

<b>Policy:</b> Termination	<b>Policy No:</b> I-1.16
<b>Policy Owner(s):</b> Human Resources	<b>Original Date:</b> 10/17/2023
<b>Last Review Date:</b> 12/2/2024	<b>Approved Date:</b>

- I. **POLICY:** John Carroll University recognizes that employment with the University may end for various reasons, including for voluntary and involuntary reasons. Any employee who terminates employment or whose employment is terminated at the University for any reason is expected to participate in the University’s termination transition process. Nothing in these policies shall be interpreted to be in conflict with or to eliminate or modify in any way the employment-at-will status of John Carroll University employees.
- II. **PURPOSE:** It is the policy of the University to ensure that employee terminations are handled in a professional and consistent manner with minimal disruption to the University. This policy establishes procedures regarding termination notice, return of University property, the processing of final pay, and conclusion of benefits.
- III. **SCOPE:** All employees of John Carroll University.
- IV. **PROCEDURES:**
- A. Employees leave the University for various reasons that may be voluntary or involuntary, including but not limited to:
1. Voluntary resignation;
  2. Retirement;
  3. Conclusion, termination or suspension of external grant or endowment funding when the position is contingent upon such funding;
  4. Conclusion of a temporary or term assignment;
  5. Job abandonment;
  6. Failure to return to work following an approved leave or any leave extension, under the FMLA Leave or General Leaves Policies;
  7. Employee death;
  8. Position elimination, reorganization, or reduction in force; or
  9. Involuntary termination due to any basis for termination identified in the Corrective Action Policy for staff or Faculty Handbook for faculty.

- B. Voluntary Resignation: Voluntary resignation occurs when an employee submits a written notice of resignation to their supervisor.
1. Employees are requested to provide a minimum of two weeks' notice of their intention to separate from the University to allow a reasonable amount of time to transfer ongoing workloads. The employee should provide a written resignation notification to their supervisor.
  2. Longer notice periods may be appropriate and approved by the University for certain positions. Positions at the director level and above are requested to provide, at minimum, a thirty (30) day notice, when possible.
  3. Resignations tendered in the month of December will have the final work date designated as no later than the last non-holiday work day of the calendar year. (An example would be if an employee resigns on December 15 and suggests a final work date of January 2, then the employee's final work date would be designated to be December 23. The employee would not be penalized for working less than two weeks from their date of notice). Exceptions require approval by the Vice President of the resigning employee's division and will only be granted if there is a specific business need to be fulfilled by the resigning employee that will be required over the holiday break or in the new year.
  - ~~3.4.~~ Alternative arrangements for the notice period may be negotiated with the employee and their supervisor, in consultation with Human Resources.
  - ~~4.5.~~ Upon receipt of an employee's notice of resignation, the employee's supervisor will notify the Human Resources department by sending a copy of the resignation letter and any other pertinent information (i.e., employee's reason for leaving, last day of work).
  - ~~5.6.~~ The request to withdraw a written resignation is at the direct supervisor's discretion in consultation with Human Resources and the division's Vice President and will be approved on a case-by-case basis, depending on the circumstances.
- C. Voluntary Retirement: Employees who elect to retire should provide their supervisor at minimum, a sixty-day day notice, when practicable, of their intent to retire. The Retirement Policy provides more detail for retirement notification process and benefits. Notice of retirement that is less than sixty (60) days will not qualify for certain benefits, as outlined in the Retirement Policy.
- D. Conclusion, Termination, or Suspension of External Grant/Endowment Funding: If a current employee's position will need to be terminated due to an expected or unexpected ending of funding from a grant or endowment and the position is contingent upon such funding, the department should contact Human Resources and the Division Vice President as soon as possible but no later than 30 days in advance of the required termination date. Those whose positions are contingent upon grant or endowment funding are not eligible for severance benefits. A written confirmation of the termination will be issued to the impacted employee by Human Resources on behalf of the University.
- E. Conclusion of a temporary or term assignment- Temporary or term assignments are generally defined with terms of the assignment and the

approximate duration for employment. At the conclusion of the assignment, the employee will not be eligible for severance benefits.

