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JOHN Q. HAMM
COMMISSIONER

September 1, 2025

ADMINISTRATIVE REGULATION
NUMBER

209

OPR: PERSONNEL

EMPLOYEE SEPARATIONS

I. GENERAL

This Alabama Department of Corrections (ADOC) Administrative Regulation (AR) establishes responsibilities, policies, and procedures for employee separations.

II. POLICY

It is the policy of ADOC to correctly process employee separations. An employee may separate from employment with the Department by resignation, transfer to another department, expiration of temporary appointment, expiration of provisional appointment, end of a conditional appointment, removal during probation, termination, job abandonment, work force reduction (layoff), retirement, and death.

III. DEFINITIONS AND ACRONYMS

- A. **Job Abandonment**: A resignation by default through three (3) consecutive days of unreported, unexcused absences.
- B. **Layoff**: A separation due to organizational changes, shortage of work, or lack of funds.
- C. **Probationary Employee**: An "at will" employee serving an initial period of employment without permanent status.
- D. **Resignation**: Voluntary separation initiated by the employee with or without advance notice.
- E. **Temporary/Provisional/Conditional Appointment**: Types of limited-term employment authorized under specific conditions.

IV. RESPONSIBILITIES

- A. The Personnel Division shall advise and ensure compliance with all separation procedures and documentation.
- B. Facility Heads/Division Directors and supervisors shall ensure timely communication, approvals, and documentation regarding all separation types.
- C. Employees are responsible for submitting timely notice and returning state property upon separation.

V. PROCEDURES

A. Resignation

- 1. Employees must submit a written resignation at least two (2) weeks in advance to his/her supervisor as well as complete ADOC Form 209-A, *Notification of Voluntary Separation*.
- 2. Resignations become effective upon written acceptance by the Facility Head/Division Director.
- 3. Employees who resign from employment in good standing are eligible for re-employment. Conversely, employees who voluntarily resign amid conflict (e.g., pending disciplinary action) or without a two (2) week notice may not be recommended for re-employment with the Department.
- 4. An employee may also resign from State service through job abandonment, which is three (3) days of unexcused, unreported absence from work. "Unreported absence from work" means the Department has no knowledge of the employee's location and had no contact with the employee. In a job abandonment situation, the Commissioner or his/her designee will send a letter to the employee informing him/her that, among other things, the Commissioner accepted his/her resignation.

B. Separation of Probationary Employees

- 1. A probationary employee is an "at will" employee whose employment with the State may be terminated by the Commissioner at any time prior to attaining permanent merit system status.
- 2. The Commissioner will provide written notice of termination outlining the reason(s) for the termination.

3. No pre-disciplinary process is required before the separation of a probationary employee. Moreover, an employee whose employment is terminated during his/her probationary period has no appeal rights to the State Personnel Board.
4. The Facility Head/Division Director shall forward a written recommendation, supported by adequate documentation (e.g., corrective action records), through the ADOC Personnel Director for presentation to the Commissioner.

C. Termination of Permanent Employees

1. The Commissioner may terminate an employee for reasons stated in writing and presented to the employee. Prior to a final decision on termination of employment, permanent classified employees may elect to seek a pre-disciplinary conference before the Governmental Hearing Officer ("GHO") to respond to the charges or allegations. Alternatively, an employee may elect not to hold a pre-disciplinary conference and instead submit a written response to the associated charges or allegations.
2. In all cases, the Commissioner will consider the employee's overall work history (previous disciplinary actions, performance history, and length of service) prior to making a final decision to terminate a permanent employee.
3. A permanent employee who is terminated from State service may file an appeal to the State Personnel Board within 10 business days of receiving the letter notifying him/her of the termination and may request a hearing before the Board. An appeal request must specifically address each charge and should include the employee's contact information, such as a current mailing address, telephone number, and e-mail address. Failure to file an appeal within 10 business days will result in final termination from State service.
4. At the conclusion of the appeal, the State Personnel Board may either sustain or modify the termination of employment or order the Department to reinstate the employee. The Board may order reinstatement with or without back pay, or other conditions and could include disciplinary action with or without lesser punishment.
5. In addition to removal by an appointing authority, employees may be removed or disciplined based on charges filed with the State Personnel Director by any officer, citizen, or taxpayer of the State.
6. Any employee who refuses or fails to appear before any court or judge, legislative committee, officer, board, or body authorized to conduct any hearing or inquiry, or refuses to testify or answer any question relating to the

affairs of State government, or the conduct of any State officer or employee on the grounds that his/her testimony or answer would tend to incriminate him/her, or shall refuse to waive immunity from prosecution on account of any matter about which he/she may be asked to testify, may be subject to removal (Alabama State Personnel Department Administrative Code 670-X-18-.02).

