



## POLICY MANUAL

### EMPLOYMENT

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#### **Number 399**

**Subject: Termination of Exempt and Non-exempt Staff**

**Covered Employees: Exempt and Non-exempt Employees**

**Date of Origin: January 24, 1997**

**Effective Date of Last Revision: July 1, 1999; revised March 26, 2010**

#### **399.1 POLICY**

The University strives to provide continuous employment through effective planning and proper selection of employees. Terminations are handled in a manner to achieve the least adverse effect on the employee and the University.

This policy does not apply to individuals identified as "at-will" employees (see Policy 390 Employment-at-Will).

#### **399.2 VOLUNTARY TERMINATION**

Voluntary termination occurs when an employee resigns, retires, or fails to return to work after an approved leave of absence. Employees are expected to give the University advance written notice when ending their employment.

- (1) Non-exempt (classified) employees who intend to end their employment are expected to give the University at least two weeks advance written notice of their resignation.
- (2) Exempt (professional) employees who intend to end their employment are expected to give the University at least four weeks advance written notice of their resignation.
- (3) Retiring employees, whether exempt or non-exempt, are expected to give as much advance written notice of their expected retirement date as possible.
- (4) Absence from work for more than three consecutive working days without notifying one's supervisor will constitute voluntary termination.

The primary department (as defined in Policy 301 Definitions) should complete the termination EPAF for budgeted employees and submit it to the Office of Human Resources at least two weeks before the employee's termination date (if possible).

The primary department can require the employee to take earned, unused annual leave before termination. For questions concerning annual and sick leave at termination, refer to Policy 345 Annual Leave and Policy 363 Sick Leave.

### **399.3 INVOLUNTARY TERMINATION (DISMISSAL)**

Dismissal is determined at the discretion of the University and not by the employee. It may result from an employee's negligence, poor job performance, insubordination, excessive absence, misuse or theft of University property/funds, disorderly conduct, incorrect or misleading statements, unsuccessful completion of introductory period of employment, end of temporary employment, *or other reasons deemed valid by University administration*. Dismissal can also result from reduction-in-force due to budget cuts, operational reorganization, expiration of outside funding, or dissolution of programs.

Whenever possible, employees should be counseled and given an opportunity to improve their performance before dismissal is warranted (refer to Policy 311 Corrective Action). All dismissals require prior consultation with the department head/director and the Office of Human Resources. The Office of Human Resources is available to counsel dismissed employees concerning the dismissal and available resources.

#### **399.3.1 Notification of Dismissal**

A written document stating the reason for the employee's dismissal will be delivered personally to the employee at his/her usual work station. This document will contain a statement summarizing the problems encountered, attempts to correct them, and the cause assigned for dismissal. A copy will be forwarded to the Office of Human Resources. If the employee is not available, the notice of dismissal will be sent by certified mail to the employee at his/her last known address. If notice is mailed, it is deemed effective for all purposes when placed in an official U. S. Post Office depository.

The primary department should complete the termination EPAF for benefit-eligible employees and submit it to the Office of Human Resources at least two weeks before the employee's termination date (if possible).

(1) Employees dismissed for severe cause and employees dismissed before the end of the introductory period are not entitled to advance notice of dismissal.

(2) Employees dismissed after the introductory period are entitled to receive two weeks notice or two weeks severance pay in lieu of notice.

(3) Employees dismissed as the result of a reduction-in-force will be governed by the provisions of Policy 398 Reduction-in-Force.

#### **399.4 FINAL PAYCHECK**

Utah State University will make final payment at the next regularly scheduled payroll time (see Utah Code 34-28-1). A check for payment of any unused annual leave will also be paid at a regularly scheduled payroll time.

#### **399.5 GRIEVANCE**

Dismissed employees have 30 days from the date of the incident or issue which led to the dismissal to file a formal grievance (Policy 325 Employment Grievance Procedures).

#### **399.6 EXIT INTERVIEW**

Utah State University intends that exit interviews be conducted for all benefited employees who terminate their employment. It is the responsibility of the Office of Human Resources to contact each employee whose employment is ending to answer exit interview questions.

#### **399.7 RE-HIRE**

A former employee of Utah State University may be re-hired into his/her former position without a competitive hiring process if the re-hire occurs within a 12-month period of time, and if the former employee's position was not filled.

#### **399.8 RESPONSIBILITY**

##### **8.1 Office of Human Resources**

Responsible for ensuring that termination of any benefited Utah State University employee complies with this policy.

##### **8.2 Primary Department**

Responsible to work closely with the Office of Human Resources to ensure adherence to this policy. The primary department will provide documentation regarding an employee's termination and the return of University property (i.e., keys, books, staff card, etc.). (See Termination Checklist.) The primary department will submit an EPAF which pays the terminating employee for earned, unused annual leave, if applicable.

##### **8.3 Employees**

Responsible for providing the required written notice when they resign or retire, and for answering exit interview questions from the Office of Human Resources. The employee will ensure that any University property is returned to the appropriate department, including, but not limited to, equipment, keys, books, and staff card.