

SECTION 3: PERSONNEL
SUBJECT: SEPERATION OF CLASSIFIED EMPLOYEES

Background This policy addresses the separation of classified employees, whether by resignation or dismissal.

Point of Contact: Human Resource Services

Other LC State offices directly involved with implementation of this policy, or significantly affected by the policy: N/A

Date of approval by LC State authority: January 2018

Date of State Board Approval N/A

Date of Most Recent Review: May 2025

Summary of Major Changes incorporated in this revision to the policy: Several sections were updated due to updated DHR Rules and Updated SBOE links.

SUBJECT: SEPARATION OF CLASSIFIED EMPLOYEES

Separations of classified staff must be discussed with Human Resource Services, the Dean and/or VP of the appropriate unit prior to implementation.

1. Resignation

- A. Although providing two weeks' notice is recommended, a classified employee may resign at any time. A resignation is effective at the time designated by the employee, without need for written or advance notice, or acceptance of the resignation by the appointing authority.
- B. Once an employee has submitted a resignation, reinstatement is at the discretion of the appointing authority. The appointing authority may, but is not required, to allow an employee to rescind a resignation prior to its effective date.

2. Failure to meet probation

- A. If an employee on probation does not serve satisfactorily, the appointing authority must provide the employee and the Division of HR a performance evaluation indicating unsatisfactory performance. If the appointing authority fails to provide a performance evaluation, the employee shall be considered to have satisfactorily completed the probationary period and be certified to permanent status as provided unless the probationary period has been extended by the administrator.
- B. An employee who does not serve satisfactorily during the entrance or voluntary probation must first be given the opportunity in writing to resign without prejudice; an employee who fails to resign may be terminated without cause assigned and without the right to file for problem-solving or an appeal.

SECTION 3: PERSONNEL

SUBJECT: SEPERATION OF CLASSIFIED EMPLOYEES

- C. Notice to the employee of termination for unsatisfactory service must be made at least fifteen (15) calendar days prior to the effective date of termination, unless there are extenuating circumstances.

3. Layoffs

- A. Pursuant to the Division of Human Resources (DHR) Rule 140.01 <https://adminrules.idaho.gov/rules/current/15/150401.pdf> an appointing authority may lay off an employee whenever necessary due to:
 - 1) Shortage of funds or work.
 - 2) Reorganization.
 - 3) The end of a limited service appointment.
 - 4) An employee's failure to complete interagency promotional probation when demotion options are not available or
 - 5) The abolishment of one (1) or more positions
- B. Layoff decisions must not be based on race, color, religion, disability, political affiliation or belief, sex, national origin, genetics, or any other status protected under applicable federal, state, or local laws.. Layoffs must be accomplished in a systematic manner with equity for the rights of classified employees and must not do away with an employee's right to problem solving, or appeal if the layoff is in fact a dismissal.
- C. There will be an evaluation of all employees in the classification in the agency or organizational unit affected by the reduction in force based on a retention point system. Retention points are derived from experience as described in performance evaluations, classified credited state service, and veterans' preference as described in Rule 141.03.
- D. Each employee affected will be notified in writing of layoff and the rationale for the decision at least fifteen (15) calendar days prior to the effective date. Notification will include a copy of the agency layoff procedure and a copy of the computation of retention points when required.
- E. The appointing authority must give written notice of layoff to the administrator at least fifteen (15) calendar days prior to its effective date and must provide a list of persons affected by the layoff with their retention point calculations and must indicate which employees will be laid off.
- F. The employee who has been laid off, will be offered reemployment to a position in the classification from which laid off before any person outside that agency may be promoted to, transferred to, reinstated or appointed to that classification by an appointing authority of that agency.
- G. When attempting to fill vacancies for a classification where a layoff occurred, the agency will provide an opportunity to interview and will make their hiring selection from the individuals their agency laid off from the classification, including those separated from state service under Rule 240.01 and those that took a voluntary demotion in lieu of layoff.

SECTION 3: PERSONNEL

SUBJECT: SEPERATION OF CLASSIFIED EMPLOYEES

- H. Individuals being returned to the classification from which they were laid off will be reinstated with the same salary, permanent status and their sick leave balance restored.