D. Transfer to Another State Agency

1. An employee who transfers to another State agency by voluntary demotion, lateral transfer, or appointment from a hiring register must contact the ADOC Personnel Division to ensure he/she adheres with proper separation procedures. If a transfer to another State agency involves taking a demotion resulting in a reduction in pay, the employee must provide written confirmation that he/she accepts the pay reduction and forward a copy of the written acceptance to the ADOC Personnel Director or his/her designee.
2. An employee who desires to transfer to another State agency in the same classification must submit a letter requesting the Commissioner's approval. The employee does not have sole discretion to transfer to another State agency, as the agencies involved, and the State Personnel Director also must approve the transfer. Such approvals must be secured prior to the effective date of the transfer; thus, the notice of resignation must be issued at least two (2) weeks prior to the desired transfer effective date, which must be effective at the beginning of a pay period.
3. The receiving agency does not automatically accept the transferred employee's accrued annual and/or sick leave balances. Employees who desire to transfer to another State agency must resolve this issue with the receiving agency and provide the ADOC Personnel Division written notification of the arrangements. Should the receiving agency decline to receive the transferring employee's annual and/or sick leave balances, the employee forfeits the accumulated leave balances as payment is not authorized. ADOC does, however, remit payment for unused compensatory time.
4. Employees who desire to transfer to another State agency should consider that the transfer negatively affects his/her seniority as it pertains to a reduction in force (layoff). Moreover, transferring employees must restart eligibility requirements for leave benefits provided under the FMLA.

E. Separation of Temporary Appointments

1. Temporary appointments cannot exceed 104 days worked, or 832 hours. Employees who are appointed on a temporary basis are "at will" employees, meaning they can be separated at any time during the appointment period.

Should this situation become necessary, the Department will attempt to provide the employee with at least one (1) week notice.

2. An employee who wishes to separate from employment prior to expiration of his/her temporary appointment period must provide written notification to his/her immediate supervisor at least one (1) week prior to the effective date. Failure to provide such notice could jeopardize future employment consideration with the Department.

F. Separation of Provisional Appointments

1. The Commissioner may nominate a person for provisional appointment to the State Personnel Director when there is not an appropriate register from which to make a regular appointment. If such nominee is found to have experience and training to qualify for the position, the State Personnel Director may authorize the appointment of such person only until an appropriate register can be established and appointment made. When the register is established, the State Personnel Director will certify a certification of eligibles for the requested classification. In no event shall a provisional appointment be continued for more than 156 workdays, or 1248 hours.
2. Successive provisional appointments of the same person shall not be made. Time in service as a provisional appointment does not count toward the probationary period. The Department can separate provisional appointees at any time during the appointment period but will attempt to provide one (1) week notice. Provisionally appointed employees who wish to separate must provide his/her immediate supervisor with written notification at least one (1) week prior to the effective date. Failure to provide such notice could jeopardize future employment consideration with the Department.

G. Separation of Conditional Appointments

1. A conditional employee shall be separated from service upon the expiration of the special conditions that authorized his/her appointment, without further notice, process, or use of layoff procedures. For example, an employee who is conditionally appointed to account for the extended absence of a permanent employee will be separated immediately upon the absent employee's return to work.
2. While the Department will make every attempt feasible to find the conditional employee a comparable position, conditional appointees are not guaranteed continued employment after the condition for their employment expires.

H. Layoff

1. The Commissioner may lay off an employee whenever necessary by reason of a shortage of work or funds, if the position is abolished, or other material change in duties or organization.
2. The order in which employees are laid off from the classified service shall be determined in accordance with the Rules of the State Personnel Board.