- F. Job Abandonment: Employees who fail to notify their supervisor of an absence and fail to report to work for three or more consecutive days, as specified in the Attendance Policy, will be viewed as voluntarily resigning their employment as of the third day.
- G. Failure to Return to Work Following Leave or Leave Extension: Employees may be involuntarily terminated if they fail to return to work following an approved leave or leave extension under the Family and Medical Leave Act (FMLA) or General Leaves Policies, and Reasonable Accommodation Policy. In such instances, the date of termination shall be the date on which the employee was expected or required to return to work from leave, consistent with the University's leave policies.
- H. Employee Death: A termination due to the death of an employee will be made effective as of the date of death.
  - 1. Upon learning of an employee's passing, the direct supervisor should immediately notify Human Resources.
  - 2. Human Resources will coordinate with the designated contacts, beneficiaries, vendors, and other involved parties regarding retrieval of employee personal property, final salary payments, and life insurance payments, as applicable.
  - 3. Information about the death of an employee should not be shared with others within or outside the University community without the permission of the employee's next of kin or representative. If requested, Campus Ministry will coordinate a notification to the campus community.
- I. Position Elimination, Reorganization, or Reduction in Force: A position may be eliminated and the employee terminated due to reorganization or restructuring of a University department, program, or service. A reduction in force refers to the necessity of elimination of a position due to changes out of the employee's control such as budgetary constraints or lack of funding, lack of work, or reorganization/restructuring.
  - 1. The employee subject to termination due to position elimination, reorganization or reduction in force will be notified in person, whenever possible, and the information will be confirmed in writing. The University will attempt to provide at least two weeks' notice of termination.
  - 2. Any request to reorganize or termination an employee or group of employees must be reviewed and approved by Human Resources and the applicable division Vice President. Human Resources will require information from the department or supervisor justifying the request.
  - 3. Any regular staff employee who regularly works 20 hours or more per week and is terminated by the University due to reorganization or position elimination may be eligible to receive severance pay, if severance is offered. If an employee is eligible to receive severance pay, the calculation of the severance pay is determined individually but typically will be based on the most recent hire date and continuous years of service. In order for an employee to receive severance pay, the employee must complete the required paperwork, which will include signing a release of claims agreement.

4. If an employee is recalled during the severance period and after having received severance, the employee must waive or return the pro-rated (unpaid) severance in order to return to payroll.
- J. Involuntary termination due to any basis for termination identified in the Corrective Action Policy for staff or Faculty Handbook for faculty is initiated by the University based upon the employee's failure to adhere to University policies and/or expectations of their assigned position, as outlined below.
1. For staff, the decision process and communication of an involuntary termination will generally follow the procedures found in the Corrective Action Policy. Staff who wish to appeal a termination decision can do so consistent with the process described in the Review and Appeals Policy.
  2. For Faculty, the decision process and communication of an involuntary termination will follow the procedures found in the Faculty Handbook or other policies applicable to faculty.

**V. GENERAL EXPECTATIONS:**

- A. For staff, the effective date of the termination is the last day worked. Staff may not use vacation or other time off benefits during the last day worked to extend their termination date or service.
- B. For faculty, the effective date of the termination is (1) the date provided in the written notice by the faculty member to the University of resignation or retirement and accepted by the University, (2) a termination date as provided in the process under the Faculty Handbook, or (3) an alternative date is agreed upon by the faculty member and the University.
- C. Employees are expected to work through their notice period, unless an alternative arrangement has been made and approved by Human Resources.
- D. Retention of JCU Property and Information: During or prior to the notice period, employees are prohibited from deleting, downloading, destroying, or removing any physical or electronic documents, or property that belongs to the University or that contains sensitive or confidential data belonging to the University or regarding its students, employees, donors, or vendors.
- E. Except in the case of retiring faculty, or as provided in this paragraph, all access to University email and networks will end on the last day of employment. Retention of email accounts for retiring faculty is governed by the Email Naming Convention and Assignment Policy. In particular circumstances, at the time of notice of termination or intent to resign, the University may terminate the employee's access to certain University resources or information, including IT resources, prior to the last date of employment.
- F. Final Pay: An employee who resigns or is discharged will be paid through the last day of work, plus any unused, earned vacation, deferred pay, or unused paid time off (PTO), and less taken, unearned vacation time, outstanding loans, advances or other payroll reduction arrangements or agreements the employee may have with the University. Employees are not entitled to

