

Office of Human Resources  
***300 Unclassified Service***

2025-03-28

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# 302 Classified to Unclassified Employment



## Georgia Department of Human Services Human Resources Policy #302

Classified to Unclassified Employment

**Release Date:** May 1, 2002

**Revised Date:** June 23, 2023

**Next Review Date:** June 23, 2025

**References:** O.C.G.A. 45-20-2(15) — Unclassified Service  
O.C.G.A. 45-24-1 et seq. — Reorganization  
O.C.G.A. 47-2-2 and 47-2-123 — Retirement Law Governor’s Executive Orders - dated May 3, 1996 and September 13, 1996  
Rule of the State Personnel Board 478-1-.02 — Terms and Definitions  
DHS Human Resources Policy #1602 — Disciplinary/Separation Actions - Unclassified Employees.  
DHS Human Resources Policy #1904 — Involuntary Separation - Retirement Benefits

## Section A: General Provisions

1. Classified employees who accept positions in the unclassified service become unclassified employees. They are ineligible to return to the classified service at any time. Employment in the unclassified service is “at will” employment. Unclassified employees serve at the discretion of the Department. They can be terminated at any time without notice or statement of reasons unless exceptions are provided in DHS Human Resources Policy #1602 - Disciplinary/Separation Actions - Unclassified Employees.
2. Classified employees who move to other positions in the classified service, without a break in service, remain classified employees. This includes transfers, promotions, and demotions of classified employees from Divisions and Offices inside and outside of the Department (e.g., other state agencies, County Boards of Health, Community Service Boards) to classified positions in the Department.

## Section B: Unclassified Positions

1. An unclassified position is a position created on or after July 1, 1996, or occupied by an unclassified employee on or after this date.
2. An unclassified employee is an employee who was hired after June 30, 1996, or who has occupied an unclassified position at any time since July 1, 1996. Unclassified employees have employment-at-will status, with limited exception for employees with more than 18 years of service who established Employees’ Retirement System (ERS) membership before April 1, 1972.
3. When classified positions are abolished due to reorganization, positions that are established in the new organization will be in the unclassified service.

## Section C: Involuntary Separation Rights

1. Unclassified employees who first established membership in the Employees' Retirement System prior to April 1, 1972, and who have a minimum of 18 years of State employment may have involuntary separation rights under the Georgia Retirement System Law. See DHS Human Resources Policy #1904 - Involuntary Separation and Retirement Benefits for specific information.

## Section D: Employees Affected by Reorganization

1. If reorganization takes place, classified employees offered positions in the new organization have the following options:
  - a. accept a position in the unclassified service and become an unclassified employee; or,
  - b. decline the offer of employment.
2. Classified employees who decline the offer of employment, or who are not offered positions in the new organization, will be separated from employment in accordance with reduction-in-force procedures.



**Classified employees who decline the offer of employment will be considered to have voluntarily resigned from employment.**

## Section E: Notification

1. Hiring officials or designees should notify **classified** employees when they are being offered positions in the **unclassified** service. This will enable employees to take into consideration the resulting change in employment status prior to accepting the offers. Hiring officials or designees who do not provide required notification may be subject to disciplinary action.
2. Appropriate notification that positions are unclassified includes, but is not limited to, the following:
  - a. Unclassified position status listed on the job announcement;
  - b. Discussion during the interview process; and/or,
  - c. Notification in the written offer of employment.
3. The Unclassified Employment Acknowledgement Form should be completed by classified employees who have accepted positions in the unclassified service.



**Classified employees who do not sign acknowledgement forms are not by law entitled to positions in the classified service.**

## Section F: Leave and Other Benefits

Classified employees who are transferred, promoted or demoted (without a break in service) into unclassified positions eligible for leave and other benefits will retain benefits as well as annual, sick and personal leave balances.

For additional information or assistance, please contact your local Human Resource Representative.

## **302 A1 Unclassified Employment Acknowledgement**