



# Virginia Department of Corrections

## Human Resources

### Operating Procedure 175.1

#### *Employee Separations*

#### **Authority:**

Directive 175, *Separation of Employees*

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#### **ACA/PREA Standards:**

None

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### **REVIEW**

The Content Owner will review this operating procedure annually and re-write it no later than three years after the effective date.

### **COMPLIANCE**

This operating procedure applies to all units operated by the Virginia Department of Corrections (DOC). Practices and procedures must comply with applicable State and Federal laws and regulations, American Correctional Association (ACA) standards, Prison Rape Elimination Act (PREA) standards, and DOC directives and operating procedures.

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## DEFINITIONS

**Appointing Authority** - The Organizational Unit Head or the next level of supervision above the Organizational Unit Head if the Organizational Unit Head position is vacant; this is the person who must give final approval for the selection of the individual to fill the vacancy. This authority may be delegated down the chain of command to the immediate supervisor.

**Corrections Officer** - A duly sworn employee of the Department of Corrections whose normal duties relate to maintaining immediate control, supervision, and custody of prisoners confined in any state correctional facility; includes all uniformed security staff.

**Executive Staff** - For purposes of this operating procedure, Executive Staff includes the Director, the Chief of Corrections Operations, the Deputy Director for Administration, and the Deputy Director of Programs, Education, and Reentry.

**Organizational Unit** - A DOC unit, such as a correctional facility, Regional Office, Probation and Parole Office, Virginia Correctional Enterprises, Academy for Staff Development, Infrastructure and Environmental Management Unit, Agribusiness Unit, and individual headquarters units, e.g., Human Resources, Offender Management, Internal Audit.

**Organizational Unit Head** - The person occupying the highest position in a DOC organizational unit, such as a correctional facility, Regional Office, Probation and Parole Office, Virginia Correctional Enterprises, Academy for Staff Development, Infrastructure and Environmental Management Unit, Agribusiness Unit, and individual Headquarters units, e.g., Human Resources, Offender Management, Internal Audit.

**Removal** - Involuntarily leaving service with the DOC for reasons other than voluntary resignation, layoff, or retirement.

**Resignation** - Voluntarily leaving Virginia state service while employed with the DOC.

**Retirement** - Leaving service with the DOC upon reaching an eligible age and amount of state service or because of a disability.

**Separation** - Voluntarily or involuntarily leaving state service; types of separation include resignation, removal, layoff, or retirement.

**Termination** - An involuntary, disciplinary, removal action that separates an employee from the DOC.

**Transfer Out** - Voluntarily leaving DOC to be employed with another Virginia state agency.



## PURPOSE

This operating procedure establishes guidance for managing and reporting employee separations from Department of Corrections (DOC) employment through retirement, resignation, and removal. Provision is made to gather information from separating employees for use in improving DOC operations and employee retention.

## PROCEDURE

### I. Resignation

#### A. Proper Notice

1. An employee is expected to submit a written notice of resignation or transfer out at least two weeks in advance of the expected date of separation. Unless leave has been preapproved, employees must continue to work for the DOC up until the date of their resignation or transfer out.
2. The supervisor will not influence an employee as to the content of the notice.
3. Organizational Unit Heads may waive the two-week notice requirement. If they do so, notation to that effect should be made in the employee's personnel file and in the Cardinal Human Capital Management (HCM).

#### B. Re-employment

1. Employees who fail to submit the required two weeks written notice of resignation without a waiver from the Organizational Unit Head may be denied future employment for this reason.
  - a. Mitigating circumstances surrounding the separation should be evaluated and considered.
  - b. Human Resources should be consulted regarding mitigating circumstances or denial of future employment.
2. Employees who are terminated, resign in lieu of termination, resign while disciplinary action is pending, or resign while an investigation is being conducted will not be eligible for re-employment with the DOC.
  - a. These conditions should be noted in the personnel file and in the Cardinal HCM record.
  - b. The employee must be notified of these conditions in writing as soon as possible after their termination or separation.

#### C. The appropriate Regional Administrator/Regional Operations Chief, or Executive Team Member must review and approve the rehire of employees who are not eligible for rehire, including but not limited those who were terminated, resign in lieu of termination, resign while disciplinary action is pending, or resign while an investigation into their activities is being conducted.

#### D. The rehire of a former state employee must be in strict compliance with state and federal regulations.

1. The Affordable Care Act requires a separation period of at least 13 weeks if an employee retires or separates from full-time or quasi-full-time position and returns to work for the same employer, i.e., the same state agency, into a wage position.
2. If an employee retires or separates from a full-time or quasi-full-time position and returns to a wage position at a different state agency, a separation period of at least 30 days, one calendar month, is required.
3. Specific guidelines related to a retiree returning to work can be found in the *Virginia Retirement System (VRS) Manual* (Plan 1), (Plan 2) or on their website, [www.varetire.org](http://www.varetire.org).

