

## SEPARATION OF EMPLOYMENT

Section: Employee Performance and Conduct  
Date Initially Approved: July 1, 1999  
Reviewed/Reaffirmed: February 1, 2014  
Effective Date: February 2014  
Revised: September 2007; September 2009; September 2010

### I. Purpose

To provide guidance and rules for resigning from the University. To provide a process for the resignation and/or separation of employment of University employees that satisfies State Department of Labor regulations, and that provides compensation and the continuation of benefits under certain circumstances.

### II. Policy

Employees classified as non-exempt are asked to provide at least two weeks advance notice whenever possible if they are resigning from employment. Exempt employees are asked to provide four weeks advance notice. Employees who resign should submit a signed letter of resignation to his or her immediate supervisor with a copy to Human Resources. The University classifies separation of employment as being either voluntary or involuntary allowing different processes or methods of treatment of employees under each which satisfy State Labor regulations, and compliment Department of Employment Security designations.

### III. Practices & Procedures

#### 1. VOLUNTARY TERMINATION/RESIGNATION

- a. Supervisors are responsible for ensuring the employees notice is submitted to the Human Resources Department (prior to the day of departure) so that the employee is able to meet with a Human Resource Representative to discuss the details of the termination of his/her benefits in compliance with State and Federal laws.
- b. When an employee decides to resign, they must notify both their supervisor and the Human Resources Department in writing.
  - i. An exempt employee (salaried) is required to give a minimum of four (4) weeks working notice.
  - ii. A non-exempt employee (hourly) is required to give a minimum of two (2) weeks working notice.
- c. Working notice is defined as, the completion of a normally scheduled work week as described above in 1b, without the use of any paid time off to include: sick, vacation and personal time.
  - i. Completion of the required working notice is mandatory in order to receive pay for unused accrued vacation time.
  - ii. If the notice period provided includes any days scheduled as personal or vacation, this time will not count as part of the notice period.
- d. Rehire.
  - i. Completion of the required working notice is mandatory in order to be considered for rehire.

## Office of Human Resources ♦ Franklin Pierce University

### 2. UNIVERSITY INITIATED RESIGNATION

- a. Any employee absent from work for three (3) consecutive workdays without notice shall be considered to have automatically resigned from the University. The University may then take the necessary action to implement that resignation.
- b. Involuntary resignations may also be offered under other circumstances at the discretion of the University and under the advisement of the Director of Human Resources.
- c. An employee who resigns automatically or involuntarily is ineligible to receive any pay in lieu of notice or pay for any accumulated unused vacation time, and is also ineligible for rehire.

### 3. INVOLUNTARY TERMINATION

- a. Any involuntary termination shall only be implemented after proper consultation with the Director of Human Resources, and shall only be conducted in their presence and with his/her assistance.
- b. Discharge After Warning
  - i. An employee may be discharged from the University when their work performance, including but not limited to, unacceptable behavior and inappropriate attitude continues to be unsatisfactory after the issuance of a written warning.
  - ii. The supervisor must have previously consulted in a timely manner with the Director of Human Resources to ensure that adequate warnings, verbal and written had been issued to, and personally discussed with the employee.
    1. Copies of any written warnings must have been sent, on the date of issuance, to the Human Resources Office for inclusion in the employee's personnel file.
    2. Supervisors must adhere to all other University policies and procedures pertinent to this process as well.
  - iii. Employees so terminated will not receive pay for any accumulated, unused vacation time.
  - iv. The individual's official University termination date shall be the final wage/salary pay-through date.
- c. Immediate Discharge (For Cause)
  - i. Employees (exempt or non-exempt) can be immediately discharged at any time without any prior warning, or notice having been given.
  - ii. Reasons for discharge under this category may include, but are in no way limited to, insubordination, any violation of the Administrative Policy Manual: "University Code of Conduct", any illegal or generally unacceptable behavior such as endangering the welfare of others, illegally using drugs, vandalism, making threats of violence, or theft, including theft of work- time.
  - iii. Under this termination category and at the discretion of the University, the employee may be given the opportunity to resign immediately.
  - iv. The exit interview may be waived if determined to be in the best interest of the Institution.
  - v. The Director of Human Resources shall ensure University policy is followed related to the individual immediately departing Campus, and that the welfare of other employees and the University are protected.
  - vi. The Director of Human Resources shall in all instances be consulted in advance of any discharge for cause situation, and shall be personally involved in the discharge proceedings.

## Office of Human Resources ♦ Franklin Pierce University

- vii. The Director of Campus Safety may be notified prior to discharge proceedings if deemed necessary by the Director of Human Resources.
  - viii. Employees who are discharged for cause are not eligible for pay in lieu of notice or pay for accumulated, unused vacation time. However, any wage or salary previously earned, but yet unpaid and due the employee, must be paid within a 72 hour period following time of discharge.
  - ix. Employees who are discharged for cause are no longer authorized or privileged to enter upon or remain on the property, premises or structures at Franklin Pierce University except for those occasions when a prearranged meeting(s) has been scheduled and approved by the Director of Human Resources.. University property includes all “occupied structures” as defined by RSA 635:1, III (1996) (structure adapted for overnight accommodations of persons or for carrying on business therein). You shall not cross the property line, enter the Franklin Pierce University campus, enter upon any of the ways within the campus, come upon the land or enter any occupied structure located on the campus.
- d. Retrenchment or lay-off which is designated as an involuntary termination has a separate severance pay plan and is discussed in detail in the Administrative Policy Manual: "Retrenchment".

### 4. EXIT INTERVIEW

- a. The Office of Human Resources shall conduct exit interviews with all voluntarily terminating employees to discuss the individual's concerns, provide details on the possible continuation of benefits, and to cover other relevant material associated with the employee's departure. Appropriate discussions will be held with all other terminations.
- b. All University-issued property (i.e., vehicles, keys, credit cards, ID's, academic regalia, uniforms, etc.) must be deposited with the Office of Human Resources.

### 5. HEALTH/DENTAL/LIFE INSURANCE CONTINUATION

- a. An employee shall continue to participate in the University's health/dental/life insurance coverage, until the end of the calendar month in which the termination is effective as long as their portion of the premium has been paid.
  - i. All benefit premiums must be paid in full prior to the employee's termination date unless his/her final check will sufficiently cover the premium.
- b. Upon any type of termination, employees may choose to continue health and/or dental insurance at the University's group rate for up to eighteen (18) months (see COBRA regulations) at the employee's full expense.
  - i. Combines Services LLC will contact the employee within two weeks after their coverage with the University ends by certified mail to provide COBRA coverage information.
  - ii. Life insurance may be converted to a non-group plan, also at the employee's full expense. Employees will receive the necessary signed conversion form at the exit interview

### 6. EMPLOYMENT AT WILL

- a. Both employers and employees within the State of New Hampshire and the State of Arizona are subject to the Employment-At-Will statute.
  - i. Although it is desirable for employees of the University to form long-standing employment relationships with the University, either the employee or the University

**Office of Human Resources ♦ Franklin Pierce University**

may terminate the relationship at any time, for any reason, with or without notice. This Employment-At-Will relationship exists regardless of any other written statements or policies contained in the Administrative Manual or any other University documents or any verbal statement to the contrary. While the University may elect to follow its progressive discipline procedure, the University is in no way obligated to do so. Using progressive discipline is at the sole discretion of the University and employment status shall always remain an employment at will.

- b. The employment at will statement does not apply to contract Faculty, the President of the University or Vice President positions.