

GEORGIA DEPARTMENT OF HUMAN SERVICES
Human Resources Policy #1901

SEPARATIONS FROM EMPLOYMENT

EFFECTIVE DATE: December 15, 2010

RELEASE DATE: February 1, 2005

Revised: January 1, 2011

REFERENCES: Rules of the State Personnel Board
DHS Human Services/Personnel Policies identified below

Separations from employment may be voluntary or involuntary depending upon the specific circumstances. *SEPARATION NOTICES* (Form DOL-800) must be provided to all DHS employees who separate from State employment, and copies are to be maintained in the employees' official personnel files. (See DHS Human Services/Personnel Policy #1 903 - *Unemployment Compensation* for instructions on how to complete *SEPARATION NOTICES*.)

(Section A)

RESIGNATION 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. The date of resignation becomes fixed upon receiving notice, and can only be changed with supervisory approval. Supervisors should notify employees in writing of acceptance and confirmation of resignations as soon as possible.

(Section B)

RETIREMENT Employees who have selected a retirement date and have received confirmation from the Employees' Retirement System should advise their supervisors of the retirement date as soon as possible. Supervisors should be given at least thirty (30) calendar days advance notice.

(Section C)

- VOLUNTARY SEPARATIONS-CLASSIFIED EMPLOYEES**
1. **Presumptive Resignation** - Classified employees who are absent from work for five (5) consecutive work days or equivalent without proper authorization may be considered to have voluntarily resigned from employment. Employees must be notified in writing of the voluntary separation and advised of their appeal rights to the State Personnel Board.
 2. **Failure to Return from Leave of Absence** - Classified employees who do not return to work at the expiration of a leave of absence may be considered to have voluntarily resigned from employment. Employees must be notified in writing of the voluntary separation and advised of their appeal rights to the State Personnel Board.

SEPARATIONS FROM EMPLOYMENT (continued)

3. **Suitable Vacancy Not Available** - Classified employees must be separated from employment if a suitable vacancy is not available at the expiration of a contingent leave of absence without pay. Employees should be notified in writing of the voluntary separation. No appeal rights to the State Personnel Board are provided.
4. **Forfeiture of Position** - Classified employees may be considered to have voluntarily forfeited their positions if they:
 - 4.1 Failure to secure or maintain a license, certificate or registration required by law or appropriate regulatory authority for the performance of job duties;
 - 4.2 Engage in political activity or conflicting employment in violation of the Rules of the State Personnel Board; or,
 - 4.3 Make a false statement of material fact on an application for employment, or an examination.

Employees must be given written notice of forfeiture of position and advised of their appeal rights provided in the Rules of the State Personnel Board. Please note that the notice requirement for forfeiture of position is the same as that required for an adverse action.

5. **Release from Employment** - Classified employees who are absent from work for five (5) consecutive work days or equivalent after all sick and annual leave is used may be separated from employment. Employees should be notified in writing of the voluntary separation. No appeal rights to the State Personnel Board are provided.
6. The Office of Human Resource Management and Development (OHRMD) should be contacted prior to initiating any of the above voluntary separations of classified employees.

(Section D)

INVOLUNTARY SEPARATION - CLASSIFIED EMPLOYEES ON WORKING TEST

1. Classified employees who do not successfully complete the working test period following interdepartmental transfer may be separated from employment under the following conditions. (See Policy #1103 - *Transfer of Employees* for additional information.)
 - 1.1 If employees have fewer than five (5) years of continuous State employment, they can be separated at any time during the working test period.

SEPARATIONS FROM EMPLOYMENT (continued)

1.2 If employees have at least five (5) years of continuous State employment, and the last job in which they have permanent status on a lower pay grade is not utilized by DHS, they can be separated at any time during the working test period.

1.3 Employees must be notified in writing of the separation no later than the calendar day prior to the effective date of separation.

1.4 The separation cannot be appealed except as otherwise provided by the Rules of the State Personnel Board.

2. Classified employees who are on working test due to promotions may be separated from employment due to disciplinary reasons as described in **Section G** below.

(Section E)

INVOLUNTARY SEPARATION - UNCLASSIFIED EMPLOYEES

Unclassified employees are hired and retained by the Department "at will." They may be separated from employment at any time at the discretion of the Department. (See **Section H** for exceptions)

1. Unclassified employees must be notified of the involuntary separations in writing. See DHS Human Services/Personnel Policy #1602 *Disciplinary / Separation Actions - Unclassified Employees* for specific procedures and guidelines regarding information to be provided.
2. If unclassified employees are to be separated due to staff reduction, see DHS Human Services/Personnel Policy #1 905 - *Staff Reduction*.
3. Supervisors and Managers must consult with staff in the OHRMD, Employee Relations Section prior to separating unclassified employees.

