

# Georgia Department of Public Safety

## Policy Manual

SUBJECT <b>SEPARATIONS AND RETIREMENTS</b>	POLICY NUMBER <b>5.14</b>
DISTRIBUTION <b>ALL EMPLOYEES</b>	REVISION DATE <b>3/18/2010</b>

### 5.14.1 Purpose

To provide a method for separating employees from the department. Separations from employment will either be voluntary, involuntary, or other types of separation (retirement or death) depending upon the specific circumstances.

### 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 clear through appropriate channels.

### 5.14.3 Procedures

#### A. Voluntary Separations

Voluntary separations are those resignations that are initiated by some activity by the employee. All employees may be voluntarily separated for resignations and retirement. Classified employees may also be separated voluntarily for presumptive resignations, failure to return from a leave of absence, forfeiture of position, release from employment when all leave is exhausted, and where a suitable vacancy is not available for a return from contingent leave of absence.

#### 1. Resignations

- a. Employees who resign from employment should provide advance written notice. Generally, a two-week notice is recommended, unless a shorter period is acceptable to employees' supervisors. To leave the organization with a good standing record, a two-week notice is required.
- b. A supervisor shall notify the Human Resources Director and the Payroll Supervisor immediately after receiving a resignation letter of the effective date listed on the resignation.
- c. The date of resignation becomes fixed upon receiving notice, and can only be changed with supervisory approval.

#### 2. Retirements

- a. Employees who have selected a retirement date and have received confirmation from the Employees' Retirement System (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.
  - b. Members shall comply with Policy #5.16 Disability Retirement/Fitness for Duty, when applying for a disability retirement.
  - c. 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.
  - d. The ERS manages the retirement process for eligible employees. Benefits through ERS include service retirement, disability retirement and survivor benefits.
  - e. 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 on the correct form and submitted to the ERS for processing.
3. Other Voluntary Separations for Classified Employees
- a. Presumptive Resignations: Classified employees who are absent from work for five consecutive workdays or equivalent 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.
  - b. Failure to Return from Leave of Absence without Pay: Classified employees who do not return to work at the expiration of a leave of absence without pay 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.
  - c. Forfeiture of Position: Classified employees may be considered to have voluntarily forfeited their positions if they:
    - 1) Fail to secure or maintain a license, certificate or registration required by law or appropriate regulatory authority for the performance of job duties;
    - 2) Engage in political activity or conflicting employment in violation of the Rules of the State Personnel Board (refer to GSP Code of Conduct Policy #3.01 section 3.01.4, F, 16), or
    - 3) Make a false statement of material fact on an application for examination or employment.

4) Employees shall be given written notice of forfeiture of position and advised of their appeal rights provided in the Rules of the State Personnel Board.

- d. Release from Employment: Classified employees who are absent from work without authorization for five consecutive work days or equivalent after all sick and annual leave is used may be separated from employment. Employees shall be notified in writing of the voluntary separation. No appeal rights to the State Personnel Board are provided.
- e. Suitable Vacancy Not Available: Classified employees shall be separated from employment if a suitable vacancy is not available at the expiration of a contingent leave of absence without pay. Employees shall be notified in writing of the voluntary separation. No appeal rights to the State Personnel Board are provided.
- f. Notification of the separation 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. The State Personnel Board Rules shall be used to process 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. Unclassified employees shall be notified of the involuntary separations in writing; however, there are no appeal rights to the State Personnel Board.
- 3. The Division Director or their designee of the Human Resources Division and the Legal Services Division shall be consulted regarding separating employees.
- 4. 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.
- 5. Employees may be separated from employment based on a Reduction in Force (RIF) Plan due to shortage of work or funds, abolition of a position, other material change in duties or organization, or otherwise. Affected employees shall be given written notice of separation due to a RIF situation at least 30-calendar days before the effective date. RIF actions shall be based on the procedures set forth in State Personnel Board Rule 19.
- 6. 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 will create overpayments in salary.
- D. Based on circumstances leading to a separation, a supervisor 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. Within 90 days of departure, members will be requested to complete a follow-up exit questionnaire.
- F. Final paychecks shall be mailed to the employee's address on file unless other arrangements are made.
  - 1. Annual leave 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 their annual leave check.