



## Cochise County Judicial System

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Policy Title: Constructive Discharge

Policy Number: 2003

Effective: March 1, 2021

Last Reviewed/Updated: February 22, 2021

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Employees are strongly encouraged to communicate with the Judicial Human Resources Director whenever they believe working conditions are becoming intolerable and may cause the employee to resign.

In accordance with A.R.S. §23-1502, in order to preserve the right to bring a claim against the Cochise County Judicial System (CCJS) and/or Cochise County alleging that working conditions forced an employee to resign, the employee must provide adequate notice of difficult "or unpleasant" working conditions before deciding whether to resign. An employee must:

1. Notify the Judicial Human Resources Director, in writing, that a work condition exists that the employee believes is objectively so difficult or unpleasant that the employee feels compelled to resign or intends to resign; and,
2. Allow the CCJS 15 calendar days to respond, in writing, to the alleged matter (any response should not be seen as an admission by the CCJS that it has committed an act that contributed to, or gave rise to, any claim or cause of action); and,
3. Read and consider the response of the CCJS to the employee's written complaint.

Employees who reasonably believe they cannot work while their complaints are investigated may be entitled to paid or unpaid leave of up to 15 calendar days or until the time when the CCJS provides a written response to the complaint, whichever occurs first.