



POLICY 1.70, SEPARATION FROM STATE SERVICE

APPLICATION Full-time, quasi full-time, and part-time classified employees in Executive Branch agencies. As directed by the Appointing Authority, agencies may use this policy as a guide for employees who are not covered by the Virginia Personnel Act, such as wage, at-will, faculty, and university employees.

PURPOSE It is the policy of the Commonwealth to identify the types of separation from state service and their related procedures, and to advise terminating employees of benefits to which they may be entitled.

AUTHORITY & INTERPRETATION Title 2.2 of the Code of Virginia

The Director of the Department of Human Resource Management (DHRM) is responsible for official interpretation of this policy, in accordance with §2.2-1201 of the Code of Virginia. DHRM reserves the right to revise or eliminate this policy.

CODE OF VIRGINIA None

POLICY HISTORY

EFFECTIVE DATE	DESCRIPTION
9/16/1993	Policy created.
5/2004	Revised.
7/10/2024	Revised.

VOLUNTARY SEPARATION FROM STATE SERVICE

General Provisions	Application
Resignation	<ul style="list-style-type: none"> Resignation is an employee's voluntary separation from state service. Employees who plan to resign or retire from state service should provide two weeks' notification in writing to the agency. Employees may provide a written explanation for the resignation.

General Provisions	Application
	<ul style="list-style-type: none"> • State employees are strongly encouraged to inform their current agency of their intention to resign and accept employment with another state agency to facilitate a transfer of leave balances, benefits, and record of continuous employment.
Service Retirement	<ul style="list-style-type: none"> • There is no mandatory retirement age for employees, with the exception for members of the State Police Officers Retirement System (SPORS) who are required to retire upon reaching 70 years of age. • Employees must contact the Virginia Retirement System with any questions regarding retirement. • Agencies shall require retirees to submit a letter of resignation to their supervisor.
Disability Retirement	<ul style="list-style-type: none"> • Any employee who participates in the Traditional Sick Leave program, regardless of years of State salaried service, is eligible to apply for disability retirement while employed or within 90 days after termination, so long as: <ul style="list-style-type: none"> ○ While employed, the employee acquires a disabling condition that is likely to be permanent, as documented by a physician; and ○ The condition prevents the employee from working in their current or alternative positions that may be available within the agency. • The amount of disability benefits will vary according to an employee's years of salaried service and age. • Employees who are in the Traditional Sick Leave Plan may be eligible for disability retirement as noted in Policy 4.55, Sick Leave.

INVOLUNTARY SEPARATION FROM STATE SERVICE

General Provisions	Application
Discharge	<ul style="list-style-type: none"> • Discharge is an employee's involuntary termination from state service but does not include termination because of layoff, which is described in the Separation-layoff section below.

General Provisions	Application
	<ul style="list-style-type: none"> Agencies must follow the requirements outlined in DHRM Policy 1.60, Standards of Conduct or Policy 1.40 Performance Planning and Evaluation for discharges.
Separation – Layoff	<ul style="list-style-type: none"> Separation-layoff is a separation from state service prior to the expiration of leave without pay/layoff, or prior to the return from temporary work force reduction, or because the employee rejected an offer of recall.
Separation from Leave without Pay/Layoff Status	<ul style="list-style-type: none"> Leave Without Pay (LWOP)-Layoff status concludes one year from the effective date of the layoff.

BENEFITS UPON SEPARATION FROM STATE SERVICE

General Provisions	Application
Payment for accrued leave	<ul style="list-style-type: none"> Covered employees separating from state service may be eligible to receive payments for accrued annual, traditional sick, and unexpired balances for compensatory and recognition leave, and/or overtime leave, in accordance with the payout limits in Leave Policies. Employees who participate in the Virginia Sickness and Disability Program who have disability credit balances may be entitled to receive payment or convert the credits into VRS service credit (see Policy 4.57, Virginia Sickness and Disability.) VSDP Sick Leave and Family Personal leave balances are not paid upon separation.
Use of Available Paid Leave Prior to the Effective Separation Date	<ul style="list-style-type: none"> Voluntary separation, to include service retirements, may allow for reasonable use of available leave balances per the agency's normal leave usage processes. DHRM urges agencies to exercise due diligence in approving extended leave usage prior to an employee's separation from state government. Agency Managers are encouraged to grant the use of such leave on a limited basis to avoid operational staffing issues, and

General Provisions	Application
	<p>additional costs via the payment of overtime or other alternative staffing arrangements.</p> <ul style="list-style-type: none"> • Involuntary separations shall not permit the use of paid leave upon notification of the employee's discharge.
Health Insurance	<ul style="list-style-type: none"> • Employees separating from state service may be eligible to continue health insurance coverage and should consult their agency human resource offices.

SEPARATION PROCEDURES

General Provisions	Application
Separation Date	<ul style="list-style-type: none"> • The separation date is recorded as the workday following the last day worked, or in a paid leave status or an approved leave without pay status.
Employee on Leave without Pay	<ul style="list-style-type: none"> • For an employee on approved leave without pay who fails to return to state service, the separation date is the last day of the approved leave without pay.
Withdrawal of Resignation	<ul style="list-style-type: none"> • An agency may choose to accept an employee's written request to rescind his or her resignation or retirement within 30 calendar days of the separation date. • If the agency approves the request to rescind the resignation, and: <ul style="list-style-type: none"> ○ If the employee accepted external employment, the transaction should be changed to reflect a leave without pay for the period of separation so the employee will not experience a break in service. Upon agency approval, an employee may use appropriate accrued leave to cover the absence. ○ If the employee accepted employment with another state agency, the transaction is treated as a transfer.
Offboarding Procedures	<ul style="list-style-type: none"> • State Agencies are required to establish and administer an off-boarding procedure detailing the process for employee separations and discharges. This shall include but is not limited to:

General Provisions	Application
	<ul style="list-style-type: none"> ○ Collection of equipment, tools, employee security badges, parking permits, and other resources provided by the agency for use during employment. ○ Proprietary information or data that must not be used outside of the agency. ○ Requesting a personal email address and confirmation of home address for additional notifications regarding health insurance, exit interview and accessibility to the system of record. ○ Removal of access to Information Technology resources and applications. ○ Briefing on pending projects and assignments. ○ Confirmation of outstanding leave requests and available leave balances subject to leave payouts and the expected date for leave payout or leave transfer.
Exit Survey	<ul style="list-style-type: none"> ● Agencies are advised to provide employees who are voluntarily separating with information specific to the DHRM Exit Survey process. Information on the Exit Survey process may be obtained by emailing dhrm.wfp@dhrm.virginia.gov.
Rehire Eligibility	<ul style="list-style-type: none"> ● Employees who separate voluntarily with no documented instances of serious misconduct, performance issues or policy violations may be eligible for rehire through the competitive process to the same agency. ● Agencies may determine if an employee is eligible for rehire to their agency based upon documented factual criteria that is applied consistently for similar situations. Rehire eligibility is applicable only to the separating agency.