

# Termination of Employment Policy for Staff Employees

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## SECTION I. PURPOSE

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

## SECTION II. SCOPE AND APPLICABILITY

This policy applies to all regular full-time and part-time staff employees, including those holding term appointments. Layoff and recall rights of staff employees covered by a collective bargaining agreement are governed by the respective agreement. For staff employees with faculty rank, involuntary termination from the staff position is governed by this policy, but involuntary termination of employment is governed by the provisions of the Faculty Handbook and applicable faculty contract.

## SECTION III. GROUNDS FOR IMPLEMENTING TERMINATION OF EMPLOYMENT

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, retirement, death, involuntary termination, staff reduction, or due to an employee's term ending.

### A. Voluntary

A voluntary termination results when a staff member leaves the University on their own initiative through resignation or retirement. Supervisors should notify the designated Human Resources partner as soon as they are aware an employee is voluntarily terminating.

#### 1. Resignation

Employees who decide to leave the University are asked to provide their immediate supervisor with a reasonable notice period, preferably a minimum of two weeks' written notice.

#### 2. Retirement

Employees considering retirement should review the Benefits website for detailed information or consult with a benefits specialist in Human Resources. To help assist in a transition, employees are asked to give advance notice of their intention to retire.

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

Termination of employment occurs when the stated term of an employee's appointment is completed, or sooner if business needs change.

## **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 paid leave time (PLT) for non-exempt staff, and any vacation payable under the Vacation Time for Exempt (Salaried) Staff Policy.

## **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 or position elimination.

### **1. Termination for Misconduct**

Termination for misconduct is justified in, but is not limited to, the following situations: mishandling or unauthorized removal or destruction of confidential or sensitive information; theft, dishonesty, other unethical behavior, such as falsification of records or knowingly and willfully misrepresenting data requested by the University or its agent; 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; insubordination; 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; inappropriate or disrespectful workplace conduct; violation of University policy or general failure to observe University policies and procedures.

Termination for serious misconduct may occur without prior notice in accordance with the University's Corrective Action Policy for Staff Employees; in other instances, termination for misconduct may follow corrective action. Staff members terminated for misconduct are not eligible for severance pay. The supervisor works closely with the designated Human Resources partner to obtain the advance approval of the appropriate University leader for all terminations due to misconduct.

### **2. Terminations for Unsatisfactory Performance**

Before terminating an employee for unsatisfactory performance, supervisors are generally expected to follow the University's Corrective Action Policy for Staff Employees. The supervisor and the designated Human Resources partner determine whether the circumstances warrant termination.

### **3. Termination due to Staff Reduction or Position Elimination**

The University recognizes the value of its employees and views its employees and their contributions as assets. There are occasions when circumstances require changes to business operations that may result in the termination of an employee's employment due to a staff reduction or position elimination. A position elimination occurs when a position is eliminated or its duties change by

more than 50%. These circumstances may arise due to (1) financial considerations, (2) restructuring or reorganization of a unit resulting in the discontinuation of or significant changes to program(s), function(s), or job(s), or (3) other business requirements. The decision to pursue an employment termination due to a staff reduction or position elimination is made only after careful analysis of business needs. Supervisors make staff reduction and position elimination decisions, as well as any resulting employment termination decisions, in consultation with their designated Human Resources partner and obtain approval from the member of the President's Cabinet with the most direct responsibility for the unit. A term appointee, if selected for termination due to a staff reduction or position elimination, may be terminated prior to the expiration of their appointment. If a position is eliminated through a staff reduction or position elimination and the employee is receiving severance, supervisors may not rehire the position for a period of at least one year, except with the approval of the chief human resources officer.

#### **SECTION IV. SEVERANCE PAY AND NOTICE**

Severance pay is a cash payment to a full-time or part-time regular staff member who is involuntarily terminated from the University's employment and who meets the conditions of eligibility. 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.

Involuntary terminations of employment due to staff reductions and position eliminations are the only types of termination for which either severance pay, notice, or a combination of the two are offered to a staff member. The appropriate University leader determines, in consultation with the designated Human Resources partner, whether severance pay or notice, or a combination of the two is offered. In order to receive any severance pay that is offered, an employee must sign a separation agreement offered by the University.

Years of continuous service and the percentage of full-time equivalency at the time of termination determine the amount of severance pay or notice offered to a staff employee. The amount of severance pay or notice is calculated as shown in the schedule below, and varies depending on length of service. The maximum possible severance pay or notice is 26 weeks. Severance pay or notice for partial years of employment is prorated.

##### **Severance Pay and Notice Schedule**

<b>Qualifying Period</b>	<b>Severance Pay or Notice</b>
Minimum amount	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, with a maximum of 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 staff employee 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 at the time of the position elimination.

If a staff employee terminates voluntarily after the notice period has begun, pay covers only the time actually worked and ceases on the date of voluntary termination. When a University leader elects to offer severance pay in lieu of notice, the designated Human Resources partner calculates the amount

of severance pay that will be offered to the staff employee. Severance will be paid in accordance with the separation agreement in a lump sum minus applicable withholdings. Signing a separation agreement is a condition of receiving severance.

Employees will not be offered severance pay under this policy if they are awarded any form of remuneration under other policies or agreements, such as if the University offers a voluntary retirement incentive program.

## **SECTION V. REHIRE**

Unless a separation agreement provides otherwise, employees who leave the University 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 12 months have elapsed between termination and start.

## **SECTION VI. RETURN OF UNIVERSITY PROPERTY**

Prior to an employee's last day of employment, the terminating employee is required to return all university assets, documents and other property, including but not limited to credit cards, keys and door cards, office, computer and electronic equipment, electronic files, library books and journals, and tools. Terminating employees may not retain any documents or electronic files that contain confidential or proprietary information belonging to St. Thomas. Failure to return University property may result in further action up to and including the University taking legal action.