

## Missouri Western State University

<b>Policy Name:</b> Employee Separation	<b>Date Effective:</b> December 1, 2024
<b>Policy Category:</b> Human Resources	<b>Date Last Revised:</b> November 7, 2017 <sup>1</sup>
<b>Approving Authority:</b> Vice President for Finance and Administration	<b>Date Last Reviewed:</b>
<b>Responsible Office:</b> Office of Human Resources	<b>Recommended Review Cycle:</b> Annual

### I. Purpose

The purpose of this policy is to provide structure, consistency, and accountability for separations from employment.

### II. Applicability

This policy applies to all full-time and part-time University employees including staff, faculty, student employees, and temporary employees.

### III. Definitions

**At Will Employment.** The University or the staff member may end the employment relationship with or without cause, at any time, subject to applicable University policies or written employment.

**Benefits Eligible.** In general terms, employees who are in a position that requires 20 or more hours of work per week and at least 1,040 hours each year are eligible for fringe benefits. The University has sole discretion for part-time employee benefit eligibility.

**Employee:** An individual who provides services to the University on a regular basis in exchange for compensation and receives a W-2 for such services.

**Involuntary Termination.** A separation that is initiated by the University.

**Job Abandonment.** A staff member who is absent without authorization for three (3) or more consecutive work days may be considered to have abandoned their position voluntarily.

**Notice Period (Voluntary Separation).** The period of time between when the employee provides notice they are separating, through the employee's last day of employment ("Separation Date"). The notice period may be a working or nonworking period.

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<sup>1</sup> This policy replaces the **Employment Separation Procedures**, which were effective July 1, 2016, and revised November 7, 2017.

**Notice Period (Involuntary Separation).** The period of time between when the University provides notice of termination, through the employee's last day of employment ("Separation Date"). The notice period may be a working or nonworking period at the University's sole discretion.

**Reduction in Force (RIF).** An involuntary termination initiated due to lack of funds, lack of work, job redesign or elimination of position(s) or reorganization.

**Separation Date:** Last day worked or in pay status.

**Termination for Cause.** Termination for Cause is an involuntary separation of employment from the University. Termination for cause may include, but is not limited to, serious misconduct, an employee's inability to perform their job duties or their disruptive behavior, poor attendance, unsatisfactory performance, or violation of University policies. Serious or gross misconduct includes, but is not limited to, theft, insubordination (e.g., refusal without reason to perform a work assignment), sexual misconduct, falsification of records, or any conduct deemed to be highly disruptive to the normal operation of the University.

**Voluntary Separation.** A separation that occurs when a staff member initiates leaving the University.

#### **IV. Policy**

Consistent with Missouri Western State University's commitment to its employee, the University aims to ensure that situations when employees leave employment with the University, including for voluntary and involuntary reasons, are handled in a professional and respectful manner with minimal disruption to the workplace.

Missouri Western State University is an "at-will" employer, meaning either the employee or the University may end the employment relationship at any time for any lawful reason, with or without notice or cause, subject to applicable University policies or agreements. Each employee assumes the responsibility of providing adequate notice of voluntary resignation or retirement. Nothing in this policy, or other policies, shall be construed to modify in any way the employment-at-will status of Missouri Western employees. Employees who have formal written employment agreements are subject to the terms of their individual employment agreement.

When an employee is separated from employment, the supervisor has the responsibility to communicate the separation to the Office of Human Resources and other appropriate departments to ensure the procedures of this policy are followed. Supervisors are responsible for ensuring exit activities occur for all departing individuals.

#### **IV. Procedures/Policy Details**

##### **A. Voluntary Separation**

Voluntary separation from employment can occur when an employee decides, for whatever reason(s), to leave employment with the University and indicates this intent, verbally or in writing, to the University. The employee should provide a written notice of resignation to their supervisor. The written notice should include the specific reason for separation and the last available day to work.

