

ORDINANCE No. 022719-ADMIN

AN ORDINANCE OF PINAL COUNTY, ARIZONA RELATING TO PROVIDING A.R.S. §11-251.11 SEVERANCE

WHEREAS, the Pinal County Board of Supervisors has authority to adopt ordinances regarding providing severance pay for appointed county officers pursuant to A.R.S §11-251.11 and 11-251.05; and

WHEREAS, the Pinal County Board of Supervisors has determined that in certain circumstances it may be in the best interest of the County to have a framework and process for the discretionary payment of severance pay for release of claims to appointed county officers or upon entering into a contract with an individual appointed officer; and

WHEREAS, the Pinal County Board of Supervisors has determined that it is in the best interest of the County to vest the County Manager with the discretion to authorize, offer or pay severance pay in circumstances where the County Manager determines it is necessary and appropriate to obtain a full release of claims against the County, including but not limited to its Supervisors, administrators, trustees, directors, agents, representatives, employees departments, special districts or elected officials under the guidelines set forth in Section 1 below.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PINAL COUNTY, ARIZONA:

Section 1.

A. Employees of the judicial branch and employees covered by the Pinal County Merit System or the Law Enforcement Officers Merit System Rules are not eligible to receive Severance Pay.

B. Where the Payment of Severance Pay has been approved by the County Manager, the employee's eligibility to receive Severance Pay is contingent upon that employee's execution of a Severance and Release Agreement.

C. The County Manager may authorize Severance Pay in installments or in a lump sum, subject to available departmental or elected official's budget capacity, and subject to all applicable employee deductions, taxes, and withholdings.

D. The County Manager shall execute, and County legal counsel shall prepare and approve as to form, a Severance and Release Agreement.

E. Appointed County Officers who have not been in their current position for at least two (2) years shall not be eligible for Severance Pay.

F. Severance Pay shall be calculated at up to two weeks' salary for each year of employment with a total cap of not more than twelve (12) weeks of severance pay.

State law reference--Severance pay, A.R.S. §§ 11-251.11, 11-251.05.

Section 2.

If any portion of this Ordinance is for any reason found to be invalid, illegal, or unenforceable, all other parts nevertheless shall remain valid, legal and enforceable.

Section 3.

This Ordinance shall become effective upon its adoption by the Pinal County Board of Supervisors.

PASSED AND ADOPTED by the Board of Supervisors of Pinal County, Arizona, this 27th day of February, 2019.

PINAL COUNTY BOARD OF SUPERVISORS

Mike Goodman, Chairman of the Board

ATTEST:

Natasha Kennedy, Clerk of the Board

APPROVED AS TO FORM:

Chris Keller, Chief Deputy Attorney – Civil Division

No. of publications: 1; date of publication: March 7, 2019.