

**Policy No. 2.19**                      **Employee Termination**  
**Issuance Date:**                **May 17, 2012**  
**Revision Date:**                **January 14, 2021; December 15, 2022**

**PURPOSE:** All employee terminations shall be designated as one of the following types and shall be accomplished in the manner indicated: resignations, layoff, disability, death, retirement, dismissal and completion of assignment.

1. Rights of Employees

Permanent employees who terminate their employment shall receive payment at regular pay for all earned salary, earned vacation, banked compensatory time and any other pay to which the employee is entitled, subject to appropriate withholding and payroll deductions. Employees who terminate their employment shall not receive payment for unused personal time. Employees who are terminated shall be referred to the Administrator for completion of appropriate forms.

2. Terminations

A. Resignation

- (1) Attendance at work is critical to assist in a smooth transition as an employee prepares to leave Town of Rome employment. Any employee who voluntarily resigns is expected to provide at least fourteen (14) calendar days advance written notice to his/her immediate supervisor. The notice should include the effective date and reason for resignation. It is expected that the employee will continue to work during this fourteen (14) day period. However, should the Town of Rome choose, for any reason, other than misconduct, to release the employee sooner, the employee will be paid for their remaining time up to the anticipated last day of work, but not to exceed two (2) weeks. Unless released from duty prior to the effective date of resignation, the last day the employee physically reported to work will be the last date of employment.
- (2) In Department Head positions, a thirty (30) day notice is requested to ensure an efficient and smooth transition of duties. However, in all cases, providing the most notice possible is advantageous for all parties involved.
- (3) During the remaining work period before the last day of employment, the employee is expected to work all scheduled hours. Good faith use of preapproved vacation, or illness related sick time is allowed. Any use of unpaid time or accrued compensatory time requires prior approval by an employee's immediate supervisor. Employees will be paid for earned and accrued vacation. Non-exempt employees are paid for any accrued compensatory time that they have not taken. The last day of work will be the last day the employee reported for work. Paid leave benefits, paid time off, or holidays do not extend the final date of employment.

- (4) If an employee requests to rescind his or her resignation, such request shall be submitted to the Department Head, or Administrator, as appropriate. The Department Head, or Administrator, will have discretion to accept or deny the employee's request to rescind his or her resignation.

B. Layoff

The Department Head, upon approval of the Town Administrator, may lay off an employee(s) when necessary by reason of shortage of funds or work, the abolition of the position, or other material changes in duties or organization, or other reasons which are outside of the employee's control and which do not reflect unfavorably upon the service of the employee. The duties performed by a laid off employee may be assigned to other regular employees already working. If several employees hold comparable positions and one of these positions is eliminated, consideration will be given to the quality of each employee's past performance, the need for their service and seniority in determining those employees to be retained. Management reserves the right to keep some employees working in all functions and skill areas, regardless of seniority. Any employee recalled from layoff shall report to work as soon as possible and according to the timeline contained in the recall notice. Failure to do so shall constitute a voluntary termination of employment. Recall rights shall exist for one year following layoff. Under certain circumstances, workweek or workday reductions (i.e. furloughs) may be imposed in lieu of layoff.

C. Disability

Employees may be separated for disability when they are no longer qualified individuals because they cannot perform the essential functions of the position with reasonable accommodations. The Town may require an examination at its expense and performed by a physician of its choice to verify the existence and extent of the disability.

D. Death

Separation will be effective as of the date of death. All compensation due, as stated under Section 1 of this policy, shall be paid to the employee's designated beneficiary, except for any sums specified by law to be paid to the surviving spouse.

E. Retirement

The Town of Rome funds a retirement plan for employees through the Wisconsin Retirement System (WRS). The normal retirement age shall be consistent with state and federal law, and the Wisconsin Retirement System. When nearing retirement, employees should contact both the Town Administrator and WRS to discuss their individual situation and retirement options. Once an employee has decided on a retirement date, advance written notice should be provided to his or her immediate supervisor, consistent with Resignation provisions of this Policy.

#### F. Dismissal

Dismissal or discharge is discussed in this policy in Policy No. 2.18, Discipline /Discharge Procedures.

#### G. End of Season/Completion of Assignment

When an employee hired for seasonal work or to fill a temporary position shall be terminated upon completion of the season and/or assignment and placed on inactive status. To be activated the employee must reapply the next season or when work is available again and be hired anew.

#### H. Exit Interviews

(1) An exit interview may be conducted for anyone who leaves Town of Rome employment. This exit interview is held to obtain open and honest opinions from the exiting employee on their experience while working for the Town of Rome. The insight provided may lead to improvements. Exit interviews will be held with employees who are terminated as follows.

(a) The Town Administrator will conduct the exit interview with Department Heads who are terminated.

(b) The Town Administrator and/or Department Head will conduct the exit interview with non-supervisory employees who are terminated.

#### I. Reemployment of Terminated Full-Time Employees

(1) Where a WRS-qualified Employee terminates his/her Full-Time employment with the Town, at least one-year of separation must elapse prior to reemployment with the Town to a part-time position. After a period of one-year has elapsed of separation from employment with the Town, the Town of Rome may consider reemployment of terminated employees for part-time positions with the Town through the recruitment, screening and selection process identified in Policy 2.12.

(2) The hiring of terminated WRS-qualified employees within one-year of separation from employment with the Town for periods estimated to be less than 1,200 hours in a year will be considered only for specific projects and for limited periods of time. These persons will be classified as an independent contractor, not covered under the employment policies of regular employees and are not entitled to benefits of regular employees. The hiring of WRS-qualified terminated employees within one-year of separation from employment with the Town under this Subsection may be approved for the following reasons:

a. The Town is recruiting a replacement,

b. There is a reorganization of a department(s) and a temporary need exists during a transition period,

- c. There is a seasonal peak workload,
  - d. There is a need for replacement of an employee on an extended leave of absence,
  - e. Training is needed for a replacement or new employee,
  - f. There is a special or specific project that needs to be completed.
- (3) The Town Board shall have final authority, upon recommendation of the Town Administrator and written request by a Department Head, for approval of rehiring of persons under Subsection 2. Compensation for project employees is established by a Project/Professional Services Agreement on an hourly basis, and paid for all actual hours worked up to a maximum authorization of 1,040 hours, unless an extension of time beyond the maximum authorization is approved by the Town Board. Persons hired under this Subsection are not entitled to any form of paid time off or any additional Town health, dental or life insurance contributions.
- (4) The provisions under this subsection shall not apply to a WRS-qualified Employee who terminates his/her full-time employment and receives a retirement annuity benefit under Wis. Stat. 40.23, a separation benefit or lump sum payment under Wis. Stat. 40.25, or a disability annuity under Wis. Stat. 40.63.