An employee voluntarily separating from employment shall be required to give and fulfill the proper notice period in order to separate in good standing. The notice period is two weeks for nonexempt (hourly) and 4 weeks for exempt (salaried) employees. This requirement may be waived by the appropriate department official. The University expects faculty, absent extraordinary circumstances, to fulfill their teaching obligations for the entirety of the academic period to which they have committed and at the earliest possible opportunity their intent to not return for the subsequent semester. At a minimum, faculty should notify the University at least four (4) months before the beginning of the next academic year if they will not return to teach.

Failure to provide the requisite notice may result in the employee being deemed ineligible for reemployment at the University in any capacity and/or ineligible to receive a payout of any earned vacation leave.

Employees may not take vacation during the period of notice. In extraordinary circumstances, the Office of Human Resources may approve an employee to use vacation leave in consultation with the immediate supervisor.

The University reserves the right to escalate the separation date of an employee and/or to remove an employee from their workplace during their resignation notice period and may require the employee to take accrued vacation.

##### **B. Job Abandonment/Absence without Approval**

In situations in which the employee is absent three (3) consecutive workdays without properly notifying their supervisor, a voluntary separation notice may be delivered by Office of Human Resources to the employee following the third day. The Office of Human Resources will make every effort to deliver the notice in the manner that is most likely to reach the employee in a timely manner, which shall include, at a minimum, delivery by certified mail. Personal belongings will be retained for thirty (30) days, then inventoried and sent to the employee address on file if not retrieved by employee sooner.

Employees who do not return to work following expiration of an unpaid leave of absence and who do not have approval to extend their leave will be terminated and considered to have separated voluntarily. The last day of the approved leave will be considered the last day worked.

At the University's discretion, job abandonment may be considered a voluntary separation, and the individual's file may be marked "not eligible for rehire."

### **C. Involuntary Separation**

Involuntary separation from employment typically occurs when the University makes the decision to end the employment relationship with the employee. Involuntary separation can occur for a number of reasons, including but not limited to, job performance, misconduct, reduction in force, retrenchment, and/or other business reasons. In these instances, other University policy(s) will be relevant and must be consulted.

All University employees are required to meet certain standards of work performance and workplace behaviors/conduct. When employees do not meet specified standards, corrective and disciplinary actions for performance deficiencies or for unacceptable workplace conduct, up to and including termination for cause, may be warranted. In such occurrences, the University is not obligated to give "notice" to the employee. Depending on the nature of the misconduct or the severity of the unsatisfactory job performance, an employee may be subject to a final disciplinary notice or immediate termination from the University without going through progressive disciplinary actions.

Persons terminated for cause from the University are not eligible for rehire without prior approval by the Office of Human Resources. Persons leaving the University while under corrective action or those whose performance is documented as below satisfactory may not be eligible for rehire. Persons terminated for serious or gross misconduct from the University are not eligible for rehire. Employees terminated for serious or gross misconduct are not eligible to receive any notice or payout for any earned but unused vacation time. Questions relative to an applicant's eligibility for rehire should be directed to the Office of Human Resources.

The University takes all involuntary separation decision seriously. Involuntary separation actions require the involvement of the appropriate Vice President or Cabinet Member, General Counsel, and the Director of Human Resources before any separation decision is finalized. Exit processes may differ due to the circumstances of the departure and the position held. Supervisors should coordinate such exit activities with the Office for Human Resources.

### **C. Separation During Probation**

Any employee may be separated from employment during the ninety (90) day probationary period as well as during any probationary period extensions, with or without cause and advanced notice.

### **D. Death of an Employee**

In some circumstances, a separation from employment can occur because of a death. Upon receiving information of the death of an employee, the employee's supervisor should immediately notify Office of Human Resources. The employee's date of death will be considered the individual's Separation Date.

## **E. Final Pay**

An employee who separates from employment with the University will typically receive their final pay during the employee's next scheduled pay period. Final pay may include the payout of any unused vacation hours.

