

NORTH GEORGIA HEALTH DISTRICT
County Board of Health Personnel Policy #1904
Cherokee, Fannin, Gilmer, Murray, Pickens, Whitfield

INVOLUNTARY SEPARATION - RETIREMENT BENEFITS

EFFECTIVE DATE: August 1, 2010

RELEASE DATE: August 1, 2010

REFERENCES: State Law [O.C.G.A. §45-24-1 through 8 - Reorganization]
State Law [O.C.G.A. §47-2-2 and §47-2-123 - Involuntary Separation]

Georgia Law provides retirement benefits to eligible state employees who are involuntarily separated from employment without prejudice. There are specific requirements that must be followed when separating eligible employees.

- ELIGIBILITY**
1. Employees who **first established** membership in the Georgia Employees' Retirement System prior to **April 1, 1972, AND;**
 2. who have a minimum of **18 years** of State service, may be eligible for involuntary separation retirement benefits.

- DISCIPLINARY SEPARATIONS**
1. Eligible employees **will not** receive involuntary separation retirement benefits if they are separated from employment for the following reasons:
 - 1.1 insubordination;
 - 1.2 irresponsible performance of duties;
 - 1.3 malingering;
 - 1.4 neglect of duty; or,
 - 1.5 unsatisfactory performance of duties in a willful manner.

2. In addition, involuntary separation retirement benefits **could** be jeopardized if otherwise eligible employees are separated under the provisions of State Personnel Board Rule 15 (e.g., misconduct, etc.).
3. The District Personnel Office must be contacted prior to separating eligible employees for disciplinary reasons.

- REORGANIZATION**
1. If it is determined that the reorganization will take place, each eligible employee must be transferred to either:

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- 1.1 a position not being eliminated in the reorganization,
 - 1.2 another component of CBH not involved in the reorganization, or
 - 1.3 another State employer.
2. In order to be considered appropriate, the transfer must meet the following requirements:
- 2.1 The annual compensation must be the same or greater than the specific employee's current level;
 - 2.2 The duties and responsibilities of the position must be reasonably compatible with previous work experience and educational qualifications of the specific employee; and,
 - 2.3 The position must include the employee as a member of the Georgia Employees' Retirement System.

NOTE: The transfer of a Classified employee to an Unclassified position is considered appropriate if these requirements are met.

3. An employee who does not accept a transfer as described above will be considered to have voluntarily resigned employment and will **NOT** be eligible for involuntary separation retirement benefits.

**REQUESTING
SEPARATION
AUTHORIZA-
TION**

1. When the separation of one or more eligible employees is being considered for reasons other than disciplinary reasons, the procedures outlined in this section must be followed.
2. The County Nurse Mgr/EH Mgr/Program Head, or appropriate designee, must provide written notification to the District Health Director **at least 120 days** prior to the proposed date of separation.
3. This notification must include the following information regarding the employees proposed for involuntary separation:

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- name,
 - current annual compensation,
 - age,
 - length of service,
 - current job description,
 - summary of work experience,
 - educational qualifications, and
 - explanation of the reasons for the proposed involuntary separation.
4. The District Health Director will determine if separation should be recommended.
 5. If it is determined that separation should be recommended, the District Health Director will provide written notification to the State Personnel Oversight Commission.
 - 5.1 CBH is required to notify the State Personnel Oversight Commission **at least 90, but no more than 120**, calendar days prior to the proposed date of separation.
 - 5.2 The written notification must include the same information identified in **#3 above**.

**OVERSIGHT
COMMISSION
REVIEW**

1. The State Personnel Oversight Commission will provide written notice to other State Department heads that eligible employees are available for employment.
2. Within 21 calendar days of the date that notice is sent, Department heads must provide written responses to the State Personnel Oversight Commission indicating whether appropriate positions are available within their Departments for the continued employment of eligible employees.
3. If appropriate positions are available within State government, the State Personnel Oversight Commission will make an offer of continued employment.
4. Eligible employees who are offered continued employment **must** accept the offer or will be considered to have voluntarily resigned from employment. Employees who voluntarily resign from employment are **NOT** eligible for involuntary separation retirement benefits.

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- 5. If appropriate positions are not available within State government, the State Personnel Oversight Commission will meet to review the proposed involuntary separation.
 - 5.1 The District Health Director, or designee, must show the State Personnel Oversight Commission that the involuntary separation is necessary, justified and in the best interest of the State.
 - 5.2 The State Personnel Oversight Commission will then determine if the involuntary separation will be approved or denied.

DENIAL OF INVOLUNTARY SEPARATION

If the State Personnel Oversight Commission rejects the involuntary separation of an eligible employee:

- 1. the employee will continue to be employed, and
- 2. the employee will not be proposed for involuntary separation more than once in a two-year period.

APPROVAL OF INVOLUNTARY SEPARATION

If the State Personnel Oversight Commission approves the involuntary separation, the Agency will proceed with the action.

RESPONDING TO OVERSIGHT COMMISSION

When CBH is notified by the State Personnel Oversight Commission that one or more eligible employees from other State employers are available for employment, CBH must determine if there are appropriate positions available within the Agency which would allow the employees to continue employment.

- 1. The District Personnel Office will contact CBH work units to determine the availability of appropriate positions.
- 2. CBH must provide a timely response advising the State Personnel Oversight Commission of the availability of appropriate CBH positions in accordance with the law.

For additional information or assistance, please contact the District Personnel Office at 706/272-2342.