

## Chapter ER 21

### RESIGNATION

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**Note:** Corrections made under s. 13.93 (2m) (b) 6., Stats., Register December 2003 No. 576.

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

(1) “Leave credits” has the meaning defined in s. ER 18.01 (5), excluding sick leave.

(2) “Resignation” means a voluntary termination from a position.

(3) “Resignation date” means:

(a) The date the employee 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 employee 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 employee 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; CR 18-006: am. (1) Register July 2018 No. 751, eff. 8-1-18.

**ER 21.02 Conditions of resignation.** (1) An employee 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 employee and the appointing authority have agreed upon an alternate resignation date.

(2) After an employee submits a resignation letter, neither the employee 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 administrator delegates to the appointing authority the responsibility to obtain, record and file the record of resignation submitted by the employee.

(4) An appointing authority shall acknowledge receipt of an employee’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; correction in (3) under s. 13.92 (4) (b) 6., Stats., Register September 2015 No. 717.

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

(2) If an employee fails to report to work as scheduled or to contact his or her supervisor for a minimum of 3 working days during a calendar year, the appointing authority shall consider the employee’s position abandoned and may take one of the following actions:

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

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

**Note:** See s. ER 18.14 (4) for employees 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 employee at the employee’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; CR 18-006: am. (2) (intro.) Register July 2018 No. 751, eff. 8-1-18.

#### 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 employee who is terminating from state service, the employee’s termination date shall be extended by the amount of leave credits to which the employee would be entitled if employment were to continue until these leave credits were exhausted, unless:

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

(b) The appointing authority and the employee 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 employee’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 employee who is terminating from state service, the termination date shall be determined in 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 employee has accrued. The employee 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 employees 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.