



2.21 TERMINATION/SEPARATION

OBJECTIVE:

It is the Virginia Department of Social Services' (VDSS) objective to identify the types of separation from state service, the related procedures, and to advise separating employees of benefits to which they may be entitled.

Employees to whom policy applies

This policy applies to positions covered under the Virginia Personnel Act to include full-time and part-time classified.

Types of termination/separation from state service

The State Employee Separation & Transfer Checklist must be completed as soon as possible on any employee leaving or transferring within the agency but no later than two days following the employee's separation thus allowing Human Resources, Finance, General Services, and Security time to perform their respective functions. The form can be found at <http://localagency.dss.virginia.gov/divisions/dgs/warehouse.cgi>. Type in "Separation" or click: <http://spark.dss.virginia.gov/divisions/dis/tbss/files/forms/032-08-0013-00-eng.doc>.

Resignation

Resignation is an employee's voluntary separation from state service.

- **Advance Notice**

An employee who plans to resign from state service is asked to give reasonable notice to his or her agency (preferably at least two weeks) along with a written explanation for the resignation.

An employee's failure to give the agency reasonable notice of resignation may be documented in the employee's personnel file (i.e. on the Personnel Transaction Form).

- **Withdrawal of Resignation**

The employee who wishes to withdraw a resignation must submit a written request to withdraw the resignation no later than one month after the effective date of the proposed resignation and the position must still be vacant. With the approval of the agency head or designee, the employee may be continued in his or her position as though the resignation had not been filed.

- **Involuntary**

A separation that is reported as a resignation but then is found to have been involuntary shall be treated as a discharge.

Retirement

- Mandatory retirement age
There is no mandatory retirement age for VDSS employees.

- Disability retirement
Any employee covered under the *traditional sick leave* program, regardless of years of State service, is eligible to apply for disability retirement while employed or within 90 days after termination, so long as:
 - a) While employed, the employee acquires a disabling condition that is likely to be permanent, as documented by a physician; and
 - b) The condition prevents the employee from performing his or her job.

The amount of disability benefits will vary according to an employee's years of service and age.

- Early retirement
An employee may take early retirement if he or she:
 - a) Is at least age 55 and has at least five years of service; or
 - b) Is at least age 50 and has *less* than 30 years of service.

- Retirement as an Alternative
Retirement as an alternative when an employee becomes unable to perform the job if:

An employee becomes mentally or physically incapable of performing the job, and there is no reasonable accommodation including transfer or demotion to another position that will enable the employee to perform the work. The agency may require the employee to apply for disability (if under the traditional sick leave plan) or early retirement if vested and under the Virginia Sickness and Disability Program.

If an employee such as the one described above declines disability or early retirement, the agency may use Standards of Conduct to address unsatisfactory performance.

For additional information on retirement benefits, consult the Virginia Retirement System's Handbook for Members at <http://www.varetire.org/>

Discharge

Discharge is an employee's involuntary termination from state service but does not include termination as a result of layoff.

Separation-Layoff

Separation-layoff is a separation from state service:

- 1) prior to the expiration of leave without pay/layoff,
- 2) prior to return from temporary workforce reduction, or
- 3) because the employee rejected an offer of recall that does not require relocation.

Separation-Leave without Pay/Layoff

Separation-leave without pay/layoff is a separation from state service upon the expiration of the 12 consecutive months of leave without pay/layoff.

Benefits upon termination/separation from state service

In addition to retirement benefits that may be payable to retiring employees, employees separating from state service may be entitled to the following:

- 1) Payment of accrued annual leave as allowed by policy
- 2) Payment of accrued compensatory or overtime leave
- 3) Continuation of health insurance per state policy
- 4) Payment of one-fourth (1/4) sickleave up to \$5000 if under traditional sick leave policy. Same payment principle applies to disability credits under VSDP

Recording date of termination/separation and accrued leave

- Employee not on Paid Leave
The termination report of an active employee (employee not on paid leave) shall state the separation date as the last day the employee worked and shall include any amounts to be paid for accrued leave.
- Employee on Paid Leave
The termination report of an employee on paid leave shall state the separation date as the last day that the employee ***was on paid*** leave.

To Separate from State Service

The supervisor shall retrieve from the employee any equipment, files, etc. which belong to the agency.

The supervisor is responsible for forwarding to VDSS/DHRM the employee's resignation letter and a Personnel Transaction Form (PTF) as soon as the supervisor is made aware the employee is leaving. Also, the State Employee Separation & Transfer Checklist must be completed as soon as possible for any employee leaving the agency but no later than two days following separation thus allowing Human Resources, Finance, General Services, and Security to perform their respective functions. Both the PTF and the Separation checklist can be found on the local agency website at <http://localagency.dss.virginia.gov/divisions/dgs/warehouse.cgi>. Type in "Personnel Transaction" or "State Separation Checklist".

The supervisor is responsible for ensuring the termination procedures are followed and leave balances are forwarded to VDSS/DHRM as soon as possible but within two days of separation.

VDSS/DHRM will process paperwork and forward to payroll.