

Voluntary Separation Program Checklist

Consultant:	Date Received:	Date Approved:
Agency:	Division/Department:	

Purpose

- Allows to realign resources and/or permanently downsize based on demonstrating recurring cost savings
 - o *(Separate attachment)*
- Award a separation incentive payment in accordance with current Proviso
- Funded within existing funds and appropriations
- Participation is voluntary
- Required to sign an “Acknowledgement of Notice” [*Inclusion of this requirement is optional but recommended*]
- Employees participating will be required to sign an “Agreement and Release” [*Inclusion of this requirement is optional but recommended*]
- Consultation with the Division of State Human Resources
- Agency Head responsible for decisions of plan

Participation Eligibility

- Only employees in FTE positions may be eligible to participate
- Agency Heads are NOT eligible
- Employees exempt from the State Employee Grievance Procedure Act are NOT eligible
- Division, operational unit, or groups may be ineligible based on Agency business needs
- Employees ineligible if notice of resignation is given prior to notification of VSP.
- Employees participating in the Retirement Incentive Program are NOT eligible
- Employees participating shall be considered to have voluntarily quit and are subject to provisions of Section 41-35-120 (1) of the S.C. Employment Security Law
- Agency Director may declare an employee ineligible based on financial considerations

- Selection based on fair and objective criteria developed by the agency
- Participating employees ineligible for employment in any FTE position for two years from the date of separation unless repayment of incentive on pro-rata basis

Incentive

- Incentive payment not to exceed one year’s base salary. Other: _____
- Employer portion of health/dental benefits up to one year, unless becomes eligible for benefits [*Optional*]
- No health or dental benefits if ineligible before the program [*Optional*]
- State service rounded to nearest whole year [*Optional-needed if incentive is based on state service.*]
- Payment for unused annual and compensatory leave balance per HR Regulations

Timing of Acceptance and Notice Provisions

- Eligible employees have forty-five (45) calendar days to consider agreement (under OWBPA/ ADEA)
- Eligible employees have seven (7) calendar days to revoke agreement (under OWBPA/ADEA)
- Effective Date and Final Date to accept participation in the plan _____
- Employee must resign and separate from service no later than _____ unless Agency Director and employee set alternate date (Final Separation Date)
- Participation in a voluntary separation plan is not a grievable or appealable action
- Eligible employees may consult with a private attorney
- Agency must provide a list of all job titles and ages of agency employees who are eligible to participate in the Program (under ADEA)
- Employees must sign “Agreement and Release”

Approval and Reporting

- Agency Head and Director of the Division of State Human Resources MUST approve program – Plan must contain the Agency Head signature prior to approval

Voluntary Separation Program Agreement and Release Checklist

- Date of the Agreement:**
 - Employee's Voluntary Separation Effective Date
 - Incentive:
 - Amount of incentive payment
 - Minus state and federal taxes
 - Incentive limitation of one year's base salary

- Release:**
 - Claims relating to or arising from employee's employment
 - Claims including discrimination, civil conspiracy or breach of contract
 - Claims for violation of any federal, state or municipal statute, not limited to Title VII of the Civil Rights Act, CRA, ADAA, FLSA and Employee Retirement Income Security Act
 - Claims for violation of federal or state constitutions
 - Claims for attorneys' fees and costs
 - Excludes existing claims under Workers' Compensation and FMLA
 - Release of all claims including ADEA and OWBPA

- Adequate Consideration:**
 - Employee affirms incentive is adequate consideration for the release of claims

- Confidentiality:**
 - Agency and employee agree to keep terms of agreement confidential except as required by law

- Voluntary Waiver:**
 - Voluntary waiver by employee of all claims under ADEA and OWBPA
 - Signature is completely voluntary

- Forty-Five Day Consideration Period:**
 - Employee has been given the opportunity to consider the agreement for 45 calendar days (ADEA)

- Seven Day Revocation Period:**
 - Employee has 7 calendar days to rescind agreement after signing the agreement and release (OWBPA)

Signatures:

- Agency will not pay incentive until after the passage of the 7 days
- Signature and date blocks for the employee and the agency
- Witness (or Notary) blocks with dates

Internal Consultant Notes:

- Must exclude existing Workers' Compensation claims in release on a case by case basis