
 <p>Corrections and Community Supervision</p> <p>DIRECTIVE</p>	<p>TITLE</p> <p>Employee Resignation from State Service</p>		<p>NO. 2222</p>
			<p>DATE 07/24/2019</p>
<p>SUPERSEDES</p> <p>DIR# 2222 Dtd. 07/02/18</p>	<p>DISTRIBUTION</p> <p>A</p>	<p>PAGES</p> <p>PAGE 1 OF 3</p>	<p>DATE LAST REVISED</p>
<p>REFERENCES (Include but are not limited to)</p>	<p>APPROVING AUTHORITY</p> 		

- I. PURPOSE:** This procedure is designed to describe steps that should occur when an employee voluntarily resigns from State service or is deemed to have resigned his or her position because of an unauthorized absence as provided by collective bargaining agreements.
- II. POLICY**
- A. Civil Service Attendance Rules: As stated in the Civil Service Attendance Rules, it is the Department's policy that:
- “...separating employees should not be continued on the payroll after the last day of work, thereby earning additional vacation credits while liquidating vacation credits earned and accumulated as of the last day of work. The practice of removing separating employees from the payroll as of the last day of work should be applied consistently and without exception.”
- B. Notice of Resignation: An employee must provide written notice of their resignation (see example) at least two weeks prior to his or her last day of work. Facility employees must provide such notice to the Superintendent; Community Supervision field employees must provide such notice to the Regional Director; Central Office employees must provide such notice to their immediate supervisor. Verbal resignation notice cannot be accepted. The Superintendent/Regional Director/supervisor will notify the employee's Personnel Office in writing and include the employee's written resignation. The facility Personnel Office/Regional Office will forward a copy of the resignation to the Director of Personnel in Central Office for acceptance and sign-off. The signed letter of resignation will then be returned to the facility Personnel Office for appropriate filing in the employee's Personnel History file.
1. A resignation cannot be withdrawn, canceled, or amended without written approval from the Director of Personnel - Central Office, Albany.
 2. An employee who gives adequate (e.g., two weeks) notice of resignation and has completed 13 biweekly pay periods of service in full pay status is entitled to a lump sum payment for unused annual leave (up to 30 days) and any overtime credits that have been earned.
- The Office of the State Comptroller issues a check for the lump sum payment of unused annual leave and overtime credit approximately six weeks following an employee's separation from State service.
- An employee does not receive payment for unused sick, personal, or holiday leave.

3. If an employee gives less than two weeks written notice of resignation, the Director of Personnel may withhold payment of unused annual leave; however, payment of earned overtime credit up to 30 days is mandatory.
- C. Final Day of Work: An employee, resigning from this Department, must be at work on the final day that he or she is on the payroll unless the resignation is submitted while the employee is on leave or has been suspended. On the final day that the employee is on the payroll, the Deputy Superintendent for Administration/Regional Director/supervisor, or designee, will conduct an exit interview and the employee will turn in their State issued Identification Materials, Attendance Record, and any other State issued items in their possession. Career apparel will be returned to the Quartermaster.
- D. Final Time Calculations and Pay
1. The local Personnel Office will process an employee's resignation, and will notify Payroll of the last day worked and any deductions for days not worked.
 2. The employee's supervisor or the Timekeeper will notify the Personnel Office immediately if:
 - a. The employee does not report to work on the final day that they are on the payroll.
 - b. The employee has insufficient time accrued or hours worked to allow for the issuance of a full paycheck.
 3. If a deficiency occurs, the Payroll Office will be advised and a check will be issued for the amount of time actually worked.
 4. Due to lag payroll, the employee's final paycheck will be issued two weeks after the last day of the pay period in which the employee last worked.
- E. Extended Unauthorized Absence (Job Abandonment): The agreements between New York State and the various bargaining units provide that an employee who is absent without authorization for a specified period (see Collective Bargaining Agreements) may be deemed to have resigned his or her position if he or she does not provide satisfactory explanation for the absence. The time periods and procedures involved differ with each negotiating unit agreement and should be thoroughly reviewed. See the following:
- Security - Article 14.10
 - Administrative, Institutional and Operational - Article 36.1
 - PS&T - Article 35.3

In all instances where such action appears to be appropriate, the Personnel representative in Central Office must be notified immediately.

NOTE: In the event that an employee who has resigned fails to properly return State property by the close of business on the last day worked, the Deputy Superintendent/Regional Director/supervisor should notify the appropriate Payroll Office to withhold the last paycheck for possible return to the Office of the State Comptroller (OSC) for adjustment (i.e., deductions for cost of equipment). If the employee fails to hand in Department ID, Department issued weapon, and/or shield, local law enforcement officials should be notified.

Example of appropriate employee resignation letter to Superintendent/Regional Director/supervisor:

Date: (month/day/year)

Dear Superintendent:

Effective (month, day, and year of resignation date), at the close of business, I, John Doe, am resigning my Correction Officer position.

John Doe
(Official State Title)

NOTE: Facility employees should address the letter to the Superintendent.
Central Office employees should address the letter to their supervisor.
Community Supervision field employees should address the letter to their Regional Director.