

Georgia Department of Public Safety Policy Manual

SUBJECT SEPARATIONS AND RETIREMENTS	POLICY NUMBER 5.14
DISTRIBUTION ALL EMPLOYEES	REVISED DATE 8/3/2022
	POLICY REVIEWED 8/3/2022

5.14.1 Purpose

To provide a method for separating employees from the department.

5.14.2 Policy

All members of the department are expected to provide a written notice at least two weeks in advance of separation from the department for voluntary separations. Employees who are retiring should provide at least a 30-day notice. Employees who are being separated or terminated from the department shall follow all established clearance procedures.

5.14.3 Procedures

A. Voluntary Separations

Voluntary separations are those resignations that are initiated by some activity by the employee.

1. Resignations

- a. Although DPS hopes that employment with the department will be a mutually rewarding experience, it is understood that varying circumstances cause employees to voluntarily resign employment.
- b. Employees who resign from employment should provide a two-week notice in writing in order to be considered as having resigned in good standing. A shorter period may be approved by the applicable adjutant/division director in extenuating circumstances.
- c. After receiving a resignation letter, the supervisor shall immediately notify the Human Resources Director and the Payroll Supervisor of the resignation and effective date.
- d. The date of resignation becomes fixed upon receiving notice, and can only be changed with the approval of the applicable adjutant/division director.

2. Retirements

- a. The Employees' Retirement System (ERS) manages the retirement process for eligible employees. Benefits through ERS include service retirement, disability retirement, and survivor benefits.
- b. Employees who have selected a retirement date and have received confirmation from ERS should advise their supervisors of the retirement date as soon as possible. Supervisors should be given at least 30-calendar days advance notice of retirements.
- c. Members shall comply with Policy #5.16 Disability Retirement/Fitness for Duty when applying for a disability retirement.
- d. Employees of any age may continue employment provided that the quality and quantity of their performance and work conduct meet the standards of performance expected of all employees. This does not change the "at will" employment status of unclassified employees.

3. Other Voluntary Separations

a. Presumptive Resignation:

- 1) Classified employees who are absent from work for five consecutive workdays or the equivalent of a scheduled work week without proper authorization may be considered to have voluntarily resigned from employment. Employees shall be notified in writing of the voluntary separation and advised of their appeal rights to the State Personnel Board in accordance with the provisions of Rules 478-1-27 and 478-1-28.
- 2) Unclassified employees who are absent from duty for three (3) consecutive workdays or equivalent without proper authorization may be considered to have voluntarily resigned from employment.

b. Failure to Return from Leave:

- 1) Classified employees who fail to return to duty at the expiration of a leave of absence and have not received approval for an extension may be considered to have voluntarily resigned from employment. Employees shall be notified in writing of the voluntary separation and advised of their appeal rights to the State Personnel Board in accordance with the provisions of Rules 478-1-.27 and 478-1-.28.
- 2) Unclassified employees who fail to return from approved leave and have not received approval for an extension may be considered to have voluntarily resigned from employment.

c. Forfeiture of Position:

- 1) Employees may be considered to have voluntarily forfeited their positions if they:
 - a) Fail to secure or maintain a license, certificate or registration required by law or appropriate regulatory authority for the performance of the employee's job duties;

- b) Engage in conflicting employment in violation of Rule 478-1-.07 of the State Personnel Board;
 - c) Engage in political activity in violation of Rule 478-1-.08 of the State Personnel Board, or
 - d) Make a false statement of material fact on an application for examination or employment.
- 2) To process a forfeiture of employment for Classified Employees, the department shall follow the forfeiture process outlined in Rule 478-1-.28 of the State Personnel Board.
- d. Suitable Vacancy Not Available: Employees shall be separated from employment if a suitable vacancy is not available at the expiration of a contingent leave of absence. Classified employees shall be notified in writing of the voluntary separation and advised of their appeal rights to the State Personnel Board in accordance with the provisions of Rules 478-1-.27 and 478-1-.28.
 - e. Notification of the voluntary separation (other than resignations and retirements) shall be made no later than the calendar day prior to the effective date of separation and cannot be appealed except as otherwise provided by the Rules of the State Personnel Board.

