

## 2.1.9 TERMINATION OF EMPLOYMENT

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### POLICY STATEMENT

The University of St. Thomas recognizes that its interest is best served by retaining a high caliber, diverse workforce. However, employment at the University of St. Thomas is based on mutual consent; either the employee or the University may sever the employment relationship at any time with or without cause or prior notice. In the absence of a written agreement to the contrary, the University follows the doctrine of employment-at-will. This policy highlights the processes that are followed when either a voluntary or involuntary termination occurs.

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### SECTION I APPLICABILITY

This policy applies to all regular full-time and part-time staff, including those holding term appointments. Layoff and recall rights of employees covered by a collective bargaining agreement are governed by the respective agreement. Employees with faculty contracts are governed by the provisions of the [\*Faculty Handbook\*](#).

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### SECTION II GROUNDS FOR IMPLEMENTING TERMINATION

Many employees have long and rewarding careers at St. Thomas, which culminate in retirement. Others may leave the University for a variety of reasons. Termination of employment may result from a resignation, discharge, retirement, staff reduction, death, or due to an employee's term ending. Regardless of the reason, a specific action is required on the part of the employee and/or the University.

#### **A** Voluntary

A voluntary termination results when a staff member leaves the university on his or her own initiative through resignation or retirement.

*Resignation:* Employees who decide to leave the University are expected to provide their immediate supervisor at least a two weeks written notice.

*Retirement:* Employees considering retirement should review the Benefits Manual for detailed information or consult with a Benefits Representative in the Human Resources Department.

#### **B** End of a Term Appointment

Termination occurs when the stated term of an employee's appointment is completed. The supervisor creates a *Termination Web Page* and forwards it to the designated Human Resources Partner.

#### **C** Death

Upon the death of an employee, a final paycheck in the employee's name is prepared by the Payroll Department and distributed according to the laws of the state of residence. The final paycheck includes all unpaid wages, earned but unused vacation, or paid leave time (PLT).

## **D** Involuntary

Involuntary termination is a serious management action. The most common causes for this type of termination include, but are not limited to, misconduct, unsatisfactory job performance, and staff reduction.

### **1** *Misconduct Discharge*

Misconduct discharge is justified in, but is not limited to, the following situations: insubordination, mishandling or unauthorized removal or destruction of confidential or sensitive information; theft, dishonesty, or other unethical behavior, such as falsification of records or knowingly and willfully misrepresenting data requested by the University or its agent; possession or consumption of alcohol on university premises or while performing university duties unless during a university-sponsored event; use or possession of illegal drugs on University premises; impairment of faculties from the consumption of alcohol or illegal drugs while on University premises or while performing University duties; blatant disregard for safety regulations; abuse, neglect, mishandling, destruction, or unauthorized removal or use of University property; possession or use of a weapon on University premises; threats or acts of physical or verbal abuse, including bullying behavior; sexual or racial harassment or violence; arrest or conviction of an illegal act, on or off the job, which adversely affects job performance or the University's reputation; or general failure to observe University policies and procedures.

Employees terminated for misconduct are not given advance notice. Neither do they receive severance pay. The supervisor works closely with the designated Human Resources Partner to obtain the advance approval of the appropriate academic and administrative leader, the Associate Vice President for Human Resources, and the appropriate Executive Vice President for all misconduct discharge actions.

### **2** *Unsatisfactory Performance Discharge*

Before terminating an employee for unsatisfactory performance, supervisors must follow the university's *Discipline and Corrective Action Policy*. The supervisor and the designated Human Resources Partner determine whether the documentation of performance or behavioral deficiencies warrants termination.

### **3** *Staff Reduction*

The University recognizes the value of its employees and views its employees and their contributions as assets. There are occasions when extraordinary circumstances require extreme measures, which may include a staff reduction. These circumstances may arise due to (1) financial exigencies, (2) restructuring or reorganization of a unit resulting in the discontinuation of a program, function, or job(s), (3) or other business requirements. The decision to pursue a staff reduction shall be made only after careful analysis of reasonable alternatives, including skills analysis, transfer options, and other institutional placement strategies. A term appointee, if selected for termination during a staff reduction, may be terminated prior to the expiration of his or her appointment. Positions eliminated through a staff reduction shall not be reestablished or filled for a period of one year following the staff reduction action. Neither shall the responsible unit rehire the laid-off employee as an independent contractor during the first year following the staff reduction.

