.1.1 A voluntary separation due to end of temporary employment is when an employee's appointment to a temporary, grant-funded, or other non-regular County position ends for any reason, including employee initiated and County initiated reasons.

3.3.1.2 Such separation is voluntary given the employee's acceptance of a temporary position and creates no right to appeal.

3.3.2 **Resignation**

3.3.2.1 A voluntary separation due to resignation is when an employee initiates separation from employment with the County by submitting written resignation notice.

3.3.2.2 Employees who resign are expected to provide a minimum notice of 14 calendar days, except for employees in administrative or departmental leadership positions (for example: assistant county managers, department directors, program administrators, and division managers) are expected to give a notice of at least 30 calendar days. Resignation notices must be provided in writing in accordance with the Separation Procedure.

3.3.2.3 An employee who is absent from work and fails to provide notice for three workdays or shifts will be considered to have voluntarily resigned from employment, absent significant extenuating circumstances. Separation will be processed with approval from the Department Director and Human Resources after reasonable efforts have been made to contact the employee.

3.3.2.4 Department Directors, with Human Resources approval, may waive the expected notice requirements for resignations when appropriate or may advance the effective date of a resignation based on legitimate business reasons.

3.3.2.5 If an employee fails to provide proper notice, fails to fulfill the terms of a notice, or resigns in lieu of disciplinary action, then Department Directors may recommend that Human Resources designate the employee as ineligible for rehire for one year unless approved by the County Manager.

3.3.2.6 Such separation is voluntary and creates no right to appeal.

3.3.3 **Retirement**

3.3.3.1 A voluntary separation due to retirement is when an employee initiates separation from employment with the County and meets the conditions set forth under the provisions of any retirement plan adopted by the Board of County Commissioners.

3.3.3.2 Employees who retire are expected to provide a minimum notice of 14 calendar days, except for employees in administrative or departmental leadership positions (for example: assistant county managers, department directors, program administrators, and division managers) are expected to give a notice of at least 30 calendar days.

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3.3.3.3 Retirement notices must be provided in writing in accordance with the Separation Procedure.
3.3.3.4 Such separation is voluntary and creates no right to appeal.

3.3.4 **Separation from At-Will Employment**

3.3.4.1 An involuntary separation from at-will employment occurs when an employee who has not achieved covered status, or who occupies a position ineligible for covered status, is separated from County employment. These separations may result from unsatisfactory job performance, unacceptable personal conduct, or departmental operational needs, as determined by the department director in consultation with Human Resources.
3.3.4.2 Employees do not have the right to appeal separations from at-will employment.

3.3.5 **Disciplinary Dismissal**

3.3.5.1 An involuntary separation due to disciplinary dismissal is when an employee who has achieved covered status employment with the County is terminated as a disciplinary action in accordance with the provisions of the Disciplinary Policy.
3.3.5.2 Employees who have achieved covered status have the right to appeal disciplinary dismissals in accordance with the Discipline Appeal Procedure contained in the Discipline Policy Standard Operating Procedures.

3.3.6 **Reduction in Force**

3.3.6.1 An involuntary separation due to reduction in force is when an employee's position is eliminated due to lack of work, funding, organizational restructuring, or reorganization.
3.3.6.2 The determination of employees to be separated due to a reduction in force will be based on organizational needs.
3.3.6.3 No employee who has achieved covered status will be separated while there are at-will employees serving in the same job classification in the same department unless the covered status employee is not willing to transfer to an alternate position.
3.3.6.4 An employee will be provided with written notice of separation due to a reduction in force at least 30 calendar days in advance of the anticipated lay-off or more as required by the Older Workers Benefit Protection Act. The notice must include voluntary separation options available at the employee's sole discretion and inform the employee of the right to appeal.
3.3.6.5 Employees in regular full-time and part-time positions who are separated due to a reduction in force:
3.3.6.5.1 Who have not achieved covered status, will receive severance pay equivalent to two weeks of the employee's annual salary as used to calculate longevity pay.

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3.3.6.5.2 Who have achieved covered status, will receive severance pay equivalent to four weeks of the employee's annual salary as used to calculate longevity pay.

3.3.6.6 Subject to approval by the Board of Commissioners, additional severance payments and/or benefits may be provided to employees who are separated due to a reduction in force as recommended by the County Manager.

3.3.6.7 The following employees will not be eligible for severance payment:

3.3.6.7.1 Employees in temporary, time-limited, grant-funded, or contract positions.

3.3.6.7.2 Employees who decline an offer of employment in a regular position where their pay is no more than 10% less their current salary.

