

Chapter 13: Termination and Disciplinary Action

Key Terms You Need to Know for Chapter 14.

- **Termination Notice** – a formal letter or memorandum signed by the president advising an employee of college’s intention to terminate the employment contract.
- **Resignation Notice** – a formal letter or memorandum prepared by an employee who wishes to terminate current contract before the end of the contract.
- **Layoff Notice**- a formal letter or memorandum signed by the president advising the employee of their last day of employment with the college due to a layoff.
- **Physician** – a state recognized medical doctor who is practicing medicine state of county where services are rendered.
- **Medical report** – a summary of medical conditions that also provides for any limitation/ restrictions on the ability of the employee to perform specific duties, advice on suggested duties that match abilities and duration of disability and/or expected return to normal duties.

Frequently Asked Questions	
✓ How do I resign?	✓ You will use a formal memorandum or letter addressed to the president and routed through your supervisor and vice president, indicating the effective date and reason for leaving.
✓ How will I know my resignation is approved?	✓ Your supervisor will inform you and you may also receive an email notice by HRO staff.
✓ Who is authorized to terminate my employment?	✓ The president, upon recommendation from your supervisor.
✓ When can I grieve my termination?	✓ Within three days of receipt of the termination letter.
✓ Who will issue my termination letter to me?	✓ Your supervisor (and dean/vice president). If for some reason you are terminated while abroad or away from your duty station, you will receive the notice in the mail or through delivery by security personnel.
✓ Who will tell me if I am being laid off?	✓ Your supervisor (and dean or vice president)
✓ If I am laid off from the college, am I eligible for rehire?	✓ Yes
✓ If I am terminated by the college, am I eligible for rehire?	✓ No

The Process for Resignation

An employee may request to resign from employment with the college. To do so the employee shall make the request in a written letter or memorandum addressed to the president a minimum 14 days in advance of the effective resignation date. The employee will follow this process:

1. Submit the letter or memorandum to the immediate supervisor.
2. The supervisor will review the letter or memorandum, sign it for endorsement and forward it to the relevant vice president
3. The vice president will also review the letter or memorandum, sign it for endorsement and forward it to president for approval.
4. The president writes "approve" or "disapprove" on the letter and returns it to the vice president. The vice president will send copy of approved resignation letter to HRO for processing of necessary documents while disapproved letters will be returned to employee with instructions.
5. HRO staff will prepare the corresponding Personnel Action and any other documents to complete the exit process. *See Chapter 18 on Departure.*

The Process for Termination

There are four circumstances in which an employee may be terminated from the college.

Termination for Medical Reasons

An employee may be terminated for medical reason and the recommendation will be initiated by the supervisor (s) to the president. The recommendation will be prepared with supporting documents (if any) to describe and give evidence to the termination and endorsed by the relevant vice president, who will forward the recommendation to the president.

The president will determine the actions to be taken based on the recommendation and will cause for investigation into the matter. It is up to the president how the investigation will be carried and who will be involved. In concluding the investigation, the president will be provided any additional reports and evidence to inform the final decision. Usually, the legal counsel is involved in this process and his involvement is authorized by president only.

When the president approves the recommendation for termination, a copy of the approved recommendation and all supporting documents will be transmitted to HRO for processing of a Personnel Action and other exit documents.

The supervisor and an administrator (dean/vice president) will issue the letter to the affected employee.

Termination during Probationary Period

An employee may be terminated during probationary period and such recommendation will be initiated by the supervisor(s). Such termination recommendation will be endorsed by the relevant vice president who will forward the recommendation to the president. The recommendation will be prepared with supporting documents, including a medical summary report from a duly authorized practicing physician who verifies the employee's incapacity to carry out job responsibilities.

The president will determine the actions to be taken based on the recommendation and will initiate an investigation into the matter. It is up to the president how the investigation will be carried and who will be involved. In concluding the investigation, the president will be provided any additional reports and evidence that can inform the final decision. Usually, the legal counsel is involved in this process, and the counsel's involvement is authorized only by the president.

When the president approves a recommendation for termination, a copy of that recommendation and all supporting documents will be transmitted to HRO for processing of a Personnel Action and other exit documents. The supervisor and an administrator (dean/vice president) will issue the letter to the affected employee.

Layoff Notices

A supervisor and relevant vice president in an affected area will provide the recommendation and documentation for layoff to president at least 90 days prior to the effective date of the layoff. An employee may be issued a written notice of lay off for a number of reasons including the list below.

1. Grant is not renewed (terminated)
2. Position is abolished
3. Results of reorganization
4. Insufficient funds
5. Work demands cease

A written notice signed by the president will advise the employee of the lay off and the reason, and the notice will be issued to the employee no later than sixty (60) days in advance of the effective date of the layoff. The supervisor and an administrator (dean/vice president) will transmit the notice to the affected employee.

The president will determine the actions to be taken based on the recommendation and will initiate an investigation into the matter. It is up to the president how the investigation will be carried and who will be involved. In concluding the investigation, the president will be provided any additional reports and evidence that can inform the final decision. Usually, the legal counsel is involved in this process, and the counsel's involvement is authorized only by the president.

When president approves the layoff, a copy of the approved recommendation and all supporting documents will be transmitted to HRO for processing of personnel action and other exit documents.

Notice of Contract Non-Renewal

An employee may be issued a written notice of contract non-renewal by the supervisor and a senior administrator within the department at least 60 days prior to the last day of employment per the current employment contract. A supervisor will recommend for non-contract renewal to the president through the relevant vice president at least 90 days prior to the last date of employment of the concerned employee.

The president will determine the actions to be taken based on the recommendation and will initiate an investigation into the matter. It is up to the president how the investigation will be carried and

who will be involved. In concluding the investigation, the president will be provided any additional reports and evidence that can inform the final decision. Usually, the legal counsel is involved in this process, and the counsel's involvement is authorized only by the president.

When the president approves the recommendation for non-contract renewal, the supervisor and relevant dean/vice president will issue the notice to the concerned employee at least 60 days prior to the last day of employment. The supervisor/vice president will provide a copy of the approved recommendation and all supporting documents to HRO for processing of a Personnel Action and other exit documents.

Access to Personnel Files at HRO

An employee or his/her supervisor may access the employee's personnel file by completing the Personnel Records Request Form (Appendix K) retrievable from this manual online, in hard copy or from HRO or its representatives at each state campus.

An employee or supervisor who wishes to copy a document or to access the employee's file must provide to HRO the completed Appendix K. The completed form shall be presented to HRO for each request for access to, or to copy documents from the file.

Upon receipt of the completed form and approval by the director of human resources, the HR staff will gain approval from the director to schedule a time when the requested document can be viewed or copied. HRO staff or an HR representative will maintain log in each employee's file to record the type of document, the date when viewed or copied and the name of the person accessing the file. When HRO determines a request to not meet the policy requirement, requesting personnel will be informed and form will be returned with written reasons for the denial.

HRO staff will email requested documents to requesting personnel from the remote campuses; while hard copies will be issued to the on-island personnel by HR staff.