

Office of Human Resources

***1904 Involuntary Separation and  
Retirement Benefits***

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**Georgia Department of Human Services  
Human Resources Policy #1904**

**Involuntary Separation and Retirement Benefits**

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Georgia Law provides retirement benefits to eligible state employees who are involuntarily separated from employment without prejudice. There are specific requirements that must be followed when separating eligible employees.

## Section A: Eligibility

1. Employees who first established membership in the Georgia Employees' Retirement System prior to April 1, 1972, and who, if involuntarily separated from employment without prejudice, have enough membership service under the retirement system to qualify for a retirement allowance because of such involuntary separation from employment.

## Section B: Disciplinary Separations

1. Eligible employees will not receive involuntary separation retirement benefits if they are separated from employment for the following reasons:
  - a. Insubordination,
  - b. Irresponsible performance of duties,
  - c. Malingering,
  - d. Neglect of duty, or,
  - e. Unsatisfactory performance of duties in a willful manner.
2. In addition, involuntary separation retirement benefits could be jeopardized if otherwise eligible employees are separated under the provisions of State Personnel Board Rule (e.g., misconduct, etc.).
3. The Office of Human Resources (OHR) must be contacted prior to separating eligible employees for disciplinary reasons.

## Section C: Reorganization

1. Any organizational unit considering a reorganization that has employees eligible for involuntary separation retirement benefits must contact the OHR Director prior to taking any action.
2. If it is determined that the reorganization will take place, each eligible employee must be transferred to either:
  - a. a position not being eliminated in the reorganization,
  - b. another component of DHS not involved in the reorganization, or
  - c. another State employer.
3. In order to be considered appropriate, the transfer must meet the following requirements:
  - a. The annual compensation must be the same or greater than the specific employee's current level,
  - b. The duties and responsibilities of the position must be reasonably compatible with previous work experience and educational qualifications of the specific employee, and,
  - c. The position must include the employee as a member of the Georgia Employees' Retirement System.

### NOTE

The transfer of a Classified employee to an Unclassified position is considered appropriate if these requirements are met.

4. An employee who does not accept a transfer as described above will be considered to have voluntarily resigned employment and will not be eligible for involuntary separation retirement benefits.

## Section D: Requesting Separation Authorization

1. When the separation of one or more eligible employees is being considered for reasons other than disciplinary reasons, the procedures outlined in this section must be followed.
2. The Division/Office Director, or appropriate designee, must provide written notification to the DHS Commissioner and the OHR Director at least 120 days prior to the proposed date of separation.
3. This notification must include the following information regarding the employees proposed for involuntary separation:
  - a. Name,
  - b. Current annual compensation,
  - c. Age,
  - d. Length of service,
  - e. Current job description,

- f. Summary of work experience,
  - g. Educational qualifications, and
  - h. Explanation of the reasons for the proposed involuntary separation.
4. The DHS Commissioner will determine if separation should be recommended.
  5. If it is determined that separation should be recommended, the DHS Commissioner will provide written notification to the State Personnel Board.
    - a. DHS is required to notify the State Personnel Board at least 90, but no more than 120, calendar days prior to the proposed date of separation.
    - b. The written notification must include the same information identified in Section D, #3.

## **Section E: State Personnel Board Review**

1. The State Personnel Board will provide written notice to other State Department heads that eligible employees are available for employment.
2. Within 21 calendar days of the date that notice is sent, Department heads must provide written responses to the State Personnel Board indicating whether appropriate positions are available within their Departments for the continued employment of eligible employees.
3. If appropriate positions are available within State government, the State Personnel Board will make an offer of continued employment.
4. Eligible employees who are offered continued employment must accept the offer or will be considered to have voluntarily resigned from employment. Employees who voluntarily resign from employment are NOT eligible for involuntary separation retirement benefits.
5. If appropriate positions are not available within State government, the State Personnel Board will meet to review the proposed involuntary separation.
  - a. The DHS Commissioner, or designee, must show the State Personnel Board that the involuntary separation is necessary, justified and in the best interest of the State.
  - b. The State Personnel Board will then determine if the involuntary separation will be approved or denied.

## **Section F: Approval of Involuntary Separation**

1. If the State Personnel Board approves the involuntary separation, the Department will proceed with the action.

## **Section H: Responding to State Personnel Board**

1. When DHS is notified by the State Personnel Board that one or more eligible employees from

other State employers are available for employment, DHS must determine if there are appropriate positions available within the Department which would allow the employees to continue employment.

- a. OHR will contact DHS organizational units to determine the availability of appropriate positions.
- b. DHS must provide a timely response advising the State Personnel Board of the availability of appropriate DHS positions in accordance with the law.

For additional information or assistance, please contact your local Human Resource Office, or email [DHS-Policies@dhs.ga.gov](mailto:DHS-Policies@dhs.ga.gov).