

Utah Tech University Policy

373: Termination and Reduction of Workforce



- I. Purpose
- II. Scope
- III. Definitions
- IV. Policy
- V. References
- VI. Procedures
- VII. Addenda

I. Purpose

- 1.1 This policy defines the exit process for Utah Tech University (“the University”) employees leaving employment with the University and procedures associated with the exit process.

II. Scope

- 2.1 This policy applies to all employee classes and official University volunteers (non-compensated individuals performing a service to the University).

III. Definitions

- 3.1 ***Voluntary Termination (Resignation)***: an employee-initiated separation which includes formal notice of discontinuance of service, leaving work without approval, failure to report to work for two (2) consecutive work days, or failure to return to work following approved leave (vacation, sick leave, leave without pay, etc.) for two consecutive work days. Resignation constitutes a break in continuous service, regardless of any subsequent reemployment unless specific approval is obtained from the supervising Vice President in consultation with Human Resources for reinstatement of previous service time.
- 3.2 ***Involuntary Termination (Discharge)***: an employer-initiated separation, which results from a serious or repeated infraction of personnel or safety policy; failure to comply with corrective recommendations, which have been brought to the employee’s attention, or serious misbehavior.
- 3.3 ***Reduction of Workforce (Layoff)***: an employer-initiated separation that is caused by lack of funds (including elimination or reduction of funds from

outside agencies), lack of work, discontinuation or restructuring of a program, or other compelling reasons.

- 3.4 **Full-Time Employee:** those individuals whose employment status is expected to last nine (9) consecutive months or longer, working 75 percent or more of the normal possible annual working hours for that position. This includes both faculty and staff positions. See Policy 301.
- 3.5 **Part-Time Employee:** those individuals whose employment/work is 74 percent or less of the normal possible annual working hours for that position; those whose employment status is expected to be of short duration; and those whose employment is of an intermittent nature. See Policy 301.
- 3.6 **Probationary Employee:** any full-time employee within their probationary employment period. See Policy 321 and Policy 325.
- 3.7 **Seniority:** the number of years served as a full-time employee at the University in the most recent period of service. Prior periods of service interrupted by termination of employment will not be considered. Seniority is not restricted to time served within the unit or department.
- 3.8 **Organizational Unit:** a major subdivision, normally referred to as a department. Where two or more departments are being merged into one, organizational unit refers to the combination of departments that will be merged.

IV. Policy

- 4.1 Probationary, part-time, or temporary employees may be terminated at any time with or without cause and without advance notice. Official University volunteers may also be terminated at any time with or without cause and without advance notice. Unless the department has given termination notice to Human Resources, official University volunteers will remain eligible within the Human Resources database for up to three years, unless otherwise specified by the department, before new paperwork is required.
- 4.2 Terminated employees, whether voluntary or involuntary, forfeit all rights they had as employees and will be treated as a new employee, should they become re-employed by the University.
- 4.3 Employer-paid benefits (such as health, life, and disability insurance), where applicable, will end at the end of the last work day of terminated employment. The University complies with the provisions of federal

COBRA statutes requiring continuation of health benefits at the employee's cost.

4.4 Where applicable, compensation shall be paid for unused vacation leave and compensatory time, typically with the pay period in which the employee last worked. Compensation will not be paid for unused sick nor staff personal preference days. Faculty who resign/terminate but fulfill their semester obligations have their pay/benefits continue through December 31 (service ending at the conclusion of Fall Semester) or as of June 30 (service ending at the conclusion of Spring Semester).

4.5 In the event of death, the legal heir(s) will be entitled to the following:

4.5.1 Any unpaid time worked (including applicable unused leave) due the employee will be paid on the next available paycheck. Additional compensation equivalent to two pay periods will also be included with the deceased's final paycheck.

4.5.2 Any pertinent benefits due to the employee as a result of participation in the University benefits program. This includes COBRA eligibility for continued health insurance for a surviving spouse and/or eligible dependents, subject to federal law.