B. Involuntary Separations

Involuntary separations are those actions that are initiated by the department and include dismissal of an unclassified employee, separation of a working test or non-status employee (temporary, hourly, etc.) and dismissal of a permanent status employee. The Discipline Policy #8.01 shall be followed to process involuntary separations in these categories. Involuntary separations shall also include Reductions in Force.

1. Classified and unclassified employees may be separated from employment for disciplinary reasons. The Discipline Policy #8.01 shall be followed to activate such dismissal.
2. An unclassified employees shall be notified of his/her involuntary separation in writing; however, there are no appeal rights to the State Personnel Board.
3. Employees who have been notified by an appointing authority of a proposed dismissal or separation may submit a written request to resign. Any such request must be received by the applicable reviewing official within 10 days after a classified employee, or 5 days after an unclassified employee, has received notification of the proposed dismissal. In such cases, the applicable reviewing official has the discretion to approve or disapprove the request after considering the relevant circumstances. Any such approved resignation would be considered and reported (for example, to the GA Peace Officer Standards and Training Council) as a resignation in lieu of termination.
4. Division Directors shall consult with the Directors of the Human Resources Division and the Legal Services Division, or their designees, prior to proposing or initiating any involuntary separations for employees under their command.

5. Specific procedures outlined in the Rules of the State Personnel Board shall be followed in order to dismiss classified employees for disciplinary purposes. (See the Discipline Policy #8.01) The Human Resources Division and the Legal Services Division shall be contacted prior to proposing the dismissal of classified employees who have permanent status.
 6. Employees may be separated from employment based on a Reduction in Force (RIF) Plan due to shortage of work or funds, a change in organization or operations, or to otherwise support the financial health and viability of the department. The department will follow the procedures set forth in State Personnel Board Rule 478-1-.04.
 7. Employees who first established membership in the ERS prior to April 1, 1972, and who have a minimum of 18 retirement years of State employment may have involuntary separation rights under the Retirement Law.
- C. Notification of separations and any supporting documentation shall be forwarded to the Human Resources Division as soon as possible in order for separation actions to be entered timely. Failure to do so may result in overpayments in salary.
- D. Based on circumstances leading to a separation, a Division Director may determine that it is appropriate to enter a recommendation that the member not be re-employed by the department. Documentation as to the reason for this disqualification in employment shall be submitted to and approved by the Human Resources Director to support the recommendation. If approved, a "No Rehire" code shall be placed on the employee's record.
- E. Clearance Process
1. Supervisors shall notify the Human Resources Division and the Commissioner of the Department of Public Safety through the chain of command when an employee is leaving the department. The notification may be verbal but shall be followed by written notification prior to the effective date of separation.
 2. A Separation Notice (Form DOL-800) shall be provided to all employees who separate from State employment, and a copy shall be placed in the employee's personnel file.
 3. Employees shall complete clearance activities through proper channels before the last day of employment. Supervisors are responsible for directing members of their staff to perform clearance procedures. The Clearance Form is available from the Human Resources Division.
 4. Members will be requested to complete an exit questionnaire and/or interview as part of the clearance process when they separate from employment.
- F. Final paychecks shall be direct deposited to the employee's bank account on file unless other arrangements are made.
1. Leave (Annual, FLSA, Holiday) will generally be paid the pay period following the end of active service, after all leave taken and accrued has been recorded.
 2. Department property/monies not returned within 30 business days from the employee's last day shall be deducted from his/her leave payout.

- G. Employees who leave employment with state government for a reason other than retirement may request and receive a refund of their contributions to ERS plus interest.
 - 1. The portion of employee contributions used for Group Term Life Insurance premiums is not refundable.
 - 2. Requests for refunds must be submitted online to ERS by accessing the member's ERS account.