

CHAPTER 21 – SEPARATION FROM SERVICE

21.1 Separation Procedures

When an employee desires to resign from his/her position, he/she shall present his/her resignation in writing to the Personnel Department.

A resignation relates only to the specific position from which the employee resigns or their position on eligibility lists. An employee who terminates all employment with the District shall have his/her name removed from promotional eligibility lists.

21.1.1 Resignation During Probationary Period

A person who resigns while in good standing during his/her probationary term may be returned to his/her original place on the eligibility list at the discretion of the Commission.

Education Codes: 45260 and 45261

21.1.2 Resignation and Effect on Eligibility Lists

A resignation relates only to the specific position from which the employee resigns and does not impair his/her rights on other eligibility lists, except that if his/her name is on any promotional eligibility list, it shall be removed from any such list.

Education Code: 45260

21.1.3 Procedure for Separation of Employee

Whenever an employee desires to separate from his/her employment with the District, he/she shall complete a separation form provided by the Personnel Commission and present this separation form to the Personnel Commission Office. The separation form shall indicate the last day in paid status of the separating employee and the reasons for the separation. The Classified Human resources Office shall provide an opportunity for an exit interview to be conducted with the employee, and that the separation is presented to the Personnel Commission for ratification at the first regularly scheduled meeting after the date of the separation and to the Board of Education for ratification action.

- a. In the absence of the separation form, an employee's written or verbal statement that he/she intends to separate from the employment of the District will be sufficient.

Education Codes: 45260 and 45261

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21.1.4 Two Week Notice of Separation

Classified employees are requested to provide the District with at least two (20 weeks notice. Management classified employees are requested to provide at least four (4) weeks notice to the District.

Education Codes: 45260 and 45261

21.1.5 Acceptance of Separation

The separation of a classified employee shall be considered final upon presentation to and acceptance by a director level or higher Human Resources administrator.

Education Codes: 45260 and 45261

21.1.6 Retirement Under CalPERS

Classified employees working over 1,000 hours per year (approximately four hours per day) are covered by the Public Employees Retirement System and Social Security. Employees wishing to retire under this system are required to submit appropriate retirement applications to the Public Employees Retirement System.

Education Codes; 45260 and 45261

21.2 Health Benefit Continuation Upon Separation

COBRA Health Continuation Requirements: Under federal law, the District is required to offer employees and their families the opportunity for a temporary extension of health coverage (called “continuation coverage”) at group rates in certain instances where coverage under the health plan would otherwise end. Health insurance continuation shall be offered pursuant to these rules.

Education Codes: 45260 and 45261

Federal Public Law 99-272, Title C – Consolidated Omnibus Budget Reconciliation Act

21.2.2 Eligible Dependents

A classified employee and eligible dependents who are covered by the District’s health plans shall have the right to continuation coverage pursuant to COBRA regulations if the employee loses his/her group health coverage because of a reduction in hours of employment or the termination of his/her employment (for reasons other than disciplinary cause as outlined in these rules and regulations).

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Education Codes: 45260 and 45261

Federal Public Law 99-272, Title C-Consolidated Omnibus Budget
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21.2.3 Spouse/Domestic Partner Coverage

The spouse or domestic partner of an employee covered by the District's health plans shall have the right to choose continuation coverage for up to thirty-six (36) months if the spouse or domestic partner loses group health coverage for any of the following reasons:

- a. The death of the employee.
- b. Divorce or legal separation from the employee.

Education Codes: 45260 and 45261

Federal Public Law 99-272, Title C-Consolidated Omnibus Budget
Reconciliation Act

21.2.4 Dependent Child Coverage

The dependent child of an employee covered by the District's health plans shall have the right to choose continuation coverage for up to thirty-six (36) months if the dependent loses group health coverage for any of the following reasons:

- a. The death of a parent covered by the plans.
- b. The dependent ceases to be a "dependent child".

Education Codes; 45260 and 45261

Federal Public Law 99-272, Title C-Consolidated Omnibus Budget
Reconciliation Act

21.2.5 Responsibility to Notify District of Status Change

The classified employee or eligible party has the responsibility to inform the District of a divorce, legal separation, dissolution of a domestic partnership, or a child losing dependent status under the District's health plans.

Education Codes: 45260 and 45261

Federal Public Law 99-272, Title C-Consolidated Omnibus Budget
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21.2.6 District Shall Send Notification of Rights

When the District is notified about one of the circumstances outlined in these Rules, the District shall notify the eligible party (employee, spouse, dependents) in writing of the right to choose continuation coverage. The eligible party shall have 60 days from the date of losing coverage because of the events outlined in these Rules to inform the District in writing that continuation coverage is desired.

Education Codes: 45260 and 45261

Federal Public Law 99-272, Title C-Consolidated Omnibus Budget Reconciliation Act

21.2.7 Failure to Accept Continuation

If an employee or eligible party eligible under these rules for health benefit continuation coverage either opts not to accept coverage or fails to indicate that coverage is desired within the stated timelines in these rules, the right to continue to participate in the District's group health insurance plans may be terminated.

Education Codes: 45260 and 45261

Federal Public Law 99-272, Title C-Consolidated Omnibus Budget Reconciliation Act

21.2.8 Requirement to Provide Similar Coverage

If an employee or eligible party chooses continuation coverage, the District shall be required to give health benefit continuation coverage, which, as of the time coverage is provided, is identical to the coverage provided under the health plans to similarly situated employees or to family members.

Education Codes: 45260 and 45261

Federal Public Law 99-272, Title C-Consolidated Omnibus Budget Reconciliation Act

21.2.9 Length of Continuation Coverage Provided

The eligible employee and eligible dependents shall be afforded the opportunity to maintain coverage, except as notified below. This coverage shall continue for up to 18 months, unless the employee or eligible party is determined to be disabled by the Social Security Administration within that eighteen-month period. If such a determination is made by the Social Security Administration an extension of coverage for 11 months is provided, for a total of 29 months.

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Eligibility for continuation coverage is canceled if the employee is terminated for disciplinary reasons. The required continuation coverage may be cut short for any of the following reasons.

- a. The District no longer provides group health coverage to any of its employees.
- b. The premium for the continuation coverage is not paid by the employee or the eligible party.
- c. The employee or eligible party becomes an employee covered under another group plan, unless that other plan contains a pre-existing condition limitation which excludes the employee or eligible party from coverage under the new plan due to a pre-existing condition.
- d. The employee or eligible party becomes eligible for Medicare.
- e. The divorced spouse of a covered employee subsequently remarries and is covered under the new spouse's group health plan.

Education Codes: 45260 and 45261

Federal Public Law 99-272, Title C-Consolidated Omnibus Budget Reconciliation Act

21.2.10 No Evidence of Insurability Necessary

An employee or eligible party shall not be required to provide insurability to choose continuation coverage.

Education Codes: 45260 and 45261

Federal Public Law 99-272, Title C-Consolidated Omnibus Budget Reconciliation Act

21.2.11 Payment of Premium

The employee or eligible party shall pay the full premium for the health benefit continuation coverage, plus an additional charge of 2% for administrative expenses.

Education Codes: 45260 and 45261

Federal Public Law 99-272, Title C-Consolidated Omnibus Budget Reconciliation Act