

SCIOTO COUNTY BOARD OF DEVELOPMENTAL DISABILITIES

POLICY 3.02.21 INVOLUNTARY SEPARATION FROM EMPLOYMENT

A. Probationary Removal

1. A newly-appointed probationary employee in a classified position may be removed by the Superintendent at any time during his/her probationary period.
2. It will be the judgment of the Superintendent, whether or not an employee's quantity and/or quality of work do not merit continuation in the job, or for any reason deemed appropriate by the Superintendent. He/she may be separated for cause at any time during the probationary period. Such action may not be appealed and is not subject to the grievance policy.
3. In accordance with ORC 124.30(B), intermittent (substitute) staff members do not have probationary periods; they serve at-will. A procedure will be written to ensure uniform practice in the removal of intermittent staff.

B. Disciplinary Discharge

1. Discharge is a serious disciplinary measure taken when less severe methods of discipline have not produced appropriate results, or when a serious infraction so warrants.
2. The discharge of a classified employee may be appealed to the State Personnel Board of Review. All other employees may seek recourse through the courts.

C. Layoffs

When necessary, layoffs will be conducted in accordance with OAC Chapter 123:1-41 now and as amended and all associated sections of ORC.

D. Involuntary Disability Separation

1. In some situations a staff member may be separated involuntarily due to disability. An involuntary disability separation occurs when the Superintendent has received substantial credible medical evidence of the employee's disability and determines that the employee is incapable of performing the essential job duties of the employee's assigned position, even with reasonable accommodation.

SCIOTO COUNTY BOARD OF DEVELOPMENTAL DISABILITIES

2. The Superintendent shall request that the employee submit to a medical or psychological examination, conducted in accordance with OAC 123:1-30-03, prior to involuntary disability separation, unless:
 - a. The employee is hospitalized at the time such action is taken, or
 - b. The employee has exhausted his or her disability leave benefits (see the policies regarding Unpaid Leave and Family and Medical Leave for disability leave benefits information), or
 - c. Substantial credible medical evidence already exists that documents the employee's inability to perform the essential job duties even with reasonable accommodation.
3. The Superintendent shall institute a pre-separation hearing prior to separating an employee involuntarily.
 - a. Written notice shall be provided to the employee at least 72 hours in advance of the hearing.
 - b. If the employee does not waive the hearing, then at the hearing, the employee has the right to examine the Superintendent's evidence of disability, to rebut that evidence and to present testimony and evidence on his/her own behalf.
4. If the Superintendent determines that the employee is unable to perform the essential duties of his/her job, then the Superintendent shall issue an involuntary disability separation order. At the time the Superintendent provides a separation order to a classified employee, the employee shall be given the procedures for reinstatement and the process for appealing the decision to the State Personnel Board of Review. These procedures shall be in accordance with OAC 123:1-30-01(E) and (F). Unclassified employees issued a separation order may seek recourse through the courts.