

SDCRAA HUMAN RESOURCES STANDARDS AND PROCEDURES

Section:	Provisions for At-Will (Exempt/Non-Exempt/Unclassified) Employees Only
Standard:	INVOLUNTARY TERMINATIONS
Section #:	J-5
Effective:	September 3, 2008

See Also: Corrective Action; Formal Discipline; Severance Pay; Serious Misconduct; Exit Interviews; Payroll; Reduction in Force

GENERAL STANDARD

Because At-Will employment is at the mutual consent of the employee and the Authority, either the employee or the Authority can terminate the employment relationship at will, with or without notice or cause.

SPECIFIC STANDARDS

- An involuntary termination of employment is effected by the Authority: when, in its sole discretion, it deems that an employee's performance, behavior or conduct warrants discharge. This may include, but is not limited to:
 - ◆ Dishonesty or theft involving the Authority;
 - ◆ Insubordination (failure to follow legal orders, direct disobedience or failure to obey any lawful and reasonable direction);
 - ◆ Racial or sexual harassment or discrimination;
 - ◆ Damage caused to Authority property or the waste of Authority supplies through negligence or willful conduct;
 - ◆ Incompetence or inefficiency in performing any job duty;
 - ◆ Offensive conduct toward employees, customers, business contacts and/or the public;
 - ◆ Violation of regulations;

- ◆ Solicitation or acceptance of bribes;
- ◆ Conviction of a criminal offense involving moral turpitude;
- ◆ Any act of baseness, vileness or depravity; contrary to justice, honesty, modesty or good morals; or done with deception or through a corrupt motive;
- ◆ Absence without leave contrary to Authority rules;
- ◆ Failure to report to work after an authorized leave of absence has expired or absence after leave has been disapproved, revoked or cancelled;
- ◆ Excessive absenteeism;
- ◆ Violation of safety or security rules;
- ◆ Engaging in employment outside the Authority, that has not been approved.

- ◆ When the Authority loses confidence in the employee as a result of conduct that is detrimental to the reputation of the Authority.

- ◆ When a job is eliminated through reduction-in-force or organizational restructuring. (See ***Reduction in Force Standard.***)

- ◆ When the Authority decides to exercise its right to terminate an At-will employee for any reason and at any time.

- Involuntary terminations require the advance approval of and coordination with the Director, Human Resources, the responsible Vice President, and the President/CEO.

GUIDELINES

- For terminations of employment related to performance factors, ensure that corrective action steps have been taken, if warranted in the

Authority's sole discretion (see **Corrective Action**). The Director, Human Resources (or designee) will advise the manager on all aspects of implementing an involuntary termination.

- ❑ Terminations resulting from business necessity will be handled in accordance with Authority needs (See **Reduction in Force Standards**).
- ❑ Involuntary terminations are sensitive matters. Therefore, a manager is expected to demonstrate professionalism, fairness and consistency when dealing with any employee whose employment is terminated involuntarily.
- ❑ As soon as the manager becomes aware of a pending need to terminate an employee, the manager must consult with a representative of the Human Resources Department.
- ❑ In situations where immediate action is warranted and there is no time to obtain all approvals and coordinate related activities, the manager must contact a representative of the Human Resources Department *immediately* to discuss the handling of the matter. Generally, an employee is suspended from work pending an investigation. The Human Resources Department representative shall coordinate with the manager the manner in which the employee is notified and whether the suspension is with or without pay.

PROCEDURES

- ❑ The manager shall contact the Human Resources Department representative to discuss specific problems prior to initiating any termination of employment.
- ❑ In consultation with the Human Resources representative, the manager shall determine all information that will be conveyed to the employee (e.g., the decision to terminate, why, etc.).
- ❑ The Human Resources representative shall advise the manager on all other procedures and processes related to implementing the termination (e.g., forms, calculating final compensation, delivery of final checks, benefits eligibility, etc.).

- ❑ To fill any resulting vacancy, managers should refer to the ***Employment and Personnel Actions Standards***.

- ❑ In addition to the above assistance, the Human Resources Department representative shall:
 - Conduct the exit interview, if applicable.

 - Ensure that the employee receives his/her final paycheck within legally required time frames.

 - Provide the employee information on COBRA benefits, any applicable state law, and any benefit conversions permitted under the Authority's benefits plans.

- ❑ The manager, in consultation with the Human Resources representative shall:
 - Arrange for the employee to take his/her personal belongings.

 - Cancel computer log-in's and passwords.

 - Obtain keys, security badges and other Authority property from the employee.

 - Notify all appropriate parties, as directed by Human Resources representative, of the employee's termination of employment.