#### E. Withdrawal of Resignation

1. An employee who has submitted a resignation notice may, with the approval of the appointing authority, withdraw the resignation and continue in their position as though the resignation had not been filed.



2. The employee must submit a written request to the appointing authority for authorization to withdraw the resignation within 30 days of the effective date of resignation provided the position has not been filled or abolished.
3. Any absence from work within the 30 days of resignation and return to work due to the resignation withdrawal will be considered as a leave without pay. Upon agency approval, an employee may use appropriate accrued leave to cover the absence.

## II. Retirement

### A. Unreduced Retirement for Non-Virginia Law Officers' Retirement System (VaLORS) Plan Members

1. Plan 1 members (employees hired before 7/1/2010 and vested as of 1/1/2013) are eligible for unreduced retirement benefits at age 50 with at least 30 years of creditable service or at age 65 with at least five years of creditable service.
2. Plan 2 members (employees hired on or after 7/1/2010 or employees whose membership date is before 7/1/2010 and not vested as of 1/1/2013) are eligible for unreduced retirement benefits beginning at their normal Social Security retirement age with at least five years of creditable service, or when their age and service equal at least 90.
3. Hybrid Plan Members (employees hired on or after 1/1/2014) are eligible for full retirement benefits beginning at their normal Social Security retirement age with at least five years of creditable service, or when their age and service equal at least 90. For the defined contribution component, they are eligible to receive distributions upon leaving employment, subject to Internal Revenue Service restrictions.

### B. Reduced Retirement

1. Plan 1 members are eligible for a reduced retirement at age 50 with at least 10 years of creditable service or at age 55 with at least five years of creditable service.
2. Plan 2 members are eligible for reduced retirement at age 60 with at least five years of creditable service.
3. Hybrid Plan Members are eligible for a reduced retirement at age 60 with at least five years of creditable service. For the defined contribution component, they are eligible to receive distributions upon leaving employment, subject to Internal Revenue Service restrictions.

### C. Unreduced Retirement for VaLORS Members

1. Plan 1 members (employees hired before 7/1/2010 and vested as of 1/1/2013) are eligible for unreduced retirement benefits at age 50 with 25 years of creditable service or age 60 with at least five years of creditable service.
2. Plan 2 members (employees hired on or after 7/1/2010 or employees whose membership date is before 7/1/2010 and not vested as of 1/1/2013) are eligible for unreduced retirement benefits at age 60 with at least five years of creditable service or age 50 with at least 25 years of creditable service.

### D. Reduced VaLORS Members - Plan 1 and 2 members are eligible for early retirement at age 50 with five years of creditable service.

### E. Employees who apply for retirement are deemed to have submitted a resignation notice effective that date. An application for retirement can be withdrawn in the same manner as for *Withdrawal of Resignation*.

### F. Disability Retirement

1. Employees under the traditional sick leave program, i.e., those who are not covered by *Virginia Sickness and Disability Program* (VSDP) are eligible for disability retirement for permanent disability regardless of age based on the rules of the VRS.
2. Employees who are under VSDP are covered by the state rules governing Long-Term Disability (LTD)



and will continue to accrue service credits while on long-term disability.

- a. Employees hired before July 1, 2009, are eligible for non-work-related disability coverage upon employment.
- b. Employees hired on or after July 1, 2009, are eligible for non-work related disability coverage after one year of continuous employment.
- c. Employees on non-work related LTD can retire when they meet the age and service requirements for their plan.

3. Retirement resulting from work-related disability is available regardless of years of service.

#### G. Retirement Counseling

1. Counseling on retirement benefits and eligibility is available through the institutional Human Resource Office for institutional employees.
2. The Human Resource Unit at Headquarters provides retirement counseling for all other organizational units and holds annual retirement seminars. With supervisor's approval, employees may use work time to attend.
3. The VRS holds periodic seminars that employees may, with the supervisor's approval, use work time to attend.

### III. Removals

- A. Removal of probationary employees will be in accordance with Operating Procedure 145.1, *Probationary Period*.
- B. Removal of employees for unsatisfactory performance or disciplinary reasons will be conducted in accordance with the Department of Human Resource Management (DHRM) Policies 1.40 - *Performance Planning and Evaluation*, 1.60 - *Standards of Conduct*, and 1.70 - *Termination/ Separation from State Service*, Operating Procedure 135.1, *Standards of Conduct*, and Operating Procedure 145.2, *Employee Performance Management*.
- C. Removal of employees because of layoff or reduction in workforce will be in accordance with DHRM Policy 1.30 - *Layoff*, and Operating Procedure 175.2, *Layoffs and Reduction in Workforce*.