4. Dismissal or Suspension

- A. Per SBOE policy (<https://boardofed.idaho.gov/board-policies-rules/board-policies/human-resources-policies-section-ii/policies-regarding-classified-employees-ii-e/>), dismissal or termination of classified employees shall be as provided for in Chapter 53, Title 67, Idaho Code (<https://legislature.idaho.gov/statutesrules/idstat/Title67/T67CH53/>), and rules of the Division of Human Resources (<https://adminrules.idaho.gov/rules/current/15/150401.pdf>).
- B. Suspension means an enforced period of absence, with or without pay, for disciplinary purposes or pending investigation of charges made against an employee.
- C. Grounds for Dismissal or Suspension: Any classified employee may be dismissed or suspended for any of the following causes that occur during the period of his or her employment provided in DHR Rule 190:
- 1) Failure to perform the duties and carry out the obligations imposed by the state constitution, state statutes, LC State rules and regulations, or the Division of Human Resources and Idaho Personnel Commission.
 - 2) Inefficiency, incompetency, or negligence in performing duties, or job performance that fails to meet established performance standards.
 - 3) Physical or mental incapability of performing assigned duties, if a reasonable accommodation cannot be made for the disabling condition.
 - 4) Refusal to accept a reasonable and proper assignment from an authorized supervisor.
 - 5) Insubordination or conduct unbecoming a state employee, or conduct detrimental to good order and discipline in his or her department or the agency
 - 6) Intoxication or being under the influence of alcohol, or the misuse of medications or controlled substances, while on duty.
 - 7) Careless, negligent, or improper use or unlawful conversion of LC State property, equipment or funds.
 - 8) Use of any influence that violates the principles of the merit system in an attempt to secure a promotion or privileges for individual advantage.
 - 9) Conviction of official misconduct in office, conviction of any felony, or conviction of any other crime involving moral turpitude.
 - 10) Acceptance of gifts in exchange for influence or favors given in his or her official capacity.

SECTION 3: PERSONNEL

SUBJECT: SEPERATION OF CLASSIFIED EMPLOYEES

- 11) Habitual pattern of failure to report for duty at the assigned time and place.
 - 12) Habitual improper use of sick leave.
 - 13) Unauthorized disclosure of confidential information from official records.
 - 14) Absence without leave.
 - 15) Misstatement or deception in his or her application for LC State employment.
 - 16) Failure to obtain or maintain a current license or certification lawfully required as a condition for performing his or her duties.
 - 17) Prohibited participation in political activities.
- D. Dismissal Procedure: The due process procedure for classified employees' deals with the disciplinary matters set forth in Section 67-5315(2), Idaho Code (<https://legislature.idaho.gov/statutesrules/idstat/Title67/T67CH53/SECT67-5315/>), dismissals, suspensions without pay, and demotions, and with all involuntary transfers. The due process procedure generally requires the employee receive notice and an opportunity to respond before a disciplinary decision or involuntary transfer is made by the agency. Decisions regarding disciplinary dismissals, suspensions without pay, and demotions are appealable in accordance with DHR Rule 201 (<https://adminrules.idaho.gov/rules/current/15/150401.pdf>) of these rules.
- E. Suspension for Investigation: A departmental administrator may place a classified employee on administrative leave pending investigation of disciplinary causes enumerated in Rule 190.01. Each suspension for investigation will be superseded by reinstatement to duty, dismissal, or disciplinary demotion, or suspension within 30 calendar days of the suspension for investigation or within an extension of an additional thirty (30) calendar days approved by the administrator. Further extensions may be granted with the approval of the Administrator.
- F. Suspension on Felony Charges: A departmental administrator may suspend without pay, upon the issuance of a complaint, information or indictment for felony charges. Such suspensions may remain in effect during the time such charges are pending. Full reinstatement of all benefits and salary to which the employee would have otherwise been entitled will be provided to the employee upon a subsequent finding that the charges or information were without grounds, or the employee was not found guilty. For the purpose of this rule, a judgment withheld under Rule 33(d) of the Idaho Rules of Criminal Procedure is a conviction.
- G. Disciplinary Suspension: A departmental administrator may suspend without pay a classified employee for discipline for causes enumerated above. Disciplinary suspension of an employee with permanent status is subject to appeal by the employee to the Commission.
- H. Notice to Administrator: Whenever an appointing authority considers it necessary to take disciplinary action against an employee, he must notify the employee and the administrator concurrently in writing; and must set forth the specific rules violated and the reasons for the action. Suspensions with pay for investigation (Ref. Rule 190.02) may be made without prior

SECTION 3: PERSONNEL

SUBJECT: SEPERATION OF CLASSIFIED EMPLOYEES

notice to the employee; in this case, the appointing authority must notify the administrator as soon as practical.