

R915-1. Purpose: To outline the policy with respect to staff employee separations that are non-disciplinary. Separation from OCHE employment occurs when an employee is removed from the payroll because of resignation, job abandonment, retirement, or unavailability.

R915-2. References

- 2.1. Policy and Procedures **R928**, Leaves of Absence (Health-Related)
- 2.2. Policy and Procedures **R951**, Staff Employee Grievances
- 2.3. Policy and Procedures **R952**, Discrimination and Sexual Harassment Complaints
- 2.4. Policy and Procedures **R962**, Retirement Programs
- 2.5. Policy and Procedures **R964**, Corrective Action and Termination of Staff Personnel

R915-3. Definition

3.1. **Staff Employment Separations:** Staff employment separations occur when an employee is no longer an employee of OCHE, due to resignation, job abandonment, retirement, or an employee's unavailability.

R915-4. Policy

4.1. **Resignation:** An employee may terminate his/her employment with OCHE by submitting an oral or written resignation to his/her supervisor.

4.1.1. An employee in an "exempt" (Fair Labor Standards Act) position who resigns his/her position should, when possible, provide four (4) weeks advance notice; and

4.1.2. An employee in a "non-exempt" (Fair Labor Standards Act) position who resigns his/her position should, when possible, provide two (2) weeks advance notice.

4.2. Finalizing or withdrawing a resignation

4.2.1. Supervisors should acknowledge the receipt and acceptance of both oral and written resignations in writing. Written acceptance of a resignation is to be either delivered personally to the employee, sent by email, or sent by U.S. mail to his/her last known address. Written acceptance of a resignation is effective upon delivery if delivered personally, upon sending if emailed, and upon mailing if sent by U.S. mail.

4.2.2. Unless and until the supervisor delivers, sends or mails written acceptance of a resignation, the employee may withdraw his/her resignation within twenty-four (24) hours (by the same time on the next business day) after s/he has submitted it. Withdrawal of a resignation must be in writing and must be delivered to the supervisor within this twenty-four (24) hour period. Even

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within this twenty-four (24) hour period, no resignation can be withdrawn after the delivery, sending, or mailing of a written acceptance, without director or above approval.

4.3. Retirement: Retirement is a type of resignation. An employee may retire when s/he is eligible and applies for receipt of benefit payments or annuities under the applicable benefit program in accordance with R962, Retirement Programs.

4.4. Job Abandonment: An employee abandons his/her position, and his/her employment with OCHE will be discontinued, by failing to come to work for three (3) consecutive scheduled workdays and failing to follow his/her work unit's notification procedure.

4.4.1. On or after the first day missed without notice, the work unit will endeavor to contact the employee to determine why the employee has failed to report to work.

4.4.2. If an employee returns after 1 or 2 days without notice, s/he will be subject to corrective action in accordance with R964.

4.4.3. If an employee fails to report to work for three (3) consecutive days, s/he may be subject to separation from employment, even if s/he returns to work on the fourth day.

4.4.5. Separations under this provision of this policy must not occur until the work unit consults with and has the approval of Human Resources.

4.4.6. Human Resources shall provide written notice to the employee of the separation. Written notice is to be delivered personally to the employee or mailed to his/her last known address.

4.5. Separation Due to Unavailability: An employee may be separated from employment on the basis of unavailability when the employee is unable to return to his/her position after all approved leave has been exhausted and there is no reasonable alternative available that would allow the employee to return to his/her position and perform the functions of his/her job. Reasonable alternatives may include, but not be limited to, a reasonable accommodation requested in accordance with the Americans with Disabilities Act, an unpaid extended medical leave, or a business adjustment.

4.5.1. Prior to implementing a separation due to unavailability the work unit shall provide the employee written notice of the following:

4.5.1.1. the pending separation;

4.5.1.2. the reason for the action (i.e., the employee is unable to return to work);

4.5.1.3. the proposed effective date of the separation; and

4.5.1.4. the opportunity for the employee to propose reasonable alternatives that would allow the employee to return to work. The employee must submit his/her proposed reasonable alternatives in writing within five (5) working days to Human Resources.

4.5.2. At the conclusion of the five (5) day response period, and after taking into consideration any proposed alternative or other information the employee may have offered, the work unit must consult with and obtain the approval of Human Resources before separation can occur.

4.5.3. Human Resources shall provide written notice to the employee of the separation. Written notice is to be either delivered personally to the employee or mailed to his/her last known address.

4.6. **Separation Logistics:** The work unit and Human Resources are responsible to ensure that all OCHE property is returned (keys, ID cards, credit cards, equipment, etc.), all debts are resolved, and all computer/data access discontinued.