I. Retirement

1. It is the employee's responsibility to notify the Retirement Systems of Alabama ("RSA") of his/her intent to retire from State service. To apply for retirement, an employee must complete and submit a Retirement Application Packet directly to the RSA. RSA must receive the Application for Retirement (Form 10) no less than 30 days or no more than 90 days, before the effective retirement date. The effective date of retirement must be the first day of a month.
2. The ADOC Accounting Division will notify the appropriate Executive Staff Member and the ADOC Personnel Division of an employee's intent to retire after receiving the Form 10 from the RSA.
4. A member who leaves State service prior to retirement may request a refund of contributions by completing and submitting RSA Form 7, Notice of Final Deposit and Request for Refund to RSA.

J. Death

1. The death of an active employee requires the ADOC Personnel Division to take immediate action. To that point, the supervisor of the deceased employee is responsible for immediately notifying the ADOC Personnel Division of the death.

K. Separation for Military Duty

1. An employee may send a written request to the State Personnel Board for a separation of service or long leave of absence due to military orders. An employee so separated is entitled to return to work upon leaving military duty, no matter the length of separation time, provided he/she submits the written request within one (1) year of the termination of his/her military duty. The rate of pay upon return will be computed in the same manner as for leave without pay.

L. Out-Processing

1. **Return of Property** – The separating employee must return all Department property at the time of separation, including but not limited to, uniforms, cell phones, keys, computer equipment, identification cards, documents, and records. Failure to return some items within 7 days from separation may result in the ADOC Legal Division seeking restitution.
2. **Health Insurance Termination (excluding retirement)** – Health insurance terminates on the last day of the month in which the employee separates. The State Employees' Insurance Board will forward information regarding continuing health insurance benefits.
3. **Leave Payment (excluding retirement)** – The Department will pay the separating employee for any accrued annual, compensatory, and/or holiday leave in his/her last paycheck. The Department will not pay for accrued sick leave. Leave payments do not apply to transfers to other State Agencies.
4. **Receipt of Badge and Pistol (Law Enforcement Officers)** – Alabama law provides that a law enforcement officer who separates from the Department in good standing shall receive his/her badge and pistol, without cost, as part of his/her retirement benefits.
5. **Rehire Eligibility** – An employee who separates in good standing may be recommended for re-employment by the Department. Any employee whose employment is terminated for violating policy or resigns in lieu of disciplinary action may not be eligible for rehire with the Department.

VI. DISPOSITION

Any forms used will be disposed of and retained according to the Departmental Records Disposition Authority (RDA).

VII. FORMS

- A. ADOC Form 209-A, *Notification of Voluntary Separation*

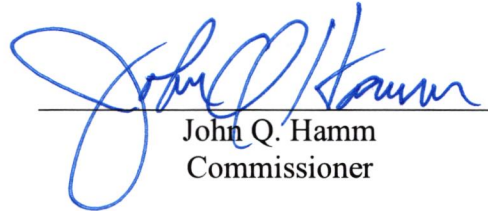
VIII. SUPERSEDES

This Administrative Regulation does not supersede any previous Administrative Regulations.

IX. PERFORMANCE

This administrative regulation updates policy and procedures pertaining to employee separations and is based on, but not limited to, the regulations below:

- A. Rules of the State Personnel Board.
- B. State Personnel Procedures Manual.



John Q. Hamm
Commissioner

Notification of Voluntary Separation



TO: Alabama Department of Corrections (ADOC)
Personnel Division DATE: _____

FROM: _____ SSN: XXX-XX-_____

Employee's Full Name

CLASS/ FACILITY/
JOB TITLE: _____ DIVISION: _____

Example: Correctional Officer, Senior

SUBJECT: Separation

I am separating employment with the ADOC effective close of business: _____

My reason(s) for separation is/are as follows:

Check one:

- ☐ I am accepting an appointment w/ _____ as a _____
Name of State Agency *New Classification*
Beginning on _____
Date
- ☐ I am choosing to pursue/further my education.
- ☐ I am no longer able to perform my responsibilities.
- ☐ I am retiring effective close of business: _____
Have you submitted paperwork to RSA? Yes ☐ No ☐
- ☐ Other Reason:

My signature acknowledges that my decision to resign is being made of my own free will and volition and without any coercion or outside influence. I understand that in order to ensure favorable consideration for reemployment with ADOC I am required to provide at least a two (2) weeks advanced notice and resign in good standing without the prospect of pending disciplinary action.

I understand that if I am resigning to accept another position in state service, I must coordinate with ADOC Personnel Division to ensure adherence with proper separation procedures.