



The examples and best practices listed here are illustrative only, and are intended only for use as general advice. An appeal decision is the product of applying the Civil Service Rules, Article and Constitutional principles of Due Process to the unique facts of each case. Accordingly, these FAQ's and the HR Handbook do not predict or guarantee a particular result.

Q. When does a resignation become effective?

A. On the date and time the employee says it does.

Q. Must a resignation be in writing?

A. No, but an agency should attempt to get all resignations in writing.

Q. Why?

A. To avoid an employee claiming that he did not resign.

Q. What if an employee walks out the door and says, "I quit."?

A. The person who hears an oral resignation should document, in writing, the date, time, and fact of the resignation and forward this documentation up the chain of command to the appointing authority.

Q. When does an employee become "locked in" to his resignation?

A. When an appointing authority accepts it.

Q. Does this apply when an employee gives notice of retirement?

A. Yes.

Q. How should the appointing authority document his acceptance of a resignation?

A. By writing "accepted" on a written resignation or the documentation of an oral resignation, writing the date and time, and signing it.

Q. What if the employee changes his mind about resigning before the appointing authority accepts it?

A. The agency should not process the resignation. The employee has the right to withdraw it before the appointing authority accepts it.

Q. What if the employee changes his mind about resigning after the appointing authority accepts the resignation?

A. The employee may only rescind or modify the resignation if the appointing authority agrees.

Q. What if the employee claims that he did not resign?

A. The agency should inquire into the circumstances of the alleged resignation and should process the resignation only if it is clear that the employee did resign.

Q. What if the employee quits at 2:00 a.m. and there is no appointing authority on duty to accept the resignation until 8:00 a.m. and the employee calls at 6:00 a.m. and wants to change the effective date of his resignation?

A. The employee has the right to do so, as the resignation has not been accepted by the appointing authority. An agency can avoid this problem by delegating authority to accept resignations to someone on each work shift.

Q. When must an agency report a resignation as one to avoid dismissal?

A. When an employee resigns after receiving notice that the agency proposed his dismissal.

Q. What constitutes notice that dismissal has been proposed?

A. Usually, it is the notice of proposed action given under Rule 12.7. However, sometimes it can occur earlier in the discipline process.

Q. What are the consequences of a resignation to avoid dismissal?

A. The same as for dismissal. The employee loses eligibility for non-competitive reemployment, rehiring at his former pay rate, and placement on a department preferred reemployment list. The employee also loses the right to have annual and sick leave restored. Finally, the appointing authority or the Department of State Civil Service may reject the employee's application or the Department of State Civil Service may cancel the employee's eligibility for employment. [Rule 6.5(c); Rule 22.4(d); Rule 23.16(a)4; Rule 23.13(b); Rule 11.18(b); Rule 17.25(e)4].

Q. Must an agency tell the employee the consequences of a resignation to avoid dismissal?

A. No, but to avoid an employee claiming he resigned in error, it is a good idea to advise the employee of these consequences.

Q. What documentation does an agency need to report a resignation to avoid dismissal?

A. Documentation of when and how the agency notified the employee that it proposed to dismiss the employee. This notice usually occurs in the notice of proposed action/opportunity to respond, but sometimes occurs sooner.

Q. When an employee resigns to avoid a non-disciplinary removal under Rule 12.6, may the agency report is as a "resignation to avoid . . .?"

A. No.

Q. When an employee resigns after receiving notice that the agency has proposed a suspension, reduction in pay, or a demotion, may the agency report is as a "resignation to avoid . . .?"

A. No.

Q. Do adverse consequences apply when a non-permanent employee resigns to avoid separation?

A. No.

Q. Does a non-permanent employee who resigns to avoid separation lose any eligibilities earned while previously serving with permanent status?

A. No.

Q. May an agency give an employee the option of resigning or being dismissed?

A. Yes.

Q. Why is that not coercion?

A. When an agency threatens to do what it has a legal right to do, it is not coercion.

Q. What would make a resignation involuntary?

A. Obtaining it by fraud, error, or duress.