(Section F)

RIF OF CLASSIFIED EMPLOYEES

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 must be given written notice of RIF action at least thirty (30) calendar days before the effective date, and the procedures set forth in State Personnel Board Rule must be followed. (See DHS Human Services/Personnel Policy #1 905 - *Staff Reduction* for specific information on Reduction in Force.)

SEPARATIONS FROM EMPLOYMENT (continued)

(Section G)

DISMISSAL OF CLASSIFIED EMPLOYEES FOR DISCIPLI- NARY PURPOSES

Specific procedures outlined in the Rules of the State Personnel Board must be followed in order to dismiss classified employees for disciplinary purposes. OHRMD must be contacted prior to proposing the dismissal of classified employees who have permanent status.

(Section H)

INVOLUNTARY SEPARATION RETIREMENT LAW

Employees who first established membership in the Employees' Retirement System **prior to April 1, 1972** and who have a minimum of **18 years of State employment** may have involuntary separation rights under the Retirement Law. (See DHS Human Services/Personnel Policy #1904 *Involuntary Separation - Retirement Benefits* for specific information.)

1. State Law requires that specific procedures be followed in order to separate employees with involuntary separation rights.
2. The OHRMD Director must be contacted prior to taking separation action against employees who may have involuntary separation rights.

(Section I)

NOTIFICATION & SYSTEM ENTRY

1. A completed *REQUEST FOR PERSONNEL/PAYROLL ACTION* Form with supporting documentation must be forwarded to the appropriate OHRMD transaction center as soon as possible in order to enter separation actions into the system.
2. Managers must inform the appropriate OHRMD transaction center immediately upon learning of the separation of an employee. Immediate notification is essential to ensure that computer privileges are terminated immediately and that overpayments do not occur.
3. In the case of a voluntary separation, notification should occur at the point the manager receives notice of separation. In the case of an involuntary separation, notification should occur prior to the communication of the separation decision to the employee. Notification may occur via e-mail, fax, and phone contact or personnel action form.
4. Managers are subject to disciplinary action when notification of separation is not received in the appropriate OHRMD transaction center in accordance with these provisions.

SEPARATIONS FROM EMPLOYMENT (continued)

5. Appropriate Reason Codes are to be entered into the system with separation actions for tracking purposes. Some codes frequently used are as follows:
 - 5.1 **DIS** [DISMISSAL] entry code should be used when employees are separated for reasons **directly related** to inappropriate conduct or performance deficiencies. This code should also be used when separating unclassified employees under circumstances that would warrant presumptive resignation for classified employees.
 - 5.2 **RLS** [RELEASE] entry code should be used when employees are released for reasons **other than** inappropriate conduct or performance deficiencies, including but not limited to:
 - Budgetary constraints or reduction;
 - Downsizing;
 - Reorganization; or
 - Termination of program.
 - 5.3 **RLS** [RELEASE] should be considered in lieu of DISMISSAL if performance failures occur during the first six (6) months of employment, despite satisfactory efforts by the employee. Generally, this would be due to the employee's inability to perform the duties of the job.
 - 5.4 **RLS** [RELEASE] should also be used for the separation of hourly and temporary employees, unless there are conduct or performance issues.
 - 5.5 **LVE** [FAILURE TO RETURN FROM LEAVE] entry code should be used when employees are separated for failing to return from a leave of absence
6. Authorized officials are to review employees' work performance, behavior and the reasons for separation to determine if it is appropriate to enter a recommendation that employees not be re-employed.
 - 6.1 In some circumstances, employees who are separated from employment are not to be re-employed. (See DHS Human Services/Personnel Policies #504 - Criminal History Record Checks, #1301 - Drug-Free Work Place and #1 302 - Alcohol and Drug Testing Programs for mandatory disqualifications from re-employment.)

SEPARATIONS FROM EMPLOYMENT (continued)

- 6.2 Each circumstance, other than those requiring mandatory disqualification from re-employment, is to be reviewed on a case-by-case basis, in consultation with OHRMD.
- 6.3 If it is determined appropriate to enter a recommendation that employees not be re-employed, “No Rehire” is to be selected on the *REQUEST FOR PERSONNEL/PAYROLL ACTION* Form.
- 6.4 Documentation of the reason(s) supporting the request for “No Rehire” must be available upon request.

For additional information or assistance, please contact your local Human Resource Office, or email DHS-Policies@dhr.state.ga.us.
