



Involuntary Separation from Employment	
Responsible Official: Chief Operating Officer	Responsible Office: Human Resources

### Policy Purpose

The policy specifies the expectations related to the notification of and processing of involuntary employment separation from ETSU.

### Policy Statement

This policy applies to all ETSU employees who do not hold tenure status and all types of Involuntary Separations. Managers and supervisors must receive approval from the Office of Human Resources prior to notifying an employee of termination. Involuntary Separations involving faculty are subject to procedures determined by the Provost and President in addition to the requirements of this policy and state law.

Employees and their respective department heads are required to complete all off-boarding procedures specified by the Office of Human Resources when employees separate from the University. Employees must return ETSU property and satisfy outstanding financial or other obligations. Failure to complete all necessary actions could delay distribution of the employee's final check.

#### I. Types of Involuntary Separations.

##### A. Termination Without Cause.

The following circumstances are considered termination without cause:

1. Termination During the Probationary Period. Employees serve in a probationary status for the first six (6) months following their hire date and will serve a subsequent probationary period for six (6) months following the date of any promotion or transfer to a different position. The Office of Human Resources may also place a staff employee on disciplinary probation as part of the progressive discipline process to improve performance. Staff employees may be terminated at any time for any reason during the probationary period.
2. Position Abolishment. Employees may be subject to termination if their job is

eliminated due to reorganization, loss of funding, or financial exigency. To the extent possible, the Office of Human resources will give at least thirty (30) days notice of job elimination to the affected employee so the individual can seek other employment.

3. Involuntary Separation under the Terms of the Employment Agreement. Exempt Employees may be given notice of involuntary separation under the terms of their employment agreement. The Office of Human Resources and the Office of University Counsel must review the situation before the employee is terminated.
4. Death of the Employee. In the event an employee dies while employed at ETSU the separation is considered involuntary without cause.

#### B. Termination for Cause.

Employees terminated for cause are given the right to appeal the decision covered under the Employee Grievance/Complaint Procedures. The following circumstances are considered termination for cause:

1. Dismissal for Cause. For situations involving deficiencies in work performance, attendance, punctuality, behavior or other such work-related concerns, employees who have completed their probationary period may be terminated.
2. Gross Misconduct. Employees may be terminated for committing acts of gross misconduct, including but are not limited to, fighting on the job, working under the influence of illegal drugs or alcohol, insubordination toward a supervisor, stealing, falsification of records, embezzlement, significant damage or theft of property, physical abuse of other employees, etc. If an employee is terminated due to gross misconduct, the employee may lose accrued and unused annual leave and rights to continuation of health insurance under COBRA.

#### II. Notice to the Employee and the University of Separation.

Employees who are terminated from employment will be notified in writing (either via hard copy or electronic media) of the termination. The department will be responsible for initiating the appropriate off-boarding process.

#### III. Disposition of Accrued but Unused Leave

##### A. Annual Leave.

Unless otherwise specified in the employment agreement or a termination for gross misconduct, an employee will receive a lump sum payment for