



## Separation from State Employment and Break in Service

### LP 5.10

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**Policy Administrator:**

Human Resources

**Affected Parties:**

Faculty

Staff

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## I Summary

The Separation from State Employment and Break in Service policy addresses all types of separations and applies to all faculty and staff at Lander University. It is used to determine the appropriate steps that must be taken in the event that the employee or the university wishes to end its employment relationship at any time.

## II Types of Separation

### A. Voluntary Separation

#### 1. Resignation

- a. An employee may resign orally or in writing. Such notification of resignation should be accepted by the university in the same manner as provided, whether written or oral, and an oral acceptance of a resignation should be generally confirmed in writing.
- b. A resignation will be considered a prima facie voluntary resignation.
- c. Employees should submit resignations to provide a minimum of two weeks' notice, when possible.
- d. Rescinding a resignation by the employee is not allowed unless approved by the office or department head and the Office of Human Resources is notified.
- e. Any employee who voluntarily submits a written or oral resignation may not grieve or appeal under the State Employee Grievance Procedure Act.



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2. Retirement
  - a. Retiring employees are encouraged to provide as much notice as possible to their supervisors.
  - b. The effective date of separation is the day following the last day of work or of approved pay status.
3. Transfers
  - a. When an employee moves to another state entity and begins work with the gaining entity within 15 calendar days from the date of the separation, the employee is considered to have transferred.
  - b. A transfer does not constitute a break in service unless the employee receives a lump sum payment for accrued annual leave or unless 15 calendar days without pay expire before the employee reports to the new agency

### B. Involuntary Separation

1. Termination – For the purposes of the State Employee Grievance Procedure Act, termination is the action taken by an entity against an employee to separate the employee involuntarily from employment.
  - a. Temporary, time-limited, and temporary grant employees are considered at-will and may be terminated at any time with or without cause.
  - b. Employees currently serving a probationary period do not have the right to grieve a termination action, per the university's Grievance policy.
  - c. An employee with covered status has the right to grieve the termination action through the university's grievance policy.

## III Continuous State Service and Break in Service

### A. Continuous State Service

Continuous State Service is service with one or more state entities without a break in service.

### B. Break in Service

An employee experiences a break in service when the employee:

1. Separates from State service.

Exception – When an employee moves from a position in which the employee earns both annual and sick leave to a position in which the employee only earns sick leave. All earned sick leave shall be transferred in accordance with State of South Carolina Human Resources Regulations 19-710.05 A.



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2. Moves from one State entity to another and is not employed with the receiving entity within 15 calendar days following the last day worked (or approved day of leave) at the transferring agency.

Exception – Under extenuating circumstances an agency head may approve an extension from 15 calendar days up to but not more than six months for an employee in a full-time equivalent (FTE) position to be employed in another FTE position with State government without having a break in service. The approval must be made prior to the employee receiving a lump sum payment for unused annual leave and within 15 days of the last day the employee is in pay status.

3. Remains on leave for a period of more than 12 months.

### Exceptions:

- a. The employee is on a military tour of duty with reemployment rights protected under federal or State law.
  - b. The employee is participating in the Government Employees Interchange Program as provided in South Carolina State Human Resources Regulations 19-714.
  - c. The employee is academic personnel at an institution of higher learning on sabbatical leave.
4. Separates from State service because of a reduction in force and is not recalled to the original position or reinstated with State government within 12 months of the effective date of the separation.
  5. Involuntarily separates from State service and the agency's decision is upheld by the State Employee Grievance Committee or by the courts.
  6. Moves from an FTE position to a temporary, temporary grant, or time-limited position.

## IV Procedures

Employees who voluntarily separate may come to the Office of Human Resources to perform the following:

- Leave a forwarding address;
- If applicable, sign necessary paper regarding benefits; and
- Complete an exit interview.

Keys, identification card, and other university property must be turned in to the appropriate Lander University personnel.