



SEPARATION FROM THE DEPARTMENT

Directive 4 - 118

Date of Issue: June, 2017

Amends/Cancel: N/A

I. PURPOSE

The purpose of this Directive is to provide guidance regarding the resignation, retirement or termination of employees from the Department of General Services, Maryland Capitol Police (MCP).

II. POLICY

The MCP state and federal law regarding separation of employees from service.

III. DEFINITIONS

- A. QUALIFIED RETIRED LAW ENFORCEMENT OFFICER: as defined by 18 U.S.C. 926C (i.e., Law Enforcement Officer's Safety Act) is an individual who:
1. Retired in good standing from service with a public agency as a law enforcement officer;
 2. Before such separation, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;
 3. Before such separation, served as a law enforcement officer for an aggregate of 10 years or more; or separated from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;
 4. Has not been officially found by a qualified medical professional employed by the agency to be unqualified for reasons relating to mental health; and
 5. Has not entered into an agreement with the agency from which the individual is separating from service in which that individual acknowledges he or she is not qualified under this section for reasons relating to mental health.
- B. RETIREMENT: Pursuant to State Personnel and Pensions Article §20–10; means the grant of a retirement allowance under this Division II after separation from employment with a participating employer.
1. "Retirement allowance" includes:
 - a. A service retirement allowance; and
 - b. A disability retirement allowance.
 2. "Retirement allowance" does not include a vested allowance.

C. SEPARATION IN GOOD STANDING: An employee who either retires or resigns from the department and:

1. Per COMAR 17.04.04.03, provides at least two weeks written notice of the intention to retire or separate;
2. Has no pending unadjudicated administrative charges;
3. Is not resigning in lieu of termination; and
4. Returns all issued or assigned uniforms and equipment in proper working order.

IV. PROCEDURES

A. EMPLOYEE'S RESPONSIBILITY

1. An employee who is planning on retiring or resigning from the department will:
 - a. Provide to their commander written notice of their intention to separate at least two weeks prior to their last duty date (MCP Form 17 may be utilized for this purpose);
 - b. Ensure that all administrative charges and/or related personnel matters are resolved prior to their final duty date;
 - c. Arrange through their chain of command to return all issued or assigned uniforms and equipment in proper working order to Special Services Division (SSD).

B. LAW ENFORCEMENT RETIREMENT CREDENTIAL ELIGIBILITY

1. A qualified law enforcement officer who is retiring in good standing is eligible for retirement credentials.
2. A law enforcement officer who voluntarily resigns from the MCP, regardless of his or her tenure, will not be eligible for retirement credentials.
3. If an officer receives a medical retirement other than for mental health reasons, his or her commander will make a recommendation to the Chief of Police or his designee concerning the issuance of the retirement credentials.
4. Final approval for the issuance of retirement credentials rests with the Chief of Police and under no circumstances will retirement badges or identification be issued without his authorization.

C. LAW ENFORCEMENT OFFICER'S RESPONSIBILITY

1. The officer will attach a Supply Request (MCP Form 120) requesting his retirement badge and identification card to the written notice of his or her intention to leave state service.
2. The officer will allow 45 days for administrative review; processing and final decision from the Chief of Police on whether to grant the retirement credentials.

D. COMMANDER'S RESONSIBILITY

1. Upon receipt of a written notice from an employee, the commander will:
 - a. Immediately forward a copy of the notice to Headquarters;
 - b. Arrange for the employee to meet with DGS, Human Resources Division to discuss benefits and off-boarding requirements;
 - c. Notify SSD of the employee's last day of service and set a date for the employee to turn in issued uniforms and equipment;
 - d. Complete an exit interview with the employee;
 - e. Contact the Investigations Section Supervisor to confirm there are no open administrative complaints or pending disciplinary actions; and
 - f. Complete a Retirement/Resignation Form 17 and attach to it the exit interview and MCP Form 111's documenting the satisfactory return of all issued equipment.
2. If the employee is a law enforcement officer and is eligible for retirement credentials, the commander will also attach the unapproved supply request.
3. The completed packet will be forwarded to the Operations Commander for review.