

SERENITY BEHAVIORAL HEALTH SYSTEMS

SUBJECT: Separations From Employment
POLICY NUMBER: HR-20
EFFECTIVE DATE: January 1996
SUPERSEDES: N/A
LAST REVISION DATE: July 2009

POLICY:

It is the policy of Serenity Behavioral Health Systems (SBHS) that separations from employment may be voluntary or involuntary depending upon the specific circumstances. Separation Notices (Form DOL-800) must be provided to all SBHS employees who separate from employment, and copies are to be maintained in the employees' official personnel files.

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.

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.

VOLUNTARY SEPARATIONS-CLASSIFIED EMPLOYEE's

Unless prohibited by the provision of Rule 24, a permanent employee who has been separated under the provision of Rule 24 may appeal by filing an appeal with the Office of State Administrative Hearings. The appeal must be filed in writing within ten (10) calendar days of the separation or notification of such, whichever is later.

- I. **Presumptive Resignation** – Any employee who is absent from duty for five (5) consecutive workdays or equivalent, without proper authorization thereof, within the discretion of the Chief Executive Officer (CEO), may be deemed to have resigned voluntarily from employment. The employee shall be notified of the separation in writing. The notice shall include a statement advising that the employee may appeal the separation within the response period specified in Rule 24. The appeal must include any evidence that would support the employee's belief that the separation was improper. Unless the administrative law judge specifies otherwise, the appeal will be considered on

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the basis of the written record. A finding that the separation was improper shall permit, but not require, the administrative law judge to reverse the separation.

II. **Failure to Return from Leave of Absence** - Any classified employee who fails to return to duty at the expiration of a leave of absence may, in the discretion of the CEO, be deemed to have resigned voluntarily from employment. The employee shall be notified of the separation in writing. The notice shall include a statement advising that the employee may appeal the separation within the response period specified in Rule 24.

III. **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 must be notified in writing of the voluntary separation. No appeal rights to the State Personnel Board are provided.

IV. **Forfeiture of Position**

I. Unless prohibited by the provisions of Rule 24, a permanent employee who has forfeited employment as provided in Rule 24 may appeal as provided in Rule 24.

II. Classified employees may be considered to have voluntarily forfeited their positions if they:

A. Any permanent status employee who fails to secure or maintain a license, certificate, or registration required by law or appropriate regulatory authority for the performance of the employee's duties shall, upon termination of employment therefore in accordance with Rule 24, be deemed to have voluntarily forfeited employment.

B. Any permanent status employee who engages in political activity or conflicting employment in violation of Rule 7 shall, upon termination of employment therefore in accordance with Rule 24, be deemed to have voluntarily forfeited employment.

C. Any permanent status employee who has made a false statement of material fact on an application for examination or employment shall, upon termination of employment therefore in accordance with Rule 10, be deemed to have voluntarily forfeited employment.

D. 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

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notice requirement for forfeiture of position is the same as that required for an adverse action.

- E. To effectuate forfeiture of employment, the appointing authority shall comply with the provisions of Rule 24. The employee response procedure shall be as specified in Rule 24. The CEO may effectuate immediate forfeiture of employment of any employee if retention of the employee to perform the employee's normal duties would violate any state or federal law, or regulations which have the force and effect of law. The notice of forfeiture of employment under this paragraph is the final action and must include the same items required under Rule 24. It must also include a statement explaining why this paragraph was invoked.

- III. **Release from Employment** – An employee who is absent from duty for five (5) consecutive workdays or equivalent after all sick and annual leave is used may, in the discretion of the CEO, be released from employment. Such release shall be deemed a voluntary separation.

NOTE: The Human Resource Department should be contacted prior to initiating any of the above voluntary separations of classified employees.

INVOLUNTARY SEPARATION - CLASSIFIED EMPLOYEES ON WORKING TEST:

Classified employees who do not successfully complete the working test period following interdepartmental transfer may be separated from employment under the following conditions. See SBHS Personnel Policy HR-53.00 – Transfer of Employees for additional information.

- A. If employees have fewer than five (5) years of continuous State employment, they can be separated at any time during the working test period.
- B. 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 SBHS, they can be separated at any time during the working test period.
- C. Employees must be notified in writing of the separation no later than the calendar day prior to the effective date of separation.
- D. The separation cannot be appealed except as otherwise provided by the Rules of the State Personnel Board.
- E. Classified employees who are on working test due to promotions may be separated from employment due to disciplinary reasons as described in Dismissal of Classified Employees For Disciplinary Purposes below.

