135 Leaving State Employment

== 135.1 Separation from State Employment

A. If you decide to resign, you should give your supervisor at least two weeks written, advance notice before leaving. The notice should give an effective date for your resignation and it must give a reason for your leaving. This notice is important so that the personnel record reflects resignation in good standing. Resignation in good standing is important if you want to return to state employment at a later date.

No one will be required to submit or sign an undated resignation. The department will not accept an undated resignation.

When leaving, you are asked to complete an Exit Information Sheet HFS 2296.

You may have extended health coverage for 18 months after termination by paying both the member and the State's portion of the premiums through COBRA.

Unless approved by the Division of Personnel and Administrative Services, Available Benefit Time (ABT) may not be authorized for employees known to be separating from state service.

When you resign, retire, transfer or, for any other reason, no longer require the state owned equipment or items issued to you, all equipment or items must be returned to your Supervisor prior to leaving. Following are examples of equipment/items which may have been issued to you.

Cellular Telephone & Charger
Computer Equipment (includes Laptops)
Credit Cards - Food & Lodging
- Telephone
- Gas Credit Card

Keys - Office Building Entrance
- Individual Office
- Desk
- File Cabinet

Pager
Photo ID
Vehicle

B. Revolving Door Prohibition

1. Effective January 15, 1999, the department's State Purchasing Officer (SPO) shall identify in writing all designees whose principal duties are directly related to state procurement. "Principal duties" shall mean "job or position descriptions at least 51% directly related to state procurement." The SPO shall maintain that information for a period of at least two years following the end or revocation of the designation.

2. Any department employee who is the SPO or a designee identified pursuant to paragraph one above, who is employed by the department in an affected position for at least six months, or any executive officer confirmed by the Senate is expressly prohibited by law from engaging in any procurement activity relating to the department for two years after termination of employment with the department. This prohibition includes, but is not limited to, lobbying the procurement process; specifying; bidding; and proposing bid, proposal, or contract documents on their own or on behalf of any firm, partnership, association, or corporation.

135.2 **Layoff and Re-Employment**

Within Healthcare and Family Services, the Division of Personnel and Administrative Services has the principal responsibility for layoff implementation. The selection of positions to be laid off within a unit is based on class, lack of work, location and available funding. Bargaining unit employees are laid off based on the provisions of the appropriate collective bargaining agreement. In laying off non-bargaining unit employees, consideration is given to continuous service and performance.

Vacancies in lieu of layoff plan may be offered to a non-bargaining unit employee if there are no bargaining unit employees targeted for layoff with rights to the position.

You have the right to appeal a layoff to the Civil Service Commission within 15 calendar days after the effective date of the layoff. This appeal right also applies if you have accepted voluntary reduction instead of layoff.

You will not be laid off as a disciplinary measure.

See the CMS Personnel Rules for further information.

== 135.3 **Re-Employment/Recall**

Certified non-bargaining unit employees who are indeterminately laid off are placed in order of continuous service on re-employment lists established by the Department of Central Management Services (CMS). An employee is placed on a re-employment list for the classification in which laid off and on other re-employment lists for related classifications as determined by CMS. An employee re-employed from lay-off does not serve a probationary period. A laid off employee's name is taken off the recall list when the employee:

A. Is recalled from layoff,
B. Refuses an offer of permanent employment,
C. Has remained on the list for 36 months, or
D. Is reinstated to the same title from which laid off, after completion of the probationary period.

135.4 **Reinstatement**

Reinstatement is the employment of formerly certified employees who resigned in good standing or were laid off. Effective January 1, 1999, reinstated employees are required to serve a four-month probationary period. Employees who are laid off and are reinstated also serve a four-month probationary period.

Employees discharged from state service cannot be reinstated in the same department with the same title and cannot be reinstated in any department in a title in which certified status was held. A previously discharged employee may return to permanent state service only through appointment from an eligible list.

135.5 **Demotion/Involuntary Reduction**

A demotion is the assignment of an employee to a vacant job in a class having a lower maximum salary or rate than the job from which the employee was demoted. An involuntary reduction is the assignment of an employee serving a promotional probation to the position from which promoted.

Only certified and probationary employees may be demoted/reduced involuntarily upon documented recommendation. An employee may be demoted/reduced involuntarily only if unable to do the work of the higher position. Demotions/involuntary reductions cannot be used as means to discipline an employee.

Right to Grieve/Appeal

A. Grievance

You may grieve an involuntary reduction, using collective bargaining

agreement or CMS Personnel Rules grievance procedures as appropriate. A collective bargaining agent may grieve an agency's notice of intent to demote or notice of intent to reduce involuntarily based on the provisions of the appropriate collective bargaining agreement.

B. Civil Service Appeal

You may appeal a demotion to the Civil Service Commission within 15 calendar days after receiving notice of the action from CMS. The appeal must be in writing.

135.6 Voluntary Reduction

A certified or probationary employee may request or accept assignment to a vacant, funded job in a class having a lower maximum salary or rate. All voluntary reductions require approval by the Division of Personnel and Administrative Services. Temporary, emergency and provisional employees are not granted voluntary reductions. Although a voluntary reduction is not appealable to the Civil Service Commission, an employee who accepts a voluntary reduction instead of layoff may appeal the layoff to the Civil Service Commission within 15 calendar days following the effective date of the layoff.