

1 **RESOLUTION NO. 8235**

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3 A RESOLUTION introduced by City Manager Norton N. Bonaparte, Jr., amending  
4 Article VIII, Section 2 of Resolution No. 7758, City of Topeka  
5 Personnel Code, relating to severance benefits and specifically  
6 rescinding said original section.  
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8 WHEREAS, the City of Topeka Personnel Code was adopted by Resolution No.  
9 7758 on February 28, 2006; and

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

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

16 Section 2. Permanent Reduction In Force: Severance Pay.

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

- 20 1. An employee is not recalled from lay off within the time limit set forth  
21 in C2a;
- 22 2. An employee voluntarily waives the right to recall, as described in  
23 C2b;
- 24 3. Work is eliminated and is not anticipated to be necessary in the  
25 foreseeable future;
- 26 4. Work is reassigned to other employees; or
- 27 5. The qualifications for a position change.

28 Employees who are eligible for recall shall not be eligible to receive severance pay.

29 B. Severance Pay.

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

Length of Service	Separation Pay
-0- Less than 1 Year	-0-
1 Year - Less than 10 Years	One (1) week's salary for each complete year of service, as of the date of separation
Over 10 Years	Two (2) weeks' salary for each complete year of service, as of the date of separation

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33 However, in no case shall severance pay exceed one (1) year's  
34 salary. Severance pay shall be calculated using the employee's  
35 regular base hourly wage and shall not include any premium  
36 payments for overtime, longevity and so on.

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

42 C. Other Benefits.

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

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

49 D. Forfeiture of Severance Pay.

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

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

59 BE IT FURTHER RESOLVED that original Article VIII, Section 2 of Resolution No.  
60 7758, City of Topeka Personnel Code, is hereby specifically rescinded. All resolutions or  
61 rules, or portions thereof, inconsistent with the provisions of this resolution are hereby  
62 rescinded or repealed. Should any section, clause or phrase of this resolution be declared  
63 to be invalid, the same shall not affect the validity of this resolution as a whole, or any part  
64 thereof, other than the part so declared to be invalid.

65 ADOPTED and APPROVED by the City Council February 9, 2010

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CITY OF TOPEKA, KANSAS

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William W. Bunten, Mayor

ATTEST:

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Brenda Younger, City Clerk