

## ILLINOIS STATE POLICE DIRECTIVE PER-039, SEPARATION FROM EMPLOYMENT

<b>RESCINDS:</b> PER-039, 2022-201, revised 11-02-2022.	<b>REVISED:</b> 01-10-2024 <b>2024-003</b>
<b>RELATED DOCUMENTS:</b> ADM-137, EQP-011, EQP-013, ORD-001, PER-023, PER-061, PER-101	<b>RELATED CALEA STANDARDS (6<sup>th</sup> Edition):</b> 11.4.5, 22.3.1, 22.3.2, 26.1.7

### I. POLICY

The Illinois State Police (ISP) will establish guidelines and procedures for processing transactions relating to personnel who separate from the Department.

### II. AUTHORITY

- II.A. 5 ILCS 160/1, the "State Records Act"
- II.B. 20 ILCS 2610/0.01, the "Illinois State Police Act"
- II.C. 18 USC 926(C), "Carrying of concealed firearms by qualified retired law enforcement officers"
- II.D. State Personnel Code

### III. DEFINITIONS

III.A. Code/Sworn Department Separation Checklist, form ISP 1-264 – a form to be completed for each code/sworn employee (see NOTE) separating from the Department to assist in determining good standing status.

**NOTE:** For purposes of applying this directive, "employee" does NOT include code employees in a Trainee title who separate due to not meeting the training performance criteria/standards.

III.B. Good Standing – an employee's status upon separating from the Department, based on guidelines established in Section IV.B. of this directive for sworn officers, and Section IV.C. of this directive for code employees, at the time of their separation.

III.C. Resignation – the voluntary separation of an employee from their position with the Department, prior to completing 20 years of ISP service.

III.D. Retirement – the separation of an employee from the Department who separated in good standing. This includes:

III.D.1. Sworn employees who have completed a minimum of 20 years of ISP service or who have purchased time to reach a total of 20 years of ISP service.

III.D.2. Tier 1 code employees:

III.D.2.a. At age 60 with eight years of service credit.

III.D.2.b. At any age when their age (years and whole months) plus their years of service credit (years and whole months) equals 85 years (1020 months) (Rule 85) with eight years of credited service in SERS.

III.D.2.c. Between the ages of 55-60 with 25-30 years of service credit (reduced 1/2 of 1 percent for each month under age 60).

III.D.2.d. At any age with 35 years of service.

III.D.3. Tier 2 code employees:

III.D.3.a. At age 67 with 10 years of service credit.

III.D.3.b. Between the ages of 62-67 with 10 years of service credit (reduced by 1/2 of 1 percent for each month under age 67).

- III.E. Separating Employee Reference List, form ISP 2-680 – a form to be used by the immediate supervisor of an employee separating from the Department to assist in ensuring all required separating tasks are completed.
- III.F. Termination – the involuntary separation of an employee from their position with the Department, consistent with the provisions of the respective collective bargaining agreement, the State Personnel Code, or the ISP Merit Board Rules and Procedures.

#### IV. PROCEDURES

##### IV.A. Separation

- IV.A.1. An employee shall advise a supervisor in their chain-of-command in writing of their intent to retire/resign at least four weeks prior to separation when practical. However, a supervisor in the employee's chain-of-command can accept notice at any time.
- IV.A.2. Supervisors will use the Separating Employee Reference List as a guide to ensure all required tasks are accomplished for their separating code/sworn employee. This list and all separation documents should be retained in the separating employee's personnel file in the Office of Human Resources (OHR).
- IV.A.3. All sworn employees must retire/resign prior to their 60th birthday.
- IV.A.4. Personnel resigning/retiring from the Department will be required to sign an Officer Action Request (OAR), form ISP 2-094, or a Personnel Action Request (PAR), form ISP 2-039.
- IV.A.5. Once an employee's resignation OAR/PAR is accepted and signed by the appropriate Commander, the resignation will not be revoked unless the employee submits a written request to revoke, and the Director approves the revocation.

##### IV.B. Determining good standing for retiring/resigning officers

- IV.B.1. The purpose of identifying the status of good standing for sworn officers is to determine:
  - IV.B.1.a. Eligibility for carrying a concealed weapon in accordance with 18 USC 926(C).
  - IV.B.1.b. Eligibility to purchase their service weapon upon retirement or resignation in accordance with ISP Directive ORD-001, "Firearms."
  - IV.B.1.c. Status of response to reference inquiries.

**NOTE:** This should be done no earlier than 60 days prior to separation date.

- IV.B.2. The Department will deem officers retiring or resigning from employment to be in good standing with the Department if:

- IV.B.2.a. The officer possessed a valid Firearm Owner's Identification (FOID) Card upon the effective date of their retiring or resigning; and upon review, the Department determines that no grounds exist under the law in effect at the time of the retirement or resignation to revoke or seize such card.

