

JOB ABANDONMENT

SUMMARY

Chapter VIII, Section 1, of the Miami-Dade County Personnel Rules for the Classified Service, provides for the separation of employees who have been on unauthorized leave for three (3) consecutive days. Such absence may be considered a resignation by job abandonment provided there are sufficient facts to demonstrate an intent to leave employment. Intent may be actual or reasonably perceived under the circumstances.

The job abandonment procedure shall be applicable only to employees with classified service rights or to exempt employees who had previously attained permanent status in the classified service.

PROCEDURE

1. An employee who is absent without authorization for three (3) consecutive work days shall be presumed to have abandoned the position and to have voluntarily resigned from County service.
2. For employees to be considered to have abandoned a position, they must have failed to report the absence to the department, according to the department's established procedures.
3. On or before the third day of absence, the department should undertake efforts to contact the employee. The efforts may include telephone calls, if a telephone number is available, electronic emails and if no phone is available, a visit or visits to the employee's home may be considered.
4. On the morning of the fourth work day of an unauthorized absence, the employee shall be notified, by certified or returned receipt letter, signed by the department director or designee, that unless he or she reports to work or provides a satisfactory written explanation for not reporting for work within three (3) days of receipt of letter, the employee will be considered to have abandoned his/her position and to have voluntarily resigned from the County service.
5. If the employee contacts the department during the three (3) day grace period with an unsatisfactory excuse for absence, the department director has a choice of actions to pursue. If the department director determines that the employee intended to abandon his position with the County, a final letter is sent to the employee informing the employee that he/she has voluntarily resigned from County service. If, on the other hand, the department director determines that the employee did not intend to abandon his/her position with the County, other appropriate disciplinary action should be taken, in accordance with Chapter VIII, Section 7, of the Personnel Rules, and Administrative Order 7-3.
6. If the employee fails to report to work, or fails to contact the department during the three (3) day grace period, the employee will be found to have abandoned his position and to have voluntarily resigned from County service.

The final letter is sent certified mail. The letter advises the employee that the department accepts his/her resignation from the position effective (date of the final letter) in accordance with Miami-Dade County Personnel Rules, Chapter VIII, Section 1.

The letter also advises the employee of the rights to appeal the decision to the Miami-Dade County Human Resources Department Director.

The employee is advised that the appeal must be filed, in writing, within fourteen (14) calendar days from the receipt of the letter.

7. The department, after mailing the final letter, prepares a PCD. The nature of the action is "SEPARATION." The effective date is the date of the final certified letter.
The final letter is sent the following day after the grace period ends. The grace period starts on the date the employee receives the first letter.
The remarks item on the PCD should read "Unauthorized absence for three (3) days: resignation by abandonment of position, Chapter VIII, Section 1, Personnel Rules. No response to letter." The Personnel Attendance Record should be appropriately marked using established leave codes.
8. The department should maintain records documenting the efforts made to contact the employee. These records should include a record of telephone calls made and the return receipt showing the date on which the letters were received. If the letters were returned, then the letters and the receipts showing same to be unclaimed, should be retained.

Appeals

1. The employee affected may appeal the department's decision to the Human Resources Department Director.
2. The appeal request must be filed, in writing, within fourteen (14) calendar days of the date final letter was received by employee.
3. The Human Resources Department Director will schedule a hearing within thirty (30) calendar days after receipt of appeal request. The affected employee, his or her representative, and representatives of the department, will be present at the hearing.
4. The hearing officer is appointed by the Human Resources Department Director. The hearing will be conducted as an informal fact finding meeting for the limited purpose of determining whether this procedure was followed fairly. All relevant factors should be presented at the hearing or signed statements should be obtained and presented. The hearing officer may adjourn and continue the hearing if fairness so dictates for receipt of further information.
5. After hearing all facts, the hearing officer will make a recommendation to the Human Resources Department Director. The decision of the Human Resources Department Director shall be final and binding on both the employee and the department. There are no other rights of appeals within the County's procedures for the employee.

CONTACT(S):

Department/Division

Human Resources Department/Labor Management and Compensation Division

REFERENCE DOCUMENT(S):

Administrative Order 7-3, Disciplinary Action
Personnel Rules for the Classified Service