The employee will be paid out for any accrued, unused vacation time up to the maximum allowed by the University's policy regarding leave accrual and usage in their final paycheck. Employees who voluntarily separate from employment without providing a minimum two (2) weeks notification will forfeit any earned vacation time payout. Employees who are discharged for willful or gross misconduct or similar causes are not eligible to receive a payout for any earned but unused vacation hours.

## **F. Return of University Property**

All documents, files, records, materials (in any format, including electronically stored equipment or other property), including without limitation, personnel records, recruitment records, team information, athletic equipment, films, statistics, keys, credit cards, laptop computers, software programs, electronic communication devices, and any other material, data or property, furnished to an employee by the University or developed or acquired by an employee on behalf of the University or at the expense of the University or using University resources or otherwise in connection with an employee's employment by the University are and shall remain the sole property of the University. Within ten (10) days of termination or separation of an employee's University employment, for any reason, an employee shall ensure any such materials in employee's possession or control to be delivered to the University. The foregoing provisions of this section shall not apply to memorabilia, diaries, and similar personal records of employee, which the employee is entitled to retain.

Employees may need to pay for any unreturned item(s) or the effect of any unreturned item(s). Such amounts, if any, will be deducted from a final paycheck or otherwise recovered from the employee.

## **G. Eligibility for Rehire**

Employees who leave the University in good standing may be considered for rehire. Former employees must follow the normal application and hiring processes and must meet all minimum qualifications and requirements for a position. Rehired employees will not retain previous status when calculating longevity, leave accruals or any other benefits, unless the individual is rehired within three (3) months of separation or as otherwise specified by policy.

## **H. Notification**

An employee is required to provide a written notice of separation stating the effective date and reason for resignation which should be submitted to the immediate supervisor. Supervisors are responsible for ensuring the original written notice of resignation is provided to the Office of

Human Resources for inclusion in the employee's personnel file. In the event of an involuntary separation, the University will provide the employee with a written notice of dismissal.

## **I. Retirement**

In order to be eligible for Missouri Western State University retiree benefits, an employee must be eligible to retire under the MOSERS plan in which the employee participates. University retiree information can be found in the *Retiree Benefits and Resources Policy*. Retirement is considered a voluntary separation.

MOSERS retirement procedures can be found on the MOSERS website at [www.mosers.gov](http://www.mosers.gov).

CURP retirement procedures can be found on the TIAA website at <https://www.tiaa.org/public/tcm/curp>.

## **J. Benefits and Retirement**

University medical, dental, and vision benefits will continue through the end of the month of the last day in active status. Employees may enroll in COBRA coverage for continuation of medical, dental, and vision benefits for up to 18 months after separation of employment. The University's COBRA administrator will mail enrollment information to the employee's mailing address on file.

Basic and voluntary life insurance, accidental death and dismemberment insurance, and long/short-term disability plans end on the last day employed. Employees may elect to continue life insurance coverage with the current insurance carrier.

University contributions to retirement plans, Missouri State Employees' Retirement System (MOSERS) and College and University Retirement Plan (CURP), will cease on the last day employed. Employees who participate in MOSERS will have their unused sick leave reported to MOSERS for retirement benefit calculations. The employee will receive written notification outlining the termination of benefit plans.

## **K. Off-Boarding**

Upon notice of separation, the Office of Human Resources will initiate the off-boarding procedures to the respective parties and immediate supervisor of the separating employee. A link to the off-boarding procedures can be found on the Office of Human Resources website.

- Separating employee will be responsible for such things as: providing a written separation letter to their supervisor, contacting the Office of Human Resources to schedule their off-boarding meeting, settling any outstanding balances, and returning University property (including keys and identification card).
- Supervisor will be responsible for such as: collecting a letter of separation from the employee, coordinating the transfer of knowledge as appropriate and closing any external accounts.

- The Office of Human Resources will contact employees who voluntarily separate from employment to complete a separation survey.

The employee's supervisor is responsible for completing the employee off-boarding procedures in a timely manner.

**L. Confidentiality and Records**

All records and appropriate paperwork related to the employee's separation will be kept confidential and maintained in the Office of Human Resources.