INVOLUNTARY SEPARATION - UNCLASSIFIED EMPLOYEES:

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Unclassified employees are hired and retained by SBHS “at will.” They may be separated from employment at any time at discretion of SBHS. (See Involuntary Separation Retirement Law below for exceptions)

- A. Unclassified employees must be notified of the involuntary separations in writing. See SBHS HR Policy HR-16.02 Disciplinary/Separation Actions – Unclassified Employees for specific procedures and guidelines regarding information to be provided.
- B. If unclassified employees are to be separated due to staff reduction, see SBHS Personnel HR Policy HR-39 – Staff Reduction.
- C. Supervisors must consult with staff of the Human Resource Department prior to separating employees.

REDUCTION IN FORCE (RIF) OF CLASSIFIED EMPLOYEES:

Employees may be separated from employment based on a 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 19 must be followed. See SBHS HR Policy 39 – Staff Reduction for specific information on RIF.

DISMISSAL OF CLASSIFIED EMPLOYEES FOR DISCIPLINARY PURPOSES:

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

INVOLUNTARY SEPARATION RETIREMENT LAW:

- I. 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 SBHS HR Policy 38 – Involuntary Separation – Retirement Benefits for specific Information.
- II. State Law requires that specific procedures be followed in order to separate employees with involuntary separation rights.
- III. The Human Resource Manager must be contacted prior to taking separation action against employees who may have involuntary separation rights.

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SEPARATION PROCESS:

- I. Employees who resign from employment are given a copy of the Clearance Checklist by their supervisor on their last day of employment to use to out-process. The employee takes the completed form to the Human Resources Department. The Human Resources Department then takes the resigning employee's ID Badge and completed check out form and files it in the employee's personnel file.
- II. The Human Resources Manager gives terminated employees their separation notice at the time of dismissal. All SBHS property is collected at that time. Some of the items that are to be collected are:
 - A. ID Badges issued by SBHS;
 - B. Keys issued to the employee;
 - C. Cell phones and chargers;
 - D. Pagers;
 - E. Any other SBHS property that the terminated employee has

NOTIFICATION AND SYSTEM ENTRY:

- I. A completed Request for Personnel/Payroll Action Form with supporting documentation must be forwarded to the Human Resources Department as soon as possible in order to enter separation actions into the system.
- II. Managers must inform the Human Resources Department 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.
- III. 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 email, fax, phone contact or personnel action form.
- IV. Managers are subject to disciplinary action when notification of separation is not received in the Human Resources Department in accordance with this provision.
- V. Appropriate reason codes are to be entered into the system with separation actions for tracking purposes. Some codes frequently used are as follows:
 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.

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2. RLS (Release) should be used when employees are released for reasons other than inappropriate conduct or performance deficiencies, including but not limited to:
 - a. Budgetary constraints or reduction;
 - b. Downsizing;
 - c. Reorganization; or
 - d. Termination of program
 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.
 4. RLS (Release) should also be used for the separation of hourly and temporary employees, unless there are conduct or performance issues.
 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.
- VI. Supervisors/Managers 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-hired.
- VII. In some circumstances, employees who are separated from employment are not to be re-employed. See SBHS HR Policy 41 – Criminal History Records Check, HR-28.01 – Drug Free Work Place, and HR-28.02 – Alcohol and Drug Testing Programs for mandatory disqualifications from re-employment.
- VIII. Each circumstance, other than those requiring mandatory disqualification from re-employment, is to be reviewed on a case-by-case basis, in consultation with the Human Resources Department.
- IX. 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.
- X. Documentation of the reason(s) supporting the request for "No Rehire" must be available upon request.

REFERENCE:

Rules of the State Personnel Board - Rule 24 (For Classified Employee's)

Rules of the State Personnel Board – Rule 15 (Changes to Employment Status)

ATTACHMENTS:

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I. [Clearance Checklist](#) SBHS Form 559

APPROVAL SECTION:

Chief Executive Officer

Date

Committee Chairperson

Date

RECISSION SECTION:

Chief Executive Officer

Date

REVIEW SECTION:

Committee Chairperson

Date

Committee Chairperson

Date

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Committee Chairperson

Date