



PERSONNEL: Classified

Separation from Employment

I. Purpose

To implement Board of Education of Baltimore County (Board) Policy 4402 by establishing guidelines for the separation of classified employees.

II. Definitions

- A. *Classified Employee* – An hourly, non-certificated employee who performs duties that are typical of those designated as non-exempt under the provisions of the Fair Labor Standards Act (FLSA).
- B. *Resignation* – Voluntary decision made by an employee to sever his/her employment.
- C. *Separation* – The ending of employment which may occur through resignation or termination.
- D. *Termination* – A decision by BCPS to terminate the employment of an employee.

III. Guidelines

- A. Resignation
 - 1. Employee shall give their immediate supervisor at least two weeks' notice of their intended resignation and will be entered into the Human Resources Information System (HRIS) as "resigned."
 - 2. Employees shall submit a completed resignation form.
 - a. An employee may submit a request to rescind a resignation by contacting the chief human resources officer (CHRO).
 - b. The CHRO will review the request to rescind and shall have the final authority to approve or deny the employee's request.
 - 3. Once the resignation form has been processed in the HRIS, the resignation is considered final.
- B. Quit, Insufficient Notice

Employees who fail to give at least two weeks' notice of their resignation or leave the job indicating an intention not to return to work may have their files noted as "quit, insufficient notice" unless approval for a shorter period is approved by the CHRO.

C. Quit, Without Notice

1. An employee who is absent from work is required to notify his/her supervisor about the absence by the start of his/her regular work schedule.
2. An employee who is absent for three (3) consecutive work days without notice is deemed to have quit without notice, shall be terminated from employment and his/her file shall be noted as "quit, without notice."
3. The CHRO shall have the authority to reinstate such an employee when warranted.

D. Termination

1. Termination during Probation
An employee may be separated from employment during the probationary period due to unacceptable performance or misconduct and their files shall be noted as "termination."
2. Termination for Cause
 - a. Unsatisfactory Job Performance
 - (1) Employees who have completed the probationary period, and who fail to maintain acceptable performance standards, shall be notified in writing of the deficiency.
 - (2) If an employee fails to correct deficiencies noted in the performance of his/her job, the employee may be terminated and the files shall be noted "termination."
 - b. Essential Functions
 - (1) Employees who are not able to safely and effectively perform the essential functions of their position with or without accommodations and who have not obtained another position within BCPS shall be terminated from employment. Their files shall be noted "termination."
 - (2) Such employees shall have the option of resigning or applying for regular or disability retirement or voluntary long-term disability (LTD), if applicable, prior to termination.
 - c. Misconduct

- (1) Employees alleged to have engaged in behavior that constitutes misconduct shall be immediately suspended or placed on administrative leave by the appropriate administrator, pending the investigation of the charges.
- (2) Termination may be immediate for gross misconduct.
- (3) Gross misconduct may include, but is not limited to, the following:
 - i. The use, possession, sale and/or being under the influence of illegal drugs, alcohol or prescription medication without a prescription while at work, while on Board property or while on Board business;
 - ii. Disorderly conduct while on duty to include creating a disturbance, fighting, threatening and/or attempting to inflict bodily harm on another person;
 - iii. Theft and/or misuse of Board funds or Board property;
 - iv. Willfully destroying or defacing Board property;
 - v. Falsification of records, including employment applications; and
 - vi. Pleads guilty or *nolo contendere* with respect to, receives probation before judgment with respect to, or is convicted of a serious crime, including those involving moral turpitude.

IV. Administrative Leave

- A. The administrator who investigates employee misconduct may consider whether removing the employee from the work environment by implementing administrative leave is advisable in order to investigate the allegation of misconduct.
- B. When the administrator determines that administrative leave is appropriate, he/she shall forward a request to the Department of Human Resources (HR) for approval by the CHRO.
- C. If administrative leave is approved, HR will notify the administrator and the employee will be placed on administrative leave.

V. Due Process

- A. Employees subject to termination under this rule shall be afforded due process.
- B. Employees shall have the right to challenge termination in accordance with the employee's applicable negotiated bargaining agreement or in accordance with Section 4-205(c) of the Education Article. Appeals filed in accordance with Section 4-205 of the Education Article shall follow the procedures outlined in Board Policy 8340, *Appeal Before the Board of Education*.

Legal References: *Annotated Code of Maryland, Education Article §4-205, Powers and Duties of County Superintendent*

Related Policies: Board of Education Policy 0200, *Precepts, Beliefs and Values of the Baltimore County Public Schools*
Board of Education Policy 4002, *Obligations of Employees of the Board of Education of Baltimore County*
Board of Education Policy 4004, *Evaluations*
Board of Education Policy 4006, *Medical Evaluations*
Board of Education Policy 4100, *Employee Conduct and Responsibilities*
Board of Education Policy 4101, *Drug-Free Workplace*
Board of Education Policy 8340, *Appeal Before the Board of Education*
Board of Education Policy 8341, *Appeal Before a Hearing Examiner*
Board of Education Policy 8410, *Reporting Fraud, Waste, Abuse and Unlawful Acts*

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