DISMISSAL OF SCHEDULE A EMPLOYEES

Status:	Active Policy
Effective Date:	July 1, 2006 through June 30, 2008
Revised Date:	N/A
Approved By:	J. Stephen Fletcher, CIO
Authority:	*UCA §67-19-15; UCA §67-19-18; UCA §67-19a; Utah Administrative Code R477-2-3; Utah Administrative Code R477-6-9; Utah Administrative Code R477-10; Utah Administrative Code R477-11-2(1)*

5.1 PURPOSE

To establish a policy regarding involuntary terminations of employment for career service exempt Schedule AD, AR, and AT employees within the Department of Technology Services (DTS).

5.1.1 Background

Positions within DTS, meeting the criteria for exemption as articulated in the Utah Code Annotated §67-19-15(1), shall be classified as career service exempt. These positions are exempted by law from provisions outlined in the Human Resource Management Rule for corrective action (R477-10-2), disciplinary action (R477-11), and dismissal (R477– 11-2). Career service exempt employees work at the will and pleasure of the employing agency and can be released from appointment at any time. Further, career service exempt employees have no access to the State's grievance procedure as mandated in UCA §67-19a. It is the intent of DTS management to ensure that personnel actions are consistent with fair employment practices and are non-discriminatory as mandated in Human Resource Management Rule R477-2-3.

5.1.2 Scope

This policy applies to all career service exempt positions (Schedule A) within DTS. Terminations for career service (Schedule B) positions shall be consistent with Human Resource Management Rule R477-11 and are not addressed under this policy.

5.1.3 Exceptions

None

5.2 Definitions

Schedule A Employee
An employee appointed to work for an unspecified period of time or who serves at the pleasure of the appointing authority.

Schedule A Position
A position in State service exempted by law from provisions of competitive career service as prescribed in §67-19-15 and in Human Resource Management Rule R477-2-1(1).

Schedule B Employee
An employee who has successfully completed a probationary period in a career service position.

Schedule AD Employee
A Schedule A employee who reports to a department head, commissioner or deputy director and has a confidential relationship with the department head or commissioner.

Schedule AR Employee
A Schedule A employee who makes statewide policy.

Schedule AT Employee
A Schedule A employee of the Department of Technology Services who is an IT professional.

5.3 Policy

It is the policy of DTS to ensure that personnel actions are consistent with fair employment practices (Human Resource Management Rule R477-2-3) and are non-discriminatory.

5.3.1 Dismissal of a career service exempt employee requires the approval of the Chief Information Officer/Executive Director of DTS (CIO), with advice and counsel from Human Resources.

5.3.2 A benefits eligible career service exempt employee in Schedule AD, AR, or AT who is separated from State service through an action initiated by management to include resignation in lieu of termination, and who is not dismissed for cause, shall be provided severance benefits as defined in Human Resource Management Rule R477-6-9.

5.3.3 No provision of this policy shall be construed as a contract, a promise, or an employment agreement. Employment with DTS for career service exempt employees can be terminated at any time, with or without cause, by either the employee or DTS.

5.4 Procedure

5.4.1 Managers or supervisors shall provide employees with a performance plan detailing performance standards and expectations by August 30 of each fiscal year.

5.4.2 Managers or supervisors shall provide employees with regular verbal and written feedback on the standards of performance and conduct outlined in the performance plan.

5.4.3 In consultation with the Human Resource Office, managers or supervisors shall document performance issues to include the date, time, the details of the infraction, and discussions conducted with the employee in an effort to correct the problem.

5.4.4 If efforts have failed to correct the problem, and the supervisor believes it is in the best interest of the department to terminate employment, the supervisor shall submit to the Human Resources Office in writing all documentation created regarding the performance issue, the efforts made to correct the problem, and the reason for the recommendation to terminate.

5.4.5 The Human Resources Director shall review the documentation and make a final recommendation to the CIO/Executive Director of the Department.

5.4.6 The CIO/Executive Director shall review the documentation and make the final decision to either terminate employment or to continue the efforts to help the employee to make positive changes in order to be a successful and valuable employee.

Document History

Originator:	Larene Wyss, DTS HR
Next Review:	May 15, 2008
Reviewed Date:	June 14, 2006
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