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Procedure for: All Campuses
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I. Policy

A. This document sets forth the University of South Carolina policy on separation from University service for all employees except temporary and student employees, pursuant to regulations of the South Carolina Office of Human Resources regarding separation from State service.

B. Resignations

1. An employee who resigns is encouraged to submit the resignation in writing with reasons therefore.
2. Final salary payment will be made through the effective date of the separation, normally the last day worked. The employee will be paid in a lump sum for unused annual leave subject to the maximum authorized in the Annual Leave

policy unless transferring to another State agency in which case annual leave may be transferred.

3. A resignation to accept employment in another State agency 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.
4. An employee who resigns may not rescind a resignation unless the department head agrees to the rescission. A resignation will be considered a prima facie voluntary resignation.
5. An employee who voluntarily resigns will not have the right of appeal through the University Grievance policy or to the State Employee Grievance Committee. An employee who resigns when given the opportunity to resign in lieu of termination will be considered to have submitted a voluntary resignation.

C. Transfers

When an employee begins work after transfer with a gaining State agency in less than 15 calendar days from the date of separation from the losing State agency, the employee is considered to have transferred, except in the event of a break-in-service as described below.

D. Break-in-Service

An employee experiences a break-in-service under any of the following circumstances:

1. When in transferring from one State agency to another, an employee does not report to work with the gaining agency within 15 calendar days following the last day worked or last approved day of paid leave at the losing agency
2. By remaining in leave-without-pay status for a period of more than one calendar year; except, an employee in leave-without-pay status for more than one calendar year will not experience a break-in-service if
 - a. The employee is on a military tour of duty with re-employment rights protected under Federal and/or State law
 - b. The employee is participating in the Government Employees Interchange Program
 - c. The employee is on disability leave without pay that has been extended by the State Budget and Control Board

- d. In the event a disciplinary act such as suspension or dismissal is set aside or the employee is reinstated as may be directed by a subsequent decision of a grievance hearing, the period in which the employee is not on the University payroll will not be considered as a break-in-service.
3. By separation from State service and subsequent re-employment regardless of when the employee begins work with the gaining agency. An employee is considered to have terminated from State service (as opposed to intra-agency transfer) if he or she is paid for unused annual leave. Exception:
 - a. When an employee transfers from a position in which he or she earns both annual and sick leave to a teaching position or a position of academic rank at a State-supported institution of higher learning, the employee will be paid for accrued annual leave by the losing agency. All accrued sick leave will be transferred.
 - b. Any permanent employee separated from State service by a reduction-in-force will not experience a break-in-service if the employee is re-employed by a State agency within one year.
4. When moving from a permanent position to a Temporary Grant position.

E. Suspensions

1. A suspension is an action taken by a department head or authorized supervisor against an employee to relieve the employee temporarily of duties and place the employee on leave without pay.
2. A department head or authorized supervisor may suspend an employee as a disciplinary measure for just cause. (See University Policy HR 1.39 Disciplinary Action and Termination for Cause.)
3. A classified employee who has permanent status may appeal a suspension through the University Grievance policy (see University Policy HR 1.42 Grievance).

F. Dismissal

1. A dismissal is the action taken by a department head or authorized supervisor to separate an employee from University service.
2. A department head or authorized supervisor may dismiss an employee for cause. (See University Policy HR 1.39 Disciplinary Action and Termination for Cause)

3. An employee who is dismissed during the probationary period does not have the right of appeal through the University Grievance policy (see University Policy HR 1.42 Grievance) .
4. An employee who has permanent status has the right to appeal a dismissal through the University Grievance policy (see University Policy HR 1.42 Grievance). Classified and unclassified administrative employees will have the right to appeal to the Stat Employee Grievance Committee after internal administrative procedures have been exhausted.

G. Retirement

The effective date of separation is the last day of work or of pay status.

H. Death

The last day of work or pay status coincident with the death of an employee will be the date of separation.

II. Procedure

A. Resignations

To the extent possible, employees should submit resignations to provide a minimum of two weeks' notice and to coincide with the end of a pay period.

- B. Departments must notify the Division of Human Resources in advance of all types of separation via the Notice of Separation and Going/Return From Leave Without Pay (form PBP-7). If the PBP-7 is not submitted, the separating employee will continue to receive paychecks. The effective date on the PBP-7 is the last day for which the employee is to be paid.

III. Reason for Revision

This policy revision updates the disclaimer language as recommended by State OHR.