Staff reductions are the only types of termination for which either severance pay, notice, or a combination of the two is given an employee. In some cases, an employee may have the opportunity to work during the period that the employee would otherwise receive severance pay, called the notice period. Severance pay is a cash payment to the employee who is involuntarily separated from the university's employ and who meets the conditions of eligibility. The appropriate academic and administrative leader determines, in consultation with the designated Human Resources Partner, whether severance pay or notice, or a combination of the two is given. The maximum severance allowance is 26 weeks for eligible employees. Years of continuous service and the percentage of full-time equivalency at the time of termination determine the amount of severance or notice due an employee. The allowance is accumulated as shown in the schedule below, which varies depending on length of service. Severance pay or notice for partial years of employment is prorated.

**SEVERANCE PAY AND NOTICE SCHEDULE**

**Qualifying Period:**

**Allowance:**

Basic Allowance	Two weeks
For each of the first five years (years 1-5)	Add one week for each year
For each of the next ten years (years 6-15)	Add one and one-half weeks for each year
For each of the next two years (years 16-17)	Add two weeks for each year
	Maximum—26 weeks

If a full-time position is reduced to part-time for any reason other than at the employee's request, and then abolished within 12 months thereafter, the incumbent receives severance or notice based on full-time equivalency. If the position is eliminated after 12 months, severance is based on the current percentage of full-time equivalency.

If an employee terminates voluntarily after the notice period has begun, pay covers only the time actually worked and ceases on the date of such voluntary termination. When an academic and administrative leader elects to make a severance payment in lieu of notice, such payment is made in a lump sum minus applicable taxes. The designated Human Resources Partner calculates the amount of severance pay due an employee. All severance payments are accompanied by a severance agreement. Employees shall not receive severance pay if they are awarded any form of remuneration under the University's Voluntary Retirement Incentive Program for Staff

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**SECTION IV**

**REHIRE**

Employees who leave the University of St. Thomas in good standing and later wish to return are eligible for consideration for rehire provided an appropriate position is available. A former employee who is rehired shall receive prior service credit for purposes of vacation or paid leave time accrual and other pertinent benefits if less than twelve months have elapsed between termination and rehire.

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**SECTION V**

**UNIVERSITY ASSET RECOVERY**

Prior to the employee's last day of employment and before issuing him or her a final paycheck, the terminating employee is required to return all university assets, including but not limited to such assets as credit cards, keys and door cards, office equipment on loan, library books and journals, and tools, just to name a few.

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## SECTION VI EXIT INTERVIEWS

The University is committed to providing quality programs and a good working environment for all staff. Exit interviews are an important tool for gathering data to help assure these goals are accomplished. Through the Exit Interview Program, exiting employees can provide insights into the success of recruiting efforts, the effectiveness of University compensation and benefits, professional development programs, as well as information on the quality of the work environment. Supervisors are urged to encourage their staff that are leaving the University to complete the exit interview process. Supervisors should notify the designated Human Resources Partner as soon as they are aware an employee is terminating. With appropriate advance notice, the designated Human Resources Partner can arrange an appointment and meet with the exiting employee. Any information gathered during this process by the Human Resources Department is treated sensitively.

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## SECTION VII RIGHTS TO APPEAL

All involuntary terminations afford employees the opportunity to appeal the action. Employees choosing to do so should follow the guidelines contained in the University's [Grievance and Appeals Process](#).

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## SECTION VIII RESPONSIBILITIES

- 1** The appropriate Executive Vice President, in consultation with the Associate Vice President for Human Resources, reviews and approves all requests to initiate an involuntary separation action.
- 2** The Associate Vice President for Human Resources is responsible for monitoring the uniform and consistent application of this policy.
- 3** Academic and administrative leaders assure that supervisors and managers in their units comply with the provisions of this policy. Academic and administrative leaders work closely with their designated Human Resources Partner to assure an involuntary separation action is warranted.
- 4** The designated Human Resources Partner works closely with the academic and administrative leaders on matters involving involuntary separations and assures that the circumstances leading to the management action is well documented and all University policies and procedures have been followed.
- 5** Employees are responsible for completing the exiting process and returning all university assets before leaving the employ of the University.