

## **SERENITY BEHAVIORAL HEALTH SYSTEMS**

**SUBJECT:** **INVOLUNTARY SEPARATION – RETIREMENT  
BENEFITS**  
**POLICY NUMBER:** **HR-38.00**  
**EFFECTIVE DATE:** **June 1997**  
**SUPERSEDES:** **N/A**  
**LAST REVISION DATE:** **June 2010**

---

### **POLICY:**

It is the policy of Serenity Behavioral Health Systems (SBHS) to follow Senate Bill 271 changes that have been made to the Georgia Retirement System Law. This law provides retirement benefits to eligible employees who are involuntarily separated from employment without prejudice. There are specific requirements that must be followed when separating eligible employees. The Office of State Personnel Administration must be consulted when the separation of a long-term employee is being considered.

### **ELIGIBILITY:**

Employees who first established membership in the Georgia Employees' Retirement System prior to April 1, 1972, and who have a minimum of 18 years of State service, are eligible for involuntary separation benefits under the Georgia Retirement System Law.

### **INVOLUNTARY SEPARATION:**

- I. Eligible employees will not receive involuntary separation benefits if they are separated from employment for the following reasons:
  - A. Insubordination
  - B. Irresponsible performance of duties
  - C. Malingering
  - D. Neglect of duty
  - E. Unsatisfactory performance of duties in a willful manner
- II. Eligible employees separated under the provisions of Rule 15 (e.g., misconduct) may not receive involuntary separation benefits.
- III. The State Personnel Administration (SPA) Section must be contacted prior to separating eligible employees.

### **REORGANIZATION:**

- I. SBHS programs considering reorganization are to determine whether any affected staff is eligible for retirement benefits based on involuntary separation without prejudice.

**SUBJECT: Involuntary Separation – Retirement Benefits**

**Policy #HR-38**

**Page 2 of 5**

- II. Prior to the reorganization becoming effective, each eligible employee must be transferred to either:
  - A. A position not being eliminated in the regulation
  - B. Another component of SBHS not involved in the reorganization
  - C. Another State employer
  
- III. In order to be considered appropriate, the transfer must meet the following requirements:
  - A. The annual compensation must be the same or greater than the specific employee's current level
  - B. The duties and responsibilities of the position must be reasonably compatible with previous work experience and educational qualifications of the specific employee and
  - C. The position must include the employee as a member of the Georgia Employees' Retirement System

Note: The transfer of a classified employee to an unclassified position is considered appropriate if these requirements are met.

- IV. An employee who does not accept a transfer as described above will be considered to have voluntarily resigned employment and will not be eligible for involuntary separation benefits.

**PROCEDURES FOR REQUESTING SEPARATION OF ONE OR MORE EMPLOYEES:**

When the separation of one or more eligible employees is being considered, the following procedures must be followed.

**NOTICE TO SPA COMMISSIONER:**

- I. The Chief Executive Officer, or Human Resources Manager, must provide written notification to the SPA at least 120 prior to the proposed date of separation.
  
- II. Notification must include the following information regarding the employees proposed for involuntary separation:
  - A. Name
  - B. Current annual compensation
  - C. Age
  - D. Length of service
  - E. Current job description
  - F. Summary of work experience
  - G. Educational qualification, and
  - H. Explanation of the reasons for the proposed involuntary separation
  
- III. The SPA Commissioner will determine if separation should be recommended.

**SUBJECT: Involuntary Separation – Retirement Benefits**

**Policy #HR-38**

**Page 3 of 5**

**NOTICE TO OVERSIGHT COMMISSION:**

If it is determined that the separation should be recommended, the SPA Commissioner will provide written notification to the State Personnel Oversight Commission.

- I. SPA is required to notify the State Personnel Oversight Commission at least 90, but no more than 120, calendar days prior to the proposed date of separation.
- II. The written notification must include the same information identified in the Notice to the SPA Commissioner.

**NOTICE FROM OVERSIGHT COMMISSION:**

The State Personnel Oversight Commission will provide written notice to other State Department heads that eligible employees are available for employment.

**OFFER OF CONTINUED EMPLOYMENT:**

- I. If appropriate positions are available within State government, the State Personnel Oversight Commission will make an offer of continued employment.
- II. Eligible employees who are offered continued employment must accept the offer or will be considered to have voluntarily resigned from employment. Employees who voluntarily resign from employment are not eligible for involuntary separation benefits.

**NO OFFER OF CONTINUED EMPLOYMENT:**

If appropriate positions are not available within State government, the State Personnel Oversight Commission will meet to review the proposed involuntary separation.

- I. The SPA Commissioner, or designee, must show the State Personnel Oversight Commission that the involuntary separation is necessary, justified and in the best interest of the State.
- II. The State Personnel Oversight Commission will determine if the involuntary separation will be approved or denied.

**DENIAL OF INVOLUNTARY SEPARATION:**

If the State Personnel Oversight Commission rejects the involuntary separation of an eligible employee:

- I. The employee will continue to be employed, and

**SUBJECT: Involuntary Separation – Retirement Benefits**

**Policy #HR-38**

**Page 4 of 5**

- II. The employee will not be proposed for involuntary separation more than once in a two-year period.

**APPROVAL OF INVOLUNTARY SEPARATION:**

If the State Personnel Oversight Commission approves the involuntary separation, SBHS will proceed with the action. As a result of such separation, SBHS cannot increase the number of employees in SBHS for a period of two fiscal years.

**NOTE:** “Number of employees” means the number of employees immediately prior to the involuntary separation, not including any employee to be involuntarily separated.

**PROCEDURES FOR RESPONDING TO REQUEST FROM OVERSIGHT COMMISSION:**

When SPA is notified, by the State Personnel Oversight Commission, that one or more eligible employees from other state employers are available for employment, SPA must determine if there are available positions within the department which would allow the employees to continue employment.

**CONTACT:**

SPA will contact organizational units to determine the availability of positions.

**POSITION REQUIREMENTS:**

In order to be considered appropriate, the available positions must meet the following requirements:

- I. The annual compensation must be the same or greater than the specific employee’s current level
- II. The duties and responsibilities of the position must be reasonably compatible with previous work experience and educational qualifications of the specific employee, and
- III. The position must include the employee as a member of the Georgia Employees’ Retirement System

**NOTE:** Unclassified positions are considered appropriate if all other requirements are met.

**RESPONSE:**

SPA must provide a timely response to the State Personnel Oversight Commission in accordance with the law.

**SUBJECT: Involuntary Separation – Retirement Benefits**

**Policy #HR-38**

**Page 5 of 5**

**REFERENCES:**

- I. Senate Bill 271 (Act 471 – O.C.G.A Section 45-24-1 through 8)
- II. O. C. G. A. Section 47-2-2 and Section 47-2-123

**APPROVAL SECTION:**

\_\_\_\_\_  
Chief Executive Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Committee Chairperson

\_\_\_\_\_  
Date

**RESCISSION SECTION:**

\_\_\_\_\_  
Chief Executive Director

\_\_\_\_\_  
Date

**REVIEW SECTION:**

\_\_\_\_\_  
Committee Chairperson

\_\_\_\_\_  
Date

\_\_\_\_\_  
Committee Chairperson

\_\_\_\_\_  
Date

\_\_\_\_\_  
Committee Chairperson

\_\_\_\_\_  
Date