payment for sick leave or mission leave balances that remain as of the termination date. For an exact calculation of this final pay amount, employees should consult the Payroll Office. The final paycheck will be direct deposited and issued no later than the next normal pay period. In cases of an employee's death, the final pay due to that employee will be paid to the deceased employee's estate or as otherwise required under applicable law.

- G. Health Insurance: If the employee is a participant in the University's health insurance plan for medical, dental and/or vision insurance, such insurance coverage will end on the last day of the month of the employee's termination. The full monthly share of insurance premiums will be deducted by the University from their last pay. Information about continuation of health coverage for the employee and eligible dependents under the Consolidated Omnibus Budget Reconciliation Act (COBRA) will be provided to the employee.
- H. Tuition Waiver Benefits If an employee terminates within the first half of the semester, that semester's benefit is forfeited and the employee is responsible for the full cost of the tuition. If an employee terminates within the second half of the semester, the employee will not have to repay the cost of tuition. For employees using the tuition exchange benefits, host institutions will be notified of the termination and will determine the eligibility for the continuation of benefits.
- I. Return of University Property: Employees must return all University property at the time of termination, including but not limited to uniforms, P-cards, university-issued equipment, cellphones, keys, laptops, parking passes, and identification cards. Employees should not take with them files, property, or work product that belong to the University or that contain data belonging to the University or regarding University students, employees, donors, or vendors, or any confidential or sensitive data belonging to or related to the University. Supervisors are responsible to coordinate with Human Resources to ensure that all University property is returned. Failure of the employee to return specified University property will result in deductions from the employee's final paycheck as outlined in your Acknowledgement of Policy form. In orientation, an employee is required to sign this wage deduction authorization to deduct the costs of such items from the final paycheck if they fail to return issued equipment. In some circumstances, the University may pursue collections or criminal charges for failure to return University property.
- J. Personal Property: All personal property must be removed from work stations and offices by the final work day, or consistent with arrangements made with Human Resources for the employee's collection of personal property. In the case of an involuntary termination or death of an employee, an appointment can be made with Human Resources to retrieve personal items from former work spaces by the employee or by the employee's representative/executor.
- K. Eligibility for Rehire:
  - 1. Eligibility for rehire with the University after termination is governed by the University's Rehire and Service Recognition Policy.
  - 2. Staff employees who leave the University in good standing with proper notice may be considered for rehire. Former employees seeking

to be rehired by the University must follow the normal application and hiring processes and must meet all minimum qualifications and requirements of the position.

3. Rehired faculty employees will not retain tenure previously held by the employee when re-hired for full- or part-time faculty or staff positions, unless otherwise agreed-upon by the University.
4. Employees who are involuntarily terminated by University due to any basis for termination identified in the Corrective Action Policy for staff or Faculty Handbook for faculty or who resign in lieu of termination are ineligible for rehire, unless otherwise agreed-upon by the University. In addition, employees who resign without providing adequate or agreed upon notice or who abandon their job will not be considered for rehire.

**VI. CROSS REFERENCE:**

- A. Attendance Policy
- B. Corrective Action Policy
- C. Email Naming Convention and Assignment Policy
- D. Faculty Handbook
- E. Family and Medical Leave Act Policy
- F. General Leaves
- G. Reasonable Accommodation Policy
- H. Retirement Policy
- I. Rehire and Service Recognition Policy
- J. Tuition Waiver & Tuition Exchange Benefit Programs