**NOTE:** Pursuant to 18 USC 926 (C), to be eligible to carry a concealed weapon under the act, an officer must have served as a law enforcement officer for an aggregate of ten years or more in addition to their status as retiring or resigning in good standing with the Department. If an officer does not wish to carry a concealed weapon, as allowed under 18 USC 926 (C), or purchase their service weapon, the possession of a FOID card is not required to be found in good standing as long as all other requirements are met.

- IV.B.2.b. The officer has met all of the requirements in ISP Directives EQP-011, "Stars and Identification Cards."

- IV.B.2.c. The retirement/resignation was not the result of a finding of mental instability. If the officer retires or resigns from employment pending the results of a psychological fitness for duty evaluation, the good standing determination will be held until the outcome of the evaluation is available.
- IV.B.2.d. The retirement/resignation was not submitted nor effective while the officer was under investigation by any law enforcement agency, including the Department, or had pending charge(s) before any court or administrative body (for example, the ISP Merit Board) for an alleged violation of policy which could result in the officer's termination or a criminal offense. In the event a retirement/resignation occurs(ed) when the officer has pending criminal investigations or charges, including cases in which pending administrative investigations or charges are directly related to the pendency of the criminal investigation or charge, and the officer is not found guilty of the charges, or of related charges which, if found guilty, would normally result in a termination decision before the ISP Merit Board, the officer will be designated as having retired in good standing. If the criminal offense is not a felony or the officer was not aware of the investigation or charge(s) at the time of the officer's retirement or resignation, the good standing determination will be held until the outcome of the pending matter.
- IV.B.2.e. The retirement/resignation was not the result of a settlement agreement of any such matter, pursuant to which the officer agrees to resign, unless the Department agrees the employee may resign in good standing.
- IV.B.3. The Division of Internal Investigation (DII), the ISP Equal Employment Opportunity (EEO) Office, and the Medical Review Board Coordinator will respond to inquiries regarding completion of the Code/Sworn Department Separation Checklist (1-264) as to:
- IV.B.3.a.1) Whether there is a pending investigation or charge(s) for an alleged criminal offense or violation of policy which could result in their termination.
  - IV.B.3.a.2) Whether the resignation was the result of a settlement agreement of any such matter, pursuant to which the officer agrees to resign unless the Department agrees the employee may resign in good standing.
  - IV.B.3.a.3) Whether the retirement/resignation was the result of a finding of mental instability. If such an evaluation is pending, the results of the good standing determination will be held until the outcome of the evaluation is available.
- IV.B.4. The Troop/Zone Commander/Bureau Chief/Laboratory Director of the retiring/resigning officer will forward their recommendation (using the form ISP 1-264, Code/Sworn Department Separation Checklist) of the officer's standing based on a review of the officer using the criteria in paragraph IV.B. of this directive.
- IV.B.5. The recommendation will be forwarded through the chain-of-command to the Office of the Director **at least 30 days before the officer's retirement/resignation, or as soon as possible.**
- NOTE:** The employee's Troop/Zone/Commander/Bureau Chief/Lab Director will contact the Legal Office and Office of Labor Relations and Special Projects (OLR) for consultation prior to recommending a sworn employee be deemed not in good standing.
- IV.B.6. Upon the Legal Office's recommendation of good standing status and the approval of the Director, the Office of the Director will forward the Code/Sworn Department Separation Checklist (1-264) for an officer who has been deemed to be:
- IV.B.6.a. In good standing to the Division of last assignment.
  - IV.B.6.b. **Not** in good standing to the Legal Office. The Legal Office will:
    - IV.B.6.b.1) Notify the officer in writing of their status.

- IV.B.6.b.2) Maintain a list of all such officers.
- IV.B.6.b.3) Forward all letters to the OHR for inclusion in the employee's personnel file.
- IV.B.6.b.4) Forward the Code/Sworn Department Separation Checklist (1-264) to the Division of last assignment.

**NOTE:** The completed Code/Sworn Department Separation Checklist (1-264) will be forwarded by the Division of last assignment to the OHR for final repository.

#### IV.C. Determining good standing for Code employees

IV.C.1. The purpose of identifying the status of good standing for code employees is to determine status of response to reference inquiries.

IV.C.2. The Department will deem retiring/resigning code employees to be in good standing with the Department if:

IV.C.2.a. The employee has met all of the requirements in ISP Directive EQP-011, "Stars and Identification Cards."

