

# POLICY

**SUBJECT: Termination, Separation, or Resignation of an Employee**

**NUMBER: HR-430-18**

**APPLICABLE TO: All Employees**

**APPROVED:** \_\_\_\_\_ /s/ signature on original

**Sam Abed, Secretary**

**DATE:** \_\_\_\_\_ 8/31/18

**I. POLICY**

The Department of Juvenile Services (DJS) adheres to all Maryland laws and regulations that concern or otherwise relate to the termination, separation, and resignation of employees.

**II. AUTHORITY**

- A. Md. Code Ann., Human Services, §9-203 and §9-204
- B. Md. Code Ann., State Personnel and Pensions, Title 11, Subtitle 3
- C. Md. Code Ann., State Personnel and Pensions, Title 11, Subtitle 4
- D. COMAR 17.04.04
- E. DJS Standards of Conduct
- F. American Correctional Association (ACA) Standards, 4-JCF-6C-09 and 4-JCF-6D-01

**III. DIRECTIVES/POLICIES RESCINDED**

None

**IV. FAILURE TO COMPLY**

Failure to comply with the Department's Policy and Procedures shall be grounds for disciplinary action up to and including termination of employment.

**V. STANDARD OPERATING PROCEDURES**

Standard operating procedures have been developed.

**VI. REVISION HISTORY**

DESCRIPTION OF REVISION	DATE OF REVISION
New policy issued.	August 31, 2018

## PROCEDURES

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**APPROVED:** \_\_\_\_\_ /s/ signature on original

**Lynette Holmes, Deputy Secretary**

**DATE:** \_\_\_\_\_ 8/22/18

### **I. PURPOSE**

To provide for the implementation of Maryland law and statute regarding termination, separation and resignation of an employee.

### **II. DEFINITIONS**

*Definitions provided in Maryland law and regulations.*

### **III. PROCEDURES**

#### **A. Termination**

1. A probationary employee may be terminated in accordance with Md. Code Ann., State Personnel and Pensions, §11-303.
  - a. The Appointing Authority must give the probationary employee at least 10 days' notice before the effective date of the termination.
  - b. An Appointing Authority may suspend the employee between the date of notice and the termination date.
  - c. The probationary employee may appeal only on the grounds that the termination was either illegal or unconstitutional.
2. Employee serving probation from a promotion
  - a. If in the judgement of the Appointing Authority, the employee is unable or unwilling to satisfactorily preform the new duties or responsibilities of the position the Appointing Authority shall:
    - 1) Return the employee to their former position if the position is still vacant; or
    - 2) Demote the employee to a comparable position within the Appointing Authority's jurisdiction.
3. An employee who is in a position under a special appointment, in the management service, or in the executive service may be terminated from employment as an at will employee in accordance with Md. Code Ann., State Personnel and Pensions, §11-305. Supervisors must contact OHR or their Deputy Secretary to initiate the termination of an at will employee.

4. All other employees may be terminated for reasons outlined in the DJS *Standards of Conduct*. Procedures for termination are outlined in the Standards of Conduct. The employees may also file an appeal as written in the DJS *Standards of Conduct* § IV. G. 1.

**B. Separation**

An employee is separated from State service when the appropriation in the State budget for the position is omitted, struck or reduced in accordance with Md. Code Ann., State Personnel and Pensions, §11-302 and COMAR 17.04.04.02.

**C. Resignation**

Any employee may terminate employment by resigning from the employee's position in accordance with Md. Code Ann., State Personnel and Pensions, §11-401 and COMAR 17.04.04.03.

1. An employee who wishes to resign in good standing shall submit a resignation in writing to their Appointing Authority at least two weeks prior to their last day of employment.
2. Failure to give the required two-week notice may result in the Appointing Authority filing an unsatisfactory report of service that will ban the employee from working for any state agencies, state universities, or non-executive branches for the employee's lifetime.
3. When an employee is absent from duty without notifying the supervisor of the reason for the absence and the employee has not indicated their return to duty, the employee is absent without leave. After five working days of no contact, the Appointing Authority shall advise the employee by certified mail that the employee is considered to have resigned without notice.

**IV. RESPONSIBILITY**

Administrators are responsible for implementation and compliance with this procedure within 30 days of issuance.

**V. INTERPRETATION**

The Deputy Secretary for Support Services shall be responsible for interpreting and granting any exceptions to these procedures.

**VI. LOCAL OPERATING PROCEDURES REQUIRED**

No

**VII. DIRECTIVES/POLICIES REFERENCED**

No policies referenced.

**VIII. MARYLAND STATUTE/REGULATION REFERENCES**

*Note: Copies of all statutes, regulation and DBM Guidance referenced below regarding termination, separation and resignation of an employee are attached to this policy.*

- Md. Code Ann., State Personnel and Pensions, **Title 11, Subtitle 3**
- Md. Code Ann., State Personnel and Pensions, **Title 11, Subtitle 4**
- COMAR **17.04.04**
- **DJS Standards of Conduct**

**IX. APPENDICES**

None



## **DJS POLICY AND STANDARD OPERATING PROCEDURES**

### **Statement of Receipt and Acknowledgment of Review and Understanding**

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I have received and reviewed a copy (electronic or paper) of the above titled policy and procedures. I understand the contents of the policy and procedures.

I understand that failure to sign this acknowledgment form within five working days of receipt of the policy shall be grounds for disciplinary action up to and including termination of employment.

I understand that I will be held accountable for implementing this policy even if I fail to sign this acknowledgment form.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
PRINT FULL NAME

\_\_\_\_\_  
DATE

\_\_\_\_\_  
WORK LOCATION

***S SEND THE ORIGINAL, SIGNED COPY TO DIRECTOR OF THE DJS OFFICE OF HUMAN RESOURCES FOR PLACEMENT IN YOUR PERSONNEL FILE.***