

## Chapter ER 21

## RESIGNATION

ER 21.01 Definitions  
ER 21.02 Conditions of resignation

ER 21.03 Abandonment  
ER 21.04 Treatment of leave credits upon resignation from state service

**ER 21.01 Definitions.** In this chapter:

(1) "Leave credits" has the meaning defined in s. ER 18.01 (5).

(2) "Resignation" means a voluntary termination from a position.

(3) "Resignation date" means:

(a) The date the employe designates in his or her letter of resignation;

(b) The date the resignation letter is filed with the appointing authority if no date is supplied in the resignation letter;

(c) The date established by mutual written agreement between the employe and the appointing authority if different from par. (a) or (b); or

(d) The end of the last date in work status in the case of an abandonment which is treated as a resignation.

(4) "Termination" means:

(a) The end of employment status as defined in s. ER 18.01 (3); or

(b) The end of pay status resulting from layoff as defined in s. ER 1.02 (15) or seasonal layoff of a person who is an employe as a result of seasonal employment as defined under s. ER 1.02 (44).

**History:** Cr. Register, May, 1988, No. 389, eff. 6-1-88.

**ER 21.02 Conditions of resignation.** An employe who resigns from a position is required to submit a letter of resignation to the appointing authority. The resignation letter shall be submitted not less than 14 calendar days prior to the resignation date, unless the employe and the appointing authority have agreed upon an alternate resignation date.

(2) After an employe submits a resignation letter, neither the employe nor the appointing authority can withdraw, stop or change the resignation date or other terms of the resignation except by mutual written agreement.

(3) Under authority of ss. 230.04 (1m) and 230.34 (4), Stats., and this chapter, the secretary delegates to the appointing authority the responsibility to obtain, record and file the record of resignation submitted by the employe.

(4) An appointing authority shall acknowledge receipt of an employe's resignation.

**History:** Renum. from ER-Pers 21.01 and 21.02 and cr. (2) and (3), Register, May, 1988, No. 389, eff. 6-1-88.

**ER 21.03 Abandonment.** (1) If an employe fails to report for work as scheduled, or to contact the employe's supervisor regarding absence from work, the appointing authority may discipline the employe.

(2) If an employe fails to report to work as scheduled or to contact his or her supervisor for a minimum of 5 consecutive working days, the appointing authority shall consider the employe's position abandoned and may take one of the following actions:

(a) Initiate discipline of the employe, which may include terminating the employe for cause, effective the last day worked; or

(b) Treat the employe as having resigned, effective as of the end of the last day worked.

**Note:** See s. ER 18.14 (4) for employes who fail to return from leave.

(3) Failure to report to work without having submitted a written resignation letter shall be treated as abandonment.

(4) The appointing authority shall provide written notice to the employe at the employe's last known mailing address of all actions taken under this section.

**History:** Cr. Register, February, 1981, No. 302, eff. 3-1-81; renum. from ER-Pers 21.03 and am. (4), cr. (3), Register, May, 1988, No. 389, eff. 6-1-88.

**ER 21.04 Treatment of leave credits upon resignation from state service.** (1) Whenever the conditions of resignation as described under s. ER 21.02 (1) are met for an employe who is terminating from state service, the employe's termination date shall be extended by the amount of leave credits to which the employe would be entitled if employment were to continue until these leave credits were exhausted, unless:

(a) The employe requests payment in a lump sum in the notice of resignation; or

(b) The appointing authority and the employe mutually agree in writing to a payment of all or part of the balance in a lump sum. If part of the balance is paid in a lump sum the remainder of the leave credits shall extend the employe's termination date as provided in this subsection.

(2) Except as provided under sub. (3), whenever the conditions of resignation as described under s. ER 21.02 (1) are not met for an employe who is terminating from state service, the termination date shall be determined in

## ER 21.04

accordance with sub. (1) or (3) at the discretion of the appointing authority.

(3) Upon abandonment under s. ER 21.03, the termination date shall be the end of the last day worked. The termination date shall not be extended by the amount of leave credits the employe has accrued. The employe shall be paid in a lump sum for these leave credits.

Note: See s. ER 18.14 (4) for determining the "last day worked" by employes who fail to return from leave.

(4) Upon resignation as a result of disability, the termination date shall be established in accordance with s. 40.02 (22) (b) 6., Stats.

History: Cr. Register, May, 1988, No. 389, eff. 6-1-88.