IV.C.2.b. The retirement/resignation was not submitted or effective:

IV.C.2.b.1) As a result of a finding of mental instability. If such an evaluation is pending, the results of the good standing determination will be held until the outcome of the evaluation is available.

IV.C.2.b.2) While the employee was under investigation by any law enforcement agency, including the Department, or had pending charge(s) before any court or administrative body for an alleged criminal offense or violation of policy which could result in their termination. If the employee was not aware of the investigation or charge(s) at the time of their separation, the good standing determination will be held until the outcome of the pending matter.

IV.C.2.b.3) As a result of a settlement agreement in which the employee agrees to resign unless the Department agrees the employee may resign in good standing.

IV.C.2.c. The DII, the EEO Office, and the Medical Review Board Coordinator will respond to inquiries regarding completion of the Code/Sworn Department Separation Checklist (1-264) as to the following:

IV.C.2.c.1) Whether there is a pending investigation or charge(s) for an alleged criminal offense or violation of policy which could result in their termination.

IV.C.2.c.2) Whether the resignation was the result of a settlement agreement of any such matter, pursuant to which the employee agrees to resign unless the Department agrees the employee may resign in good standing.

IV.C.2.c.3) Whether the retirement/resignation was the result of a finding of mental instability. If such an evaluation is pending, the results of the good standing determination will be held until the outcome of the evaluation is available.

IV.C.3. The Troop/Zone Commander/Bureau Chief/Laboratory Director of the retiring/resigning code employee will complete a Code/Sworn Department Separation Checklist (1-264) and forward it through the chain-of-command to the Office of the Director **at least 30 days before the employee's retirement/resignation, or as soon as possible.**

**NOTE:** The employee's Troop/Zone/Commander/Bureau Chief/Lab Director will contact the Legal Office and the OLR for consultation prior to recommending a code employee be deemed not in good standing.

IV.C.4. Upon the Director's determination of good standing status, the Office of the Director will forward the Code/Sworn Department Separation Checklist (1-264) for employees who have been deemed to be:

IV.C.4.a. In good standing to the Division of last assignment.

IV.C.4.b. **Not** in good standing to the Legal Office. The Legal Office will:

IV.C.4.b.1) Notify the employee in writing of their status.

IV.C.4.b.2) Forward all letters to OHR for inclusion in the employee's personnel file.

IV.C.4.b.3) Forward the Code/Sworn Department Separation Checklist (1-264) to the Division of last assignment.

**NOTE:** The completed Code/Sworn Department Separation Checklist (1-264) will be forwarded from the Division of last assignment to the OHR for final repository.

#### IV.D. Appealing a Not in Good Standing Determination

IV.D.1. Any employee determined to be not in good standing may appeal the decision to the Director by submitting a written request to their Deputy Director that the decision be reviewed along with any explanation or supporting documentation relevant to the review within 10 days of receipt of the notice sent by the Legal Office as required in paragraphs IV.B.5.b.1) and IV.C.5.a. of this directive.

IV.D.2. The Deputy Director receiving the appeal shall review it and make a recommendation regarding the explanation, supporting documentation and whether such information warrants a reversal of the decision previously rendered and forward their recommendation to the Director within 10 days of receiving the appeal from the employee requesting reconsideration.

IV.D.3. The Deputy Director will consult with the Legal Office and the OLR prior to recommending an appeal be granted.

IV.D.4. The Director shall review the appeal and recommendation from the Deputy Director and make the final determination whether a reversal of the decision previously rendered is warranted.

#### IV.E. Termination

IV.E.1. The OHR Code/Sworn Transaction Section will forward to the terminated employee a letter containing the following information:

IV.E.1.a. Effective date of termination

IV.E.1.b. Reason for termination

IV.E.1.c. The status of benefits due the employee after termination

IV.E.1.d. Who to contact for an explanation of insurance coverage

IV.E.1.e. Who to contact for retirement benefit information

#### IV.F. Accrued Off-duty Time (Vacation, Holiday, Compensatory, and Personal Time)

IV.F.1. An employee will forfeit regular days off due, but not taken, before the date of separation.

IV.F.2. As an officer approaches retirement or resignation, the Department may, as an option, schedule the officer to take their accrued compensatory time off or provide compensation accordingly as provided in the appropriate collective bargaining agreement and/or ISP policy. When considering scheduling an officer to take accrued compensatory time off, the Department shall take into account the proximity of the retirement/resignation date to the month of June each year, giving consideration that the officer is allowed a benefit per current collective bargaining agreements to cash out up to 150 hours of accrued compensatory time each June.

IV.F.3. When an employee is terminated from state service, the balance of unused vacation time and holiday time, and one-half of unused sick time earned since January 1, 1984, through December 31, 1997, will be paid in a lump sum at the applicable rate of pay received by the employee at the time of termination.

