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PERSONNEL

ADVAP 2-11

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Resignation/Termination/Rehire/Reinstatement

1. **GENERAL:** This procedure prescribes agency guidelines for an employee initiated resignation or an agency initiated termination.

2. **PROCEDURES:**

a. **Resignation:**

1) An employee will submit his/her resignation using Arkansas Department of Veterans Affairs (ADVA) Form 63 to his/her supervisor. Expedited coordination will follow as indicated:

a) Central Arkansas Veterans Home and Fayetteville Veterans Home:

1. Supervisor
2. Administrator
3. ADVA Assistant Director

b) Headquarters:

1. Supervisor
2. ADVA Director

- c) Claims and Appeals
 - 1. Supervisor
 - 2. ADVA Assistant Director
 - 3. ADVA Director

- c) Arkansas State Veterans' Cemetery at North Little Rock and Birdeye:
 - 1. Supervisor
 - 2. Cemetery Manager
 - 3. ADVA Assistant Director

2) The employee's resignation, final time sheet and leave record will be forwarded by the supervisor to the Human Resources Officer, who will verify the balance of unused leave.

b. Exit Interview

- 1) Exit interviews are intended to identify workplace, organizational or human resources factors that have contributed to an employee's decision to terminate employment with ADVA. Exit interview feedback will be used to identify trends and opportunities for improving ADVA's ability to respond to employee issues.

- 2) Exit interviews apply to all ADVA employees. All employees will be requested to participate in an exit interview process if their employment ends without right of recall, or if they voluntarily resign or retire. This procedure shall also be available to any permanent employee of ADVA whose position changes from one department or function to another for reasons other than promotion (e.g., lateral transfer or voluntary demotion, for reasons unrelated to a workplace accommodation).

- 3) Procedures of Exit Interview
 - a) Upon becoming aware that an employee will be terminating his/her employment with ADVA, the employing department supervisor should immediately contact the ADVA Human Resources Officer or the local office's human resources contact.

 - b) Once it is determined that there are no steps to be taken to retain the employee, the human resources contact will conduct an exit interview using questions contained in the approved Exit Interview Questionnaire.

- c) At the exit interview the human resources contact will inform the employee that the exit interview information and feedback will be confidential and not used against them in any way.
 - d) The original Exit Interview Questionnaire will be maintained at ADVA Human Resources Headquarters.
 - e) The human resources officer will review exit interview feedback and follow up with management as appropriate, recommending immediate action in response to circumstances where warranted.
- c. Termination during probationary period:
- 1) A probationary period of six (6) months exists for employees in the Arkansas Department of Veterans Affairs. This probationary period is established as a time for the department to evaluate and help employees adjust to their new positions. The employee will be evaluated at three (3) months to review performance and attendance standards. Employees who cannot adjust due to their inability to cope with the various unique duties, which are required by their duties, may be terminated without prejudice during the probationary period. This probationary period may be extended, upon approval of the ADVA Assistant Director or the ADVA Director, by giving a written notice of such extension. At any time during a probationary period, an employee may be separated without right of appeal or hearing, except in cases of alleged discrimination.
 - 2) The appropriate supervisor will complete the Probationary Period Report, ADVA Form 64, when an employee has/has not satisfactorily completed the probationary period. The report will then be submitted to the division supervisor/manager for signature. Then, the form will be submitted to ADVA Human Resources Headquarters.
 - 3) The veterans home administrators, cemetery managers, state VSO or the ADVA Assistant Director, as appropriate, will prepare a written recommendation for termination stating the reason(s) for termination, which will be signed by the ADVA Assistant Director or the ADVA Director.
- d. Termination due to unacceptable job performance (also see ADVAP 2-17):
- 1) The employee's supervisor will:
 - a) Discuss problem and corrective action with the employee. Record counseling on employee's performance record.
 - b) Issue a written warning if a similar problem recurs. This warning must contain:

