



## DEPARTMENT OF ADMINISTRATIVE SERVICES

450 Columbus Boulevard, Suite 1501, Hartford, CT 06103

TO: Agency Heads and Agency HR Directors

DATE: November 1, 2019

RE: General Letter No. 177 - Withdrawal of Resignation or Voluntary Retirement  
(Revised)

### **PURPOSE**

The purpose of this General Letter is to delegate approval authority to the appointing authority in accordance with Sec. 5-200(a) (8) of the Connecticut General Statutes and to establish uniform procedures for rescinding a resignation and voluntary retirement. This General Letter supersedes the previous policy on this topic dated December 15, 2006.

### **POLICY**

Effective October 1, 2018, the statutory authority to grant reemployment rights to individuals who retired voluntarily was repealed. As a result, reemployment rights are no longer provided for individuals who wish to rescind voluntary retirement. (Separation due to a voluntary retirement is herein included in a reference to "resignation".)

A resignation shall be binding on an employee upon the submission of a resignation notice to the appointing authority. It may be rescinded only in accordance with Sec. 5-248(f) of the Connecticut General Statutes. Appointing authorities may reinstate, without examination, any former employee who meets the requirements listed below. Note: Appointing authorities are under no obligation to reinstate any employee who resigned from state service. The decision to reinstate former employees rests solely with appointing authorities. When an eligible individual is rehired under a rescind of resignation, certain privileges are provided.

### **SCOPE**

This General Letter applies to all former employees of agencies in the executive branch under the jurisdiction of the Department of Administrative Services, Statewide Human Resources Management Division (DAS SHRM).

### **REQUIREMENTS**

To receive privileges under this General Letter, a former employee must have:

- Attained permanent status prior to resignation.
  - In the classified service (i.e., the employee successfully completed the working test period following appointment to a position in the classified service)
  - In the unclassified service in a bargaining unit (i.e., the employee successfully completed the requisite working test period under the specified labor union contract)
- Resigned from an eligible job class.
  - Training classes or other job classes in which permanent status cannot be attained due to the nature of the work are ineligible.
- Resigned from State service in good standing and with no stipulated agreement requiring the resignation to be processed as “in good standing”.
- Completed the Rescind Resignation request via the JobAps, Freenames Application, within one year from date of resignation.
- Received confirmation notice from DAS approving such request.
- Been rehired within two years from date of resignation.

### **RESPONSIBILITIES**

Former employees shall:

- Be fully independent in and responsible for conducting their own search for reinstatement by requesting rescind privileges via the JobAps, Freenames Application.

Last employing agencies shall:

- In a timely manner, advise eligible employees who are separating state service of the rescind of resignation procedure
  - Provide instructions for completing the Rescind Resignation request via the JobAps, Freenames Application.

DAS SHRM shall:

- Review the request submitted by the former employee to ensure the former employee meets the current minimum experience and training requirements of the job class at time of review.
- Notify the employee via email through JobAps once a final determination has been made. DAS will include with this notice a completed Form CT-HR-6 if there are other classes in which the employee held permanent status.

Hiring agencies shall:

- Ensure the former employee meets the current minimum experience and training requirements of the job class prior to appointment.
- Onboard the former employees approved for reinstatement with correct salary and other terms and conditions of employment.

### **PROCEDURES FOR REINSTATEMENTS**

Former employees who meet the above requirements submit a Rescind of Resignation request via JobAps, Freenames within one year from date of resignation.

Once former employees receive notification of approval from DAS, they may contact agencies to explore the possibility of reinstatement under this General Letter. However, in order to receive

privileges authorized under this policy, the former employee must have submitted a Rescind of Resignation request via JobAps, Freenames prior to appointment.

When an agency decides to reinstate a former employee under the rescind of resignation procedure, they onboard the employee to include indicating in the Core-CT Notepad that the appointment was made under the authority of Sec. 5-248(f) of the Connecticut General Statutes.

