

Subject: CONSTRUCTIVE DISCHARGE

Date: March 28, 2018

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Replaces Policy Dated: August 16, 1999

PURPOSE: To establish procedures to ensure compliance with A.R.S. § 23-1502.

SCOPE: This policy applies to all Pinal County employees.

STATEMENT OF POLICY: It is the policy of Pinal County to comply with A.R.S. § 23-1502.

POLICY

1. Employees of Pinal County are encouraged to inform their Appointing Authority whenever the employee believes working conditions have or may become intolerable to the employee and may cause the employee to resign. Under A.R.S. § 23-1502, if an employee wishes to preserve the right to bring a claim against the County alleging that the work conditions forced the employee to resign, the employee must notify his or her Appointing Authority and Human Resources, in writing, that a working condition exists that the employee believes is objectively so difficult or unpleasant that the employee feels compelled to resign or intends to resign.

The Appointing Authority and/or Human Resources will respond to any notice submitted pursuant to this policy within 15 calendar days of receipt of the notice.

If an employee reasonably believes that he or she cannot continue to work during the period of time between submitting notice to his or her Appointing Authority and Human Resources during the time in which the Appointing Authority and/or Human Resources is responding to the concern, the employee is entitled to take paid or unpaid leave of up to 15 calendar days or until the time when the Appointing Authority or Human Resources has responded in writing to the employee's written communication under this policy, whichever occurs first.

2. Notwithstanding any other requirements of this section, an employee may bring a constructive discharge claim without prior written notice in the event of outrageous conduct by the employer or by a managing agent of the employer including sexual assault, threats of violence directed at the employee, a continuous pattern of discriminatory harassment by the employer or by a managing agent of the employer or other conduct if the conduct would cause a reasonable employee to feel compelled to resign.