4.5.3 The spouse and dependents of the deceased continue eligibility for the University's employee tuition waiver program as defined in Policy 344: Tuition Waivers for Employee, Retirees, and Dependents.

V. References

5.1 University Policy 151: Grievance Procedure

5.2 University Policy 301: Personnel Definitions

5.3 University Policy 344: Tuition Waivers for Employees, Retirees, and Dependents

5.4 University Policy 346: Staff Leaves and Absences

5.5 University Policy 371: Faculty Termination

5.6 University Policy 372: Corrective and Disciplinary Action

VI. Procedures

6.1 Part-time employees wishing to voluntarily resign shall provide their immediate supervisor with a letter of resignation, preferably at least two

weeks prior to their last working date. Departments receiving notice of resignation must notify the Human Resources Office prior to the last work date, thus allowing for adequate payroll processing and timely termination of employment accesses. Departments are responsible for collecting any University property issued to part-time employees and returning University keys to Facilities Management.

- 6.2 Full-time Staff employees wishing to voluntarily resign shall provide the Human Resources Office and their immediate supervisor with a letter of resignation at least two weeks prior to the effective date of termination. Full-time Faculty members wishing to voluntarily resign shall provide the Human Resources Office, their department chair, and Dean with a letter of resignation, preferably by October 1 (if ending at the conclusion of Fall Semester) or March 1 (if ending at the conclusion of Spring Semester), but no later than seven (7) days after contracts are issued for the following academic year. If faculty do not provide notification by that time, it is agreed that employment will continue for the following year.
 - 6.2.1 Because active duty of the faculty member does not correspond directly to the number of pay periods, if the faculty member voluntarily terminates after the conclusion of Spring Semester but before resuming teaching for the new academic year, the faculty member will return to the University any overpayment of compensation within thirty (30) calendar days after termination is received.
- 6.3 Full-time employees discharged will receive ten (10) working days of advance notice (paid) and a written statement of cause for termination. See Policy 372.
 - 6.3.1 Before discharge is undertaken, the President or appropriate Vice President, and the Human Resources Office will make careful analysis of the circumstances.
 - 6.3.2 Employees discharged will be notified of the availability of the grievance process. See Policy 151 and Policy 371.
- 6.4 Full-time employees may be terminated as a result of a decision to effect a reduction in workforce or layoff. Layoff decisions will be made by the supervisor and the appropriate Vice President, with final decision made by the University President.
 - 6.4.1 After positions are identified within the organizational unit for elimination, when there are more than one incumbent holding such a position, the termination decision will be based upon employee's

seniority. Part-time, temporary, or probationary employees within the organizational unit and performing essentially the same duties will be terminated before full-time employees regardless of seniority.

- 6.4.2 Employees terminated as a result of reduction in workforce are not allowed to “bump” other employees in the same organizational unit in positions of different duties or employees in other organizational units with less seniority. Transfer to a vacant position elsewhere on University premises should be favorably considered by the supervising Vice President.
- 6.4.3 If the position from which a full-time employee was released becomes available within six months, that employee will be a prime candidate for rehire. This “recall” does not apply to part-time, temporary, or probationary employees.
 - 6.4.3.1 Recalled employees, if reinstated within six months, will retain prior service credit.
- 6.4.4 Application and subsequent selection for a position in another department on University premises is not considered recall, but securing another position at the University within six months of layoff will allow the employee to retain prior service credit.
- 6.4.5 Employees terminated due to a reduction in workforce will, where possible, be notified in writing at least ten (10) working days before the effective date of the termination. If advance notice is not given, or is given for a shorter period than ten working days, severance pay will be given in lieu of notice at the regular pay rate.
- 6.5 For all full-time employees terminating employment, an exit interview will be scheduled with the Human Resources Office to explain benefits and collect (or verify collection of) University keys and other University property issued in connection with employment. Any unpaid debts to the University must be paid prior to the employee’s final paycheck or they will be deducted from said check.

VII. Addenda – N/A

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