### IV. Reporting Separations

- A. Supervisors will report all separations to their Human Resource Officer ~~no later than the next working~~ immediately upon receipt of notice of separation or employee's physical absence with verbal intent not to return. Copies of the employee's written separation or documentation of a verbal resignation should be provided for placement in the personnel file.
- B. Supervisors should review, update, and initial the *Computer Application Access Checklist* 145\_F7 with the employee and request that access to all applications be disabled prior to or within 24 hours of departure.
- C. In accordance with VITA Security Standards and Operating Procedure 310.2, *Information Technology Security*, a request to disable an account must be submitted to ITU Security within 24 hours of the separation or termination of any employee or contractor.
- D. Upon receipt of proper notification, Human Resources must take appropriate action to disable or delete the Windows User Account in accordance with Operating Procedure 310.2, *Information Technology Security*.
- E. The Human Resources will notify the payroll office, in writing, to remove the employee.
- F. The *Employee Separation Checklist - Human Resources* 175\_F1 must be completed immediately to ensure all separation issues regarding the employee have been addressed. Human Resources should be



notified of any unreturned state property as soon as possible so appropriate payroll deductions can be processed.

#### V. Exit Interview

A. When appropriate, an exit interview will be conducted with each separating employee.

#### B. Verbal Exit Interviews

1. Verbal exit interviews are strongly encouraged and must be offered to each employee who is voluntarily separating from the DOC before the employee's last day of work. The separating employee will be told that the verbal exit interview is voluntary.
2. The employee's Human Resources Officer (HRO) or other designated Human Resources employee will conduct exit interviews with separating employees to explore reasons why they are leaving, the quality of the work environment, and to determine if there was dissatisfaction with employment at their unit.
  - a. The HRO or other designated Human Resources employee should conduct the verbal exit interviews using the *Employee Exit Interview Questions 175\_F3*.
    - i. The HRO or designee is responsible for the proper maintenance and handling of all documentation from the exit interviews.
    - ii. Any allegation of safety or welfare concerns for employees or inmates/probationers/parolees, security violations, or gross misconduct will be reported to the Organizational Unit Head.
  - b. If legitimate concerns are noted, the Organizational Unit Head will address the concerns with the management team or make changes that will respond to the issues.

#### C. Electronic Exit Survey

1. Electronic exit surveys will be voluntary and confidential.
  - a. All ranks of Corrections Officers who leave employment with the DOC either voluntarily or involuntarily or who are transitioned to a position other than Corrections Officer are eligible to participate.
  - b. Other employees who leave employment with the DOC on a voluntary or involuntary basis are eligible to participate.
2. The Human Resources Officer, Organizational Unit Head, or designee must offer electronic exit surveys to eligible employees leaving employment with the DOC.
  - a. All ranks of Corrections Officers who are leaving or transitioning to a position other than Corrections Officer will be provided Attachment 2, *Corrections Officer Exit and Transfer Survey Instructions* as an explanation of the survey purpose and process.
  - b. Other employees who are leaving the Department will be provided Attachment 1, *Exit Survey Instructions* as an explanation of the survey purpose and process.
  - c. The surveys will be accessed through a confidential online survey tool.
    - i. Employees with active computer accounts should be provided the opportunity to complete the exit survey, prior to their departure from the work site.
    - ii. Employees without active computer accounts should be provided information on how to access the survey tool off site.
    - iii. Technical assistance will be provided when requested by an employee utilizing the online survey tool at a DOC site. Phone support will be provided, when requested, if the employee uses the survey tool offsite.
3. Eligible employees who do not wish to participate in the exit survey should be offered, at a minimum, a verbal exit interview.

#### D. Data Analysis and Reporting



1. Human Resources employees designated by the Director of Human Resources will review all exit surveys for content. Any allegations of safety or welfare concerns for employees or inmates/probationers/parolees, security violations, or gross misconduct will be reported to the Director of Human Resources.
2. Human Resources employees designated by the Director of Human Resources will compile and analyze Data from exit surveys. A summary of the responses will be provided to management in a manner that ensures an individual's privacy and confidentiality.
3. The Director of Human Resources will provide a written summary of exit survey trends to the Director, members of the Executive Team, and DOC Organizational Unit Heads upon written request.

## **REFERENCES**

Department of Human Resource Management Policy 1.30 - *Layoff*

Department of Human Resource Management Policy 1.40 - *Performance Planning and Evaluation*

Department of Human Resource Management Policy 1.60 - *Standards of Conduct*

Department of Human Resource Management Policy 1.70 - *Termination/ Separation from State Service*

Operating Procedure 135.1, *Standards of Conduct*

Operating Procedure 145.1, *Probationary Period*

Operating Procedure 145.2, *Employee Performance Management*

Operating Procedure 175.2, *Layoffs and Reduction in Workforce*

Operating Procedure 310.2, *Information Technology Security*

Virginia Retirement System (VRS) Website

Virginia Retirement System Manual Plan 1

Virginia Retirement System Manual Plan 2

## **ATTACHMENTS**

Attachment 1, *Exit Survey Instructions*

Attachment 2, *Corrections Officer Exit and Transfer Survey Instructions*

## **FORM CITATIONS**

*Computer Application Access Checklist 145\_F7*

*Employee Separation Checklist - Human Resources 175\_F1*

*Employee Exit Interview Questions 175\_F3*

