

**CIVIL SERVICE COMMISSION POLICY**

<b>SUBJECT:</b> ABANDONMENT OF POSITION (AWOL)	<b>FILED UNDER:</b>	<b>ITEM NO:</b> 1.50 <b>PAGE</b> 1 of 1
<b>APPROVED BY:</b>  _____		<b>EFFECTIVE DATE:</b> 5-19-93
<b>AUTHORIZED SIGNATURE</b>		
<b>NOTES:</b>		

This policy interprets and implements Coleman vs Department of Personnel Administration through Section 101 of the Civil Service Rules and Regulations.

**POLICY:**

A decision of the California Supreme Court has held that Civil Service employees who are subject to automatic termination under "absent without leave" provisions (contained in Section 101 of the Civil Service Rules and Regulations) "must be afforded notice and an opportunity to be heard prior to the termination of employment." However, "the California Court held that a post-severance evidentiary hearing **need not** be provided because constructive resignation under an AWOL provision is significantly different from dismissal for cause."

In Coleman v Department of Personnel Administration, 52 Cal. 3d 1102, 805, P.2d 300, 278 CAL Rptr. 346 (1991), the California Court also held that a Civil Service employee's right to due process prior to the deprivation of his/her property interest in his/her job would be severely limited without the opportunity to be heard.

Pursuant to a City Attorney's opinion, dated October 30, 1991, "the effect of **Coleman** is to require that Section 101 of the Civil Service Rules and Regulations be read with an eye toward providing the employee with notice and an opportunity to respond to the proposed termination prior to formal separation actually taking place."

We are requesting departments offer permanent employees, considered AWOL, the similar due process afforded other employees who face potential adverse disciplinary action (i.e. termination, suspension and demotion). The only exception to this process is that AWOL employees, under consideration for termination, shall not be granted an opportunity to appeal their case to the Civil Service Commission.