

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
D.C. Department of Human Resources**

District Personnel Manual Issuance System

This instruction should be filed behind the divider for Part III of DPM Chapter(s) 8, 9, 36 & 38

DPM Instruction No. 8-53, 9-25, 36-3 & 38-12

SUBJECT: Voluntary Separations (Resignations and Retirements)

Date: March 26, 2008

Note: This DPM instruction supersedes DPM Instruction No. 8-51, 9-23, 36-2 & 38-10, *Voluntary Separations (Resignations and Retirements)*, dated November 9, 2007, to add information about the withdrawal of retirement applications.

The purpose of this instruction is to provide guidance to subordinate agencies on **voluntary separations**. This instruction does not cover: (1) advance written notices to employees on **involuntary separations** pursuant to Chapter 16 of the D.C. personnel regulations, General Discipline and Grievances, or pursuant to Chapter 24 of the regulations, Reductions in Force; or (2) movement of employees between subordinate agencies when the action is processed without a break in service.

1. What is a Voluntary Separation?	<p>A voluntary separation, i.e., <i>resignation</i> or <i>retirement</i>, is an action <u>initiated by the employee</u>, not the employing agency or personnel authority. A voluntary separation <u>does not</u> require the use of adverse action procedures. A separation action is considered “voluntary” if the employee:</p> <ul style="list-style-type: none">• Is free to choose;• Understands the transaction;• Is given a reasonable time to make his or her choice; and• Is allowed to set the effective date of the action.
2. Can a Resignation be Withdrawn?	<p>An agency <u>may</u> allow an employee to withdraw his or her <i>resignation</i> <u>at any time before it becomes effective</u>. An agency may decline the request to withdraw a <i>resignation</i> before its effective date only when the agency has a valid reason, <u>and</u> explains that reason to the employee. A “valid reason” includes but is not limited to: administrative disruption; or the hiring or commitment to hire a replacement. Avoidance of adverse action proceedings <u>is not</u> a valid reason to deny the request to withdraw the <i>resignation</i>.</p>

NOTE: DPM instructions that are strictly procedural in nature have direct applicability only to agencies and employees under the personnel authority of the Mayor. Other personnel authorities or independent agencies may adopt any or all of these procedures or guidance materials for agencies and employees under their respective jurisdictions. [See DPM Chapter 2, Part II, Subpart 1, § 1.3]

Inquiries: Policy and Planning Administration, DCHR (202) 442-9700

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Retain Until Superseded

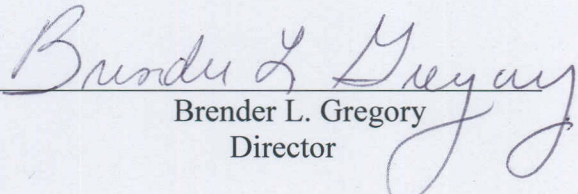
<p>3. Can a Retirement be Withdrawn?</p>	<p>Generally, the employing agency <u>may</u> permit an employee to withdraw his or her <i>retirement</i> application <u>before the effective date of separation, except</u> that:</p> <ul style="list-style-type: none"> • A request to withdraw a <i>retirement</i> application before the effective date of separation may be disapproved when the employing agency has a <u>valid reason</u> and explains the reason in writing to the employee.
<p>4. When can a Voluntary Separation Personnel Action be Cancelled?</p>	<p>A voluntary separation personnel action may be cancelled <u>at any time before it becomes effective</u>.</p> <p><u>After the action becomes effective</u> it can only be cancelled when an appropriate authority exists, such as in the following circumstances:</p> <ul style="list-style-type: none"> • Unwarranted Separation – When a determination is made by the appropriate authority, that the action was unjustified or unwarranted, e.g., a determination is made that the separation is improper or erroneous on the basis of either substantive or procedural defects after consideration of the equitable, legal, and procedural elements involved in the action; or • Erroneous Retirement – When a determination is made by the appropriate authority, the retirement action may be cancelled and the employee returned to duty. When the action is cancelled, a determination must then be made regarding <u>back pay</u>. See section of 1149 of Chapter 11 of the regulations, Classification and Compensation.
<p>5. When can a Separation Action be Corrected?</p>	<p>A separation, including a <i>resignation</i>, may be corrected <u>at any time before it becomes effective</u>. After it becomes effective, a separation may be corrected under the following circumstances:</p> <ul style="list-style-type: none"> • Transfers to another personnel authority may be corrected to make it effective on the day before the appointment was actually effected; or • Changes to the nature of separation on the personnel action can occur if they do not change the essential fact of separation. [For example, a separation for abandonment of position should be corrected to show resignation if the employee had, in fact, resigned before separating.]

Definitions

- **Break in service** – A period of one (1) workday or more between separation and reemployment that may cause a loss of rights or privileges.
- **Subordinate agency** – Any agency under the direct administrative control of the Mayor, including but not limited to the agencies listed in D.C. Official Code § 1-603.01 (17) (2007 Repl.).

Effective Date

This instruction is effective immediately.


Brender L. Gregory
Director