1. A description of the performance problem.
 2. Identification of corrective action.
 3. A statement that this is a written warning and the next step is final warning.
 4. If needed, a period of evaluation (not to exceed 90 days).
 5. Submit a copy of the written warning to the next level of management.
 - c) Issue a final warning if similar problems continue. The warning must contain a statement that the employee must make improvement immediately or face termination.
 1. Submit a copy of the final warning to the next level of management.
- 2) The veterans home administrators, cemetery managers, state VSO or ADVA Assistant Director, if problems continue to occur, will make a written recommendation to the ADVA Assistant Director or the ADVA Director that the employee be terminated.
- 3) The ADVA Assistant Director or the ADVA Director will make any final decision on termination and will have a written notice prepared for his/her signature advising the employee that he/she is being terminated, the specific reason for the termination and the effective date.
 - a) A witness must be present when an employee is terminated.
 - b) If the employee refuses to sign the termination form, the witness will sign to indicate the employee has been provided a copy of the written termination.
- e. Termination for violation of ADVA Disciplinary Rules and Procedures (ADVAP 2-1).
 - 1) Veterans Home Division:
 - a) The supervisor will submit documentation of infraction to the administrator.
 - b) The administrator will review all documentation, investigate and forward documentation to the local human resource contact for review.
 - c) The human resources contact will review documentation for compliance, then forward to the human resources officer who will

also review for compliance. The human resources officer will forward to the ADVA Assistant Director to complete investigation.

- d) The ADVA Assistant Director will review documentation, investigate the violation and make a written recommendation to the ADVA Director stating why the employee should be terminated.
- e) If termination is appropriate a written termination notice will be prepared by the ADVA Assistant Director or Veterans Home Administrator.

2) Headquarters:

- a) The supervisor will submit documentation of infraction to the ADVA Director.
- b) The ADVA Director will review documentation, investigate the violation and forward documentation to the human resources officer.
- c) The human resources officer will review documentation for compliance, then forward to the ADVA Director.
- d) If termination is appropriate a written termination notice will be prepared by the ADVA Director.

3) Claims and Appeals:

- a) The supervisor will submit documentation of infraction to the ADVA Assistant Director.
- b) The ADVA Assistant Director will review documentation, investigate the violation and forward documentation to the human resources officer.
- c) The human resources officer will review documentation for compliance, then forward to the ADVA Assistant Director.
- d) The ADVA Assistant Director will make a written recommendation to the ADVA Director stating why the employee should be terminated.
- e) The ADVA Director will make a final determination. If termination is appropriate a written termination notice will be prepared by the ADVA Assistant Director.

3) Arkansas State Veterans Cemetery:

- a) The supervisor will submit documentation of infraction to the cemetery manager.
 - b) The cemetery manager will review all documentation, investigate and forward documentation to human resource officer for review.
 - c) The human resources officer will review documentation for compliance, then forward to the ADVA Assistant Director.
 - d) The ADVA Assistant Director will review documentation, investigate the violation and make a written recommendation to the ADVA Director stating why the employee should be terminated.
 - e) If termination is appropriate a written termination notice will be prepared by the ADVA Assistant Director.
- 4) A witness must be present when an employee is terminated. If the employee refuses to sign the Termination Form, the witness will sign to indicate the employee has been provided a copy of the written termination.
- f. Rescinded Resignation
- 1) When an employee, prior to the execution of their resignation rescinds said resignation:
 - a) Supervisor will review the employee's records. Records to be reviewed include:
 - 1. Disciplinary Actions
 - 2. Performance Evaluations
 - 3. Retirement Eligibility
 - b) If the action is accepted, the resignation is rescinded, and no further action will be required.
 - c) If the supervisor determines it is not in the best interest of the agency for the employee to return, the record will be forwarded to the ADVA Assistant Director for their review.
 - d) After the ADVA Assistant Director reviews the record, if it is determined that the employee's return would be detrimental to the agency, the record will be forwarded to the ADVA Director for final determination.
- g. Rehire
- 1) Follow all hiring procedures

- a) All rehires must be approved by the ADVA Director.
- b) All current disciplinary actions will remain in effect.
- c) When rehired within a two week period, there is no break in service. The hire date, performance evaluation date, career service date, and leave accrual date will remain as date hired previous to termination.
- d) The human resources officer will review any payouts to employee to determine date of return or amount employee will pay back.

h. Reinstatement

- 1) Follow rehire procedures except as follows:
 - a) When an employee has been reinstated, termination action must be deleted. Once deleted, the payout action must be deleted as well. There is no payout action without a termination. Employee will payback payout and in return will establish leave payout hours that were paid back.
 - b) Discipline and grievance actions which lead to the termination will be maintained in the employees personnel file.

3. SUPERSESSION: This procedure supersedes, ADVAP 2-11, December 1, 2013, in its entirety.

4. FORMS PRESCRIBED:

- a. ADVA Form 63, Employee Resignation Form.
- b. ADVA Form, Exit Interview Questionnaire
- c. ADVA Form 64, Employee Probationary Period Report

By:

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Director

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