3.3.6.8 Employees have the right to appeal separations due to reductions in force in accordance with the Separation Appeal Procedure. If an appeal is filed prior to the proposed effective date, no personnel action will occur until the appeal process is completed and a decision is rendered.

3.3.7 **Unavailable for duty**

3.3.7.1 An involuntary separation due to unavailability for duty is when an employee is unavailable or unable to perform their assigned duties, work as scheduled, or perform essential job functions due to certain circumstances, including but not limited to:

3.3.7.1.1 Disability or other medical reasons

3.3.7.1.2 Applicable leave credits have been exhausted or will be exhausted within the pay period

3.3.7.1.3 Requests to use paid or unpaid leave are not approved based on legitimate business reasons, which must be approved by Human Resources

3.3.7.1.4 No reasonable accommodation is available, including job reassignment, which allow the employee to meet their essential job functions

3.3.7.1.5 Inability to satisfy requirements stated in the job description, including physical job requirements, required certifications or licenses, and fitness for duty standards

3.3.7.2 Separation due to unavailability for duty will not be used in lieu of disciplinary dismissals.

3.3.7.3 An employee will be provided written notice of separation due to unavailability for duty at least fourteen calendar days prior to the effective date of the separation. The notice must include voluntary separation options available at the employee's sole discretion and inform the employee of the right to appeal.

3.3.7.4 Employees have the right to appeal separations due to unavailability for duty in accordance with the Separation Appeal Procedure. If an appeal is filed prior to the proposed effective date, no personnel action will occur until the appeal process is completed and a decision is rendered.

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3.3.8 **Conflict with Employment Terms and Conditions**

3.3.8.1 Involuntary separation due to conflict with employment terms and conditions is when a conflict arises between an employee and the County's terms and conditions of employment, and the employee is unable to accept or declines to accept the terms and conditions of employment.

3.3.8.2 A recommendation for separation due to conflict with employment terms and conditions will be made in writing according to the Separation Procedures. Separation due to conflict with employment terms and conditions will not be used in lieu of disciplinary dismissal.

3.3.8.3 An employee will be provided written notice of the separation due to conflict with employment terms and conditions a minimum of fourteen calendar days prior to the effective date of the separation. The notice must include any options available to the employee to resolve the conflict, including voluntary separation options available at the employee's sole discretion, and inform the employee of the right to appeal.

3.3.8.4 Employees have the right to appeal separations due to a conflict with employment terms and conditions in accordance with the Separation Appeal Procedure. If an appeal is filed prior to the proposed effective date, no personnel action will occur until the appeal process is completed and a decision is rendered.

3.4 **Right to Appeal**

3.4.1 Employees have the right to appeal the following separation types: Reduction in Force, Unavailability for Duty and Conflict with Employment Terms and Conditions in accordance with the Separation Policy Procedures.

3.4.2 If an appeal is filed prior to the proposed effective date, no personnel action will occur until the appeal process is completed and a decision is rendered.

4. Policy Non-Compliance

Employees willfully violating the terms and conditions of this policy may be subject to appropriate disciplinary action, up to and including dismissal.

5. Audit

All policies for Buncombe County may be subject to audit or review as outlined in the Internal Auditor's Statement.

6. Definitions

6.1 **At-Will Employee:** An individual who is free to resign at any time with or without notice or cause and whose employment may be terminated at any time, with or without notice or cause.

6.2 **Covered Status:** An employee in a regular County position, either full-time or part-time, who has completed twelve (12) months of continuous employment will be considered in a covered status. If an employee has an absence of more than thirty consecutive workdays in their first 12 months of employment, the probationary period

will be extended by the number of consecutive days absent. This definition does not include employees in grant funded or alternate workforce positions.

6.3 **Probationary Period of Employment:** The period starting on the date an employee begins employment in a regular County position and ending on the date the employee successfully completes twelve (12) months of continuous employment, with no absence of more than thirty consecutive workdays. During the probationary period of employment, employees are at-will with no property interest in their position.

6.4 **Employment Terms and Conditions**: The rules, policies, and provisions that govern the relationship between an employer and an employee. Employment terms and conditions are typically specified in offer letters, job descriptions, policies, and employer communications. Examples include, but are not limited to: job classification, pay grade, compensation, work hours and location, time off, benefits, and job duties. These terms and conditions ensure that both parties are aware of their rights and obligations in the employment relationship.

7. Approval and Revision History

Policy Origination Date:	October 30, 2023
Requires Board Approval:	☒Yes ☐No
Board Approval Dates:	10/21/2025 11/7/ 2023
Policy Exclusions:	None
Revision History:	August 4, 2025 – corrected numbering, removed verbiage related to exit interviews, added that department directors may recommend rehire eligibility.

8. Background