**NOTE:** Retirement credit is given for any unused sick days earned prior to January 1, 1984, and unused sick days earned starting January 1, 1998, and after; and one-half the time between January 1, 1984 and December 31, 1997.

IV.F.4. Any code employee who resigns or who the Department terminates with less than six months continuous service will not receive payment for any accrued vacation time.

IV.F.5. In special situations, some deviance from this policy may be recommended, i.e., the death of an officer.

IV.G. Inventory Reconciliation

Supervisors or their designee will meet with all employees who are resigning, retiring, or who the Department is terminating at least 72-hours prior to the employee's date of separation when possible.

IV.G.1. This meeting is for the purpose of reviewing, discussing, and taking necessary action on state-owned and issued inventory items assigned to the employee.

IV.G.2. Employees on extended vacation or other off-duty time prior to their actual date of separation should meet, when possible, at least 72-hours prior to taking the off-duty time.

IV.G.3. The supervisor will ensure the employee has surrendered or accounted for all state-owned items to the proper locations/individuals (Quartermaster, Equipment Officer, Range Officer, etc.). Supervisors will provide receipts to the employee for any remaining items the employee surrenders directly to the supervisor and will ensure all items are returned to the proper locations/individuals.

IV.G.4. The supervisor will properly document all costs associated with repairing or replacing state-owned items lost or damaged due to neglect, as determined by the Department, with reimbursement being made in accordance with ISP Directive EQP-013, "Return of State-Owned Items of Issue."

IV.G.5. The employee will surrender all state-owned weapon(s) to their respective Range Officer. The Range Officer will receipt the weapon(s) on Notice of New Equipment or Equipment Transfer form 1-11, and within two weeks, return the weapons to the Academy Firearms Unit at the Pawnee Training Facility. The surrender of all state-owned weapons(s) and the purchase of the retiring employee's service pistol may be accomplished in accordance with ISP Directive ORD-001, "Firearms."

IV.G.6. The supervisor will contact the Legal Office and the OLR to determine whether there is pending litigation that may warrant the retention of the separating employee's electronic data files, including but not limited to e-mail, stored on any ISP-issued device.

IV.G.6.a. The Legal Office and the OLR shall be responsible for rendering a decision regarding retention of the separating employee's electronic data files, including but not limited to e-mail, stored on any ISP-issued device.

IV.G.6.b. If retention is requested, the separating employee's supervisor shall inform the Department of Innovation and Technology (DoIT) Help Desk as soon as possible, but at least prior to the actual date of separation. The DoIT Help Desk will also notify the DoIT Security personnel and the DoIT End User Computing (EUC) Unit.

IV.G.6.c. If retention is not requested, the separating employee's supervisor shall take appropriate action to get the computer reimaged and reassigned through either their Division's Telecommunication Liaison or their Property Custodian.

IV.G.6.d. The EUC Unit shall be responsible for copying and/or retention of all electronic data files, including but not limited to e-mail, stored on any ISP-issued device upon

receipt of request to do so until such time as the Legal Office and the OLR notifies the EUC Unit the copy can be destroyed.

IV.G.6.e. The Legal Office and the OLR shall be responsible for notifying the EUC Unit when the pending litigation is concluded, and the copy can be destroyed.

#### IV.H. Exit Evaluation Form

IV.H.1. The supervisor will provide the employee an Exit Evaluation, form ISP 2-293, along with an envelope addressed to the ISP EEO Office. The employee will be asked to complete the form and forward it to the EEO Office in the envelope provided. The Exit Evaluation, form ISP 2-293, does NOT get forwarded through the chain-of-command with the retirement packet.

IV.H.2. The EEO Office will forward a copy of all completed Exit Evaluation forms to the OHR for inclusion in the employee's personnel file and to the respective employee's Deputy Director. The completed Exit Evaluation form is a confidential document between the separating employee, the OHR, the EEO Office, and the respective Deputy Director.

#### IV.I. Re-employment

IV.I.1. The ISP Merit Board will maintain policy and procedures for recertification for re-employment of a former officer.

IV.I.2. Prior to the reinstatement of an officer, the Legal Office will provide a recommendation regarding good standing to the Director for submission to the ISP Merit Board.

IV.I.3. Re-employment of code employees will be in accordance with the contract language as stated in the appropriate collective bargaining agreement or State Personnel Code.

#### IV.J. Agency Personnel File

After separation, all ISP employee records will be forwarded by the supervisor or their designee to the OHR to be retained/destroyed in accordance with the State Records Act (5 ILCS 160/1), and ISP Directive ADM-137, "Records Retention/Destruction Schedules."

| Indicates new or revised items.

**-End of Directive-**