



RULES OF THE STATE PERSONNEL BOARD

478-1-.28 Voluntary Separations for Classified Employees

(1) Introduction:

Actions in this Rule are deemed to be voluntary separations. When taking such action, the Appointing Authority will give written notice of the action to the employee, including a statement that the employee may appeal the separation within the time period specified in Rule 478-1-.27(3) (Appeals and Hearings for Classified Employees).

(2) Applicability:

This Rule applies only to employees in the classified service as defined in Rule 478-1-.02 (Terms and Definitions).

(3) Presumptive Resignation:

When an employee is absent from duty for five (5) consecutive workdays, or the equivalent of a scheduled workweek, without proper authorization, the Appointing Authority has the discretion to consider the employee to have voluntarily resigned from employment.

(4) Failure to Return from Leave of Absence:

When an employee fails to return to duty at the expiration of a leave of absence and has not received approval for an extension, the Appointing Authority has the discretion to consider this action a voluntary resignation from employment. Prior to separating an employee for failure to return from approved leave, the Appointing Authority must ensure the agency has met any obligation it may have related to reasonable accommodation, Family and Medical Leave, and military leave protection, as applicable.

(5) Suitable Vacancy Not Available:

If a suitable vacancy is not available at the expiration of a Contingent Leave of Absence, the Appointing Authority shall release the employee from employment.

(6) Forfeiture of Position:

(a) An employee will be deemed to have voluntarily forfeited employment when the employee is terminated for any of the following reasons:

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1. Failure to secure or maintain a license, certificate, or registration required by law or appropriate regulatory authority for the performance of the employee's duties;
2. Engaging in conflicting employment in violation of Rule 478-1-.07 (Outside Employment);
3. Engaging in political activity in violation of 478-1-.08 (Political Activity);
4. Making a false statement of material fact on an application for examination or employment.

(b) Forfeiture Process:

1. To process a forfeiture of employment, the Appointing Authority shall comply with the notice and employment response provisions for adverse actions. (See Rule 478-1-.26 [Adverse Actions for Classified Employees].)
 - (i) During the notice period of proposed forfeiture, an employee is expected to perform assigned duties without disrupting fellow employees or the agency's activities.
 - (ii) The Appointing Authority may by written notice to the employee suspend an employee with pay during the period of notice of proposed forfeiture if such suspension is determined to be in the best interest of the agency.
2. The Appointing Authority may process an immediate forfeiture of employment if retention of an employee to perform normal duties would violate any state or federal law or regulation which has the force and effect of law. Immediate forfeiture may also be processed if the employee disrupts fellow employees or the agency's activities during the notice period of proposed forfeiture. The notice of forfeiture of employment under this paragraph is the final action and must include the same items required when taking emergency adverse action. (See Rule 478-1-.26 [Adverse Actions for Classified Employees], provision (11).) It must also include a statement explaining why this paragraph was applicable.

Authority:

O.C.G.A. Secs. 45-20-3, 45-20-3.1, and 45-20-4 (duties and functions of the State Personnel Board and Department of Administrative Services related to the Rules of the State Personnel Board),
O.C.G.A. Secs. 45-20-6 and 45-20-8 (Classified service and appeals).