

<p align="center">GEORGIA DEPARTMENT OF JUVENILE JUSTICE</p>	<p align="center">Transmittal # 18-2</p>	<p align="center">Policy #3.83</p>
<p>Applicability: <input checked="" type="checkbox"/> All DJJ Staff <input type="checkbox"/> Administration <input type="checkbox"/> Community Services <input type="checkbox"/> Secure Facilities</p>	<p>Related Standards & References: State Personnel Board Rule 478-1-.24 O.C.G.A. § 45-20-8 DJJ 3.55, 3.83, 6.2 ACA Standards: 3-JDF-1C-11, 4-JCF-6C-09</p>	
<p>Chapter 3: PERSONNEL</p>	<p>Effective Date: 2/15/18 Scheduled Review Date: 2/15/19</p>	
<p>Subject: SEPARATION FROM EMPLOYMENT</p>	<p>Replaces: 7/1/15 Department of Human Resources</p>	
<p>Attachments: A – Personnel Action Form</p>	<p>APPROVED:  <hr/> Avery D. Niles, Commissioner</p>	

I. POLICY:

The Department of Juvenile Justice recognizes that Georgia is an “employment-at-will” state. As such, unclassified employees serve at the discretion of the Department. Separations of classified employees shall be conducted in accordance with the Rules of the State Personnel Board. Separation from employment may occur under voluntary or involuntary circumstances.

II. DEFINITIONS:

Appointing Authority: The person or groups of persons authorized by law or delegated authority to make appointments to fill positions. The term also includes any person properly designated by the appointing authority to perform any duty of the appointing authority.

Classified Employee: An employee with rights of appeal as set forth in O.C.G.A. §§ 45-20-8 and 45-20-9 who was in the classified service as of June 30, 1996, and who has remained in a classified position without a break in service since that date.

Unclassified Employee: An employee who was hired after June 30, 1996, or who has occupied an unclassified position at any time since July 1, 1996. Unclassified employees have employment-at-will status, with limited exception for employees with more than 18 years of service who established ERS membership prior to April 1, 1972.

III. GENERAL PROCEDURES:

- A. All separations are a voluntary act by the affected employee except for separation by dismissal or reduction-in-force.
- B. Managers and supervisors will immediately report any information received (written or oral) regarding an employee’s stated or presumed separation from employment to the appointing authority. The appointing authority will immediately forward a Personnel Action Form (Attachment A) to the Office of Human Resources. (The appointing

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authority will also forward a Network Access/Transfer/Removal Form to the Office of Technology and Information Services in accordance with DJJ 6.2, Network Access.)

- C. Written notification or confirmation of any separation will be provided to the affected employee by the appointing authority with a copy attached to the Personnel Action Form.
- D. Classified employees will only be separated in accordance with the Rules of the State Personnel Board.
- E. A Change of Status Form (C-11) must be forwarded to the Criminal History Unit if a P.O.S.T. certified employee is terminated for disciplinary reasons or by the acceptance of a resignation in lieu of termination.

IV. TYPES OF SEPARATIONS:

A. Death:

A deceased employee will be separated as of the date of death.

B. Dismissal:

Employees will be dismissed only in accordance with the procedure set forth in this policy. (See also DJJ 3.80, Employee Progressive Discipline.)

C. Failure to Return from a Leave of Absence:

An employee who fails to return to duty at the expiration of an approved leave of absence will be considered to have voluntarily resigned from employment.

D. Forfeiture of Position:

1. The appointing authority will take immediate action to separate an employee if:
 - a) The employee engages in political activity in violation of federal or state law or the policies of the Department;
 - b) The employee has made a false statement of material fact on an application or examination for appointment; or
 - c) Retention of the employee to perform the employee's normal duties would violate any state, federal law, or regulations that have the force and effect of law.
2. Employees with a professional credential not in good standing (e.g., suspension, sanctions, restrictions, expiration) will be handled in accordance with DJJ 3.55, Professional Credentials.

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3. For classified employees whose professional credentials have been revoked, the notice of forfeiture of employment is the final determination of action and must include:
 - a) A statement that the action is a forfeiture of position that is considered a voluntary separation;
 - b) The reason for the forfeiture (e.g., failure to secure or maintain a license or credential and type of license or certification);
 - c) The effective date of the action; and
 - d) A statement explaining that immediate separation from employment was invoked because retention of the employee to perform the employee's normal duties would violate state, federal law, or regulations that have the force and effect of law.

4. For a classified employee, there must also be a statement advising that:
 - a) The employee may appeal this action to the State Personnel Board by filing a written appeal with the Office of State Administrative Hearings within 10 calendar days from the date the employee receives written notice of the action; or the effective date of the action, whichever is later; and
 - b) The 10-calendar day appeal period includes Saturdays, Sundays, and holidays.

B. Presumptive Resignation:

1. An unclassified employee who is absent from duty for 3 consecutive scheduled workdays without proper authorization will be considered to have presumptively resigned from employment. (The Director of Human Resources must approve any exceptions.)
2. A classified employee who is absent from duty for 5 consecutive scheduled workdays without proper authorization will be considered to have presumptively resigned from employment. (The Director of Human Resources must approve any exceptions.)

C. Reduction-in-Force:

If it becomes necessary to reduce the number of employees due to budgetary constraints, reorganization, program elimination, or other business reasons, the Department will

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develop a plan(s) to determine which employees will be separated from employment. The plan will be based upon performance, length of service, geographical or organizational location, or any other documentable criteria deemed appropriate to the circumstances.

D. Release from Employment for Exhausted Leave:

An employee whose annual leave, sick leave, personal leave, holiday, and compensatory time is exhausted and has an unauthorized leave of 40 consecutive scheduled work hours after such paid leave is exhausted may be released from employment. The Director of Human Resources or designee must be consulted before releasing the employee from employment.

E. Resignation:

Employees may voluntarily resign employment at any time. Resignations may be verbal, written, or both. Employees are encouraged to provide at least a two-week notice. Supervisors will confirm acceptance of all verbal resignations in writing no later than the close of the next business day, with a copy forwarded to the Office of Human Resources along with a Personnel Action Form.

F. Retirement:

An employee who is eligible to receive benefits from the Employees' Retirement System or the Teachers' Retirement System may voluntarily retire from active service, in accordance with the requirements of the applicable retirement system.

G. Suitable Vacancy Not Available:

If a suitable vacancy is not available at the expiration of a contingent leave of absence, the Department will release the affected employee from employment. The determination of a suitable vacancy will be at the sole discretion of the Department.

V. "NO RE-HIRE" RECOMMENDATION:

A. The appointing authority will make a recommendation for a separated employee not to be re-hired by the Department when an internal investigation is substantiated for child abuse, mistreatment of a youth, or sexual harassment of a youth.

B. The appointing authority may make a recommendation for a separated employee not to be re-hired by the Department for employee misconduct or for any other cause that is believed to be an indicator that the employee would not be fit to be re-hired.

C. The "No Re-Hire" recommendation will be made in writing to the Director of Human Resources when the Personnel Action Form is submitted or when the investigation process is completed.

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- D. The Director of Human Resources will review all “No Re-Hire” recommendations and notify the appointing authority of the final determination in writing.
- E. Only the Commissioner may authorize the removal of a no-rehire recommendation from a former employee’s record.

VI. LOCAL OPERATING PROCEDURES REQUIRED: NO