### **COMPENSATION AND OTHER BENEFITS UPON REINSTATEMENT**

“Correct compensation and other benefits” for a reinstated employee means the following:

- A. If reemployed within two years following resignation (to a job class in which the employee has attained permanent status):
- 1) No examination required. Note: An individual is eligible for reinstatement without examination for two years from the date of resignation. However, the individual must meet the current minimum qualifications required of the job class at the time of his/her reinstatement.
  - 2) No working test period required.
  - 3) Established anniversary increase date is retained.
  - 4) Rate of Pay:
    - a) Appointments to the same class the employee was in prior to resignation are made at the same step in the salary group the individual was paid at the time of resignation provided permanent status had been achieved in that class. (If the employee had not attained permanent status in that class, appointment to that class cannot be made at the same step. Rather, appointment to this class requires that the employee pass an examination and be placed on Step 1 or minimum position rate.) Do not include any annual increases that occurred after his/her separation. Note: if the salary group for the employee’s classification has changed since the effective date of resignation, the employee is entitled to the same step in the new salary group (on the current pay plan). This includes when the class has been assigned to a lower salary group.
    - b) Appointments to a position in a lower salary group (in a class in which the employee previously attained permanent status) are made at the same step and salary group that the employee would have held had s/he been serving in the lower class at the time of resignation. (This calculation is similar to that of a voluntary demotion.) Do not include any annual increases that occurred after the employee’s separation.
    - c) Appointments made to positions in a higher salary group than the salary group the individual was paid in at the time of resignation (in a class in which the employee previously acquired permanent status) are made at the same step the employee was in at the time s/he left that (higher) classification. Do not include any annual increases that occurred after s/he left the (higher) classification.
    - d) Appointments made to managerial job classes in the same or higher classification in which an individual had previously acquired permanent status, are made at the same salary s/he received at the time of separation or the minimum salary amount for the particular class, whichever is greater.
    - e) Appointments to a lower managerial classification in which an individual had previously acquired permanent status are made at the salary that they would have received had they remained in the lower level position. (This calculation is similar to that of a voluntary

demotion.) Do not include any adjustments attributable to annual increases that were applied to the class after the employee's separation.

f) Appointments to a job class where an employee had not attained permanent status are made at Step 1 or the minimum rate of pay for the salary grade.

5) Vacation leave may be used as accrued because the six months of continuous requirement had previously been met. However, the rate of vacation accrual may be different if the employee is not reemployed within one year. Consult individual collective bargaining agreements for this information.

6) Credit for purposes of seniority and longevity. Consult individual collective bargaining agreements for this information.

B. If reinstated within one year following resignation:

- All of the privileges authorized above plus
- Sick leave credit will be restored in accordance with C.G.S. §5-247(b). (This is a benefit afforded all employees who leave and return to State service within one calendar year.)

C. If reinstated within the same calendar year following resignation:

- All of the privileges authorized under "A" and "B" above plus
- Unused personal leave (PL) time is credited to the employee's leave balance.
  - PL time cannot exceed three days in any calendar year. If the employee had exhausted all PL prior to resignation no PL time is to be granted until January 1.
  - For additional information regarding PL, consult individual collective bargaining contracts and General Letter No. 102.

D. If NOT reinstated within two years following resignation:

- There are no privileges provided to a former State employee who returns to State service after two years following resignation. Rather, the individual would be required to apply to job openings, serve an initial working test period, and be compensated as would an outside hire.

### **POST AUDIT**

All transactions under this General Letter are subject to post-audit by DAS SHRM.

### **OTHER**

Appointing authorities are responsible for the following regarding rescinding resignations and reinstatements:

- Responding to any administrative and/or legal challenges to rescinding resignations and reinstatements;
- Meeting all document retention requirements;
- Responding to all requests for information under the Freedom of Information Act (FOIA); and
- Maintaining the security and confidentiality of all rescind resignation and reinstatement materials.

Employees should direct questions concerning this policy to their agency Human Resources Office.