RESOLUTION NO. 8235

A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., amending Article VIII, Section 2 of Resolution No. 7758, City of Topeka Personnel Code, relating to severance benefits and specifically rescinding said original section.

WHEREAS, the City of Topeka Personnel Code was adopted by Resolution No. 7758 on February 28, 2006; and

WHEREAS, it is in the best interest of both the City and the employees of the City of Topeka to amend provisions of the City of Topeka Personnel Code relating to severance benefits.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS, that City of Topeka Personnel Code, Article VIII, Section 2, Permanent Reduction in Force: Severance Pay, is hereby amended to read as follows:

Section 2. Permanent Reduction In Force: Severance Pay.

A. General. The purpose of the severance pay policy is to provide temporary relief to employees who have lost their job through no fault of their own. Such separation occurs for reasons such as but not limited to the following:

1. An employee is not recalled from lay off within the time limit set forth in C2a;
2. An employee voluntarily waives the right to recall, as described in C2b;
3. Work is eliminated and is not anticipated to be necessary in the foreseeable future;
4. Work is reassigned to other employees; or
5. The qualifications for a position change.
Employees who are eligible for recall shall not be eligible to receive severance pay.

B. Severance Pay.

1. Amount. Employees eligible to receive severance pay shall be compensated according to the following schedule:

<table>
<thead>
<tr>
<th>Length of Service</th>
<th>Separation Pay</th>
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<tr>
<td>-0- Less than 1 Year</td>
<td>-0-</td>
</tr>
<tr>
<td>1 Year - Less than 10 Years</td>
<td>One (1) week's salary for each complete year of service, as of the date of separation</td>
</tr>
<tr>
<td>Over 10 Years</td>
<td>Two (2) weeks' salary for each complete year of service, as of the date of separation</td>
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</tbody>
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However, in no case shall severance pay exceed one (1) year's salary. Severance pay shall be calculated using the employee's regular base hourly wage and shall not include any premium payments for overtime, longevity and so on.

2. Disbursement Schedule. The City may elect to make severance payments in equal increments on a pay period basis until the employee receives all severance pay due. In such a case, the payment will amount at least to the base pay of a regular bi-weekly pay period.

C. Other Benefits.
1. **Vacation time.** Following a non-disciplinary, permanent separation, employees with six (6) months of service or more will be paid the unused portion of vacation time accrued.

2. **Unemployment Compensation.** Whether employees can draw both severance pay and unemployment compensation benefits will depend on state laws.

**D. Forfeiture of Severance Pay.**

1. **Ineligibility.** Employees who resign, voluntarily retire, or are fired for cause are not eligible to receive severance pay. Employees eligible for an immediate retirement annuity, even on a reduced basis, are also not eligible for severance pay.

2. **Relinquishment.** The City may, at its discretion, provide outplacement counseling and assistance to employees who lose their job through no fault of their own. If such outplacement assistance results in an offer of employment or employment for separated employees, severance pay shall be waived.

BE IT FURTHER RESOLVED that original Article VIII, Section 2 of Resolution No. 7758, City of Topeka Personnel Code, is hereby specifically rescinded. All resolutions or rules, or portions thereof, inconsistent with the provisions of this resolution are hereby rescinded or repealed. Should any section, clause or phrase of this resolution be declared to be invalid, the same shall not affect the validity of this resolution as a whole, or any part thereof, other than the part so declared to be invalid.

ADOPTED and APPROVED by the City Council February 9, 2010
CITY OF TOPEKA, KANSAS

William W. Bunten, Mayor

ATTEST:

Brenda Younger, City Clerk