

*The Civil Service Commission has established the Civil Service Adviser to enhance delivery of information on important employment issues and policies affecting the merit system of the City and County of San Francisco.*

## AUTOMATIC RESIGNATION

# Civil Service Adviser



This issue of the Adviser addresses questions that have been directed to the Civil Service Commission staff regarding the consequences of unauthorized leave.

**POLICY**

High job performance is an essential component in providing quality service to the public. The standard for regular and prompt attendance is consistent with longstanding policy of the City and the Civil Service Commission, and, an important measure of job performance for city employees. Accurate and timely reporting in accordance with departmental procedures is required when employees are absent from work.

**ABSENCE WITHOUT LEAVE (AWOL)**

Absence from the job without proper authorization is known as Absence Without Leave (AWOL).

Civil Service Commission Rules state that absence without leave for five (5) days or less shall be good cause for discipline by the appointing officer/department head.

Absence without leave for more than five (5) days may be cause for recording the employee's absence with the Department of Human Resources as abandonment of post or Automatic Resignation.

Automatic Resignation is the removal of an employee by the department head when the employee has been absent without authorization (AWOL) for more than five (5) work days.

**NOTICE OF INTENT**

Prior to taking any action to record an Automatic Resignation, the department head must notify the employee of the intent to separate by Automatic Resignation. This Notice must include pertinent details on the reason(s) for considering filing an Automatic Resignation. The reasons may include but not be limited to the circumstances leading to AWOL status, the last date of approved leave, any notice reminding the employee of AWOL status or that leave is ending, and the

applicable provisions addressing Leaves of Absence or Automatic Resignation. The Notice of Intent must include information to the employee on where and how to respond as well as the time frames for response. Generally, the employee should be given at a minimum a five (5) working day response period from the postmarked mailing date of the Notice. The Notice of Intent should be sent both certified mail (return receipt requested) and regular mail to the employee's last known address. Employees are responsible for keeping their department current on their present address.

Should the employee or a representative respond to the Notice of Intent, the department head must take into consideration the response and any supporting documentation submitted. Care must be taken to investigate and evaluate the employee's explanation before making a final decision.

**FINAL NOTICE**

If the employee either fails to respond within the time limit stated in the Notice of Intent or fails to provide acceptable reasons for the absence from duty, the department head may then decide to file Automatic Resignation. Any appeal or grievance rights the employee may have must also be included in the Final Notice. Documentation should be attached and the Final Notice must be sent regular and certified mail.

**WHAT IS THE CIVIL SERVICE COMMISSION JURISDICTION?**

The Commission's jurisdiction on Automatic Resignations covers the employee's eligibility for future employment with the City. If there is no grievance available through the collective bargaining agreement, the Civil Service Commission has full authority to rule on the Automatic Resignation.

**FORMS**

Standard forms are available in the Department of Human Resources to process Automatic Resignation. Contact your human resources liaison for information.

**QUESTIONS:**

- Department Of Human Resources:
- Merit System Services            557-4923
- Employee Relations Division    557-4990
- Internal Services                    557-4849
- Equal Employment Opportunity   557-4832
- Civil Service Commission        252-3247

**CIVIL SERVICE COMMISSION**

- Rosabella Safont, President
- Donald A. Casper, Vice President
- Morgan R. Gorrone, Commissioner
- Adrienne Pon, Commissioner
- Linda Richardson, Commissioner
- Kate Favetti, Executive Officer

*The information provided in this Adviser is for information purposes only and does not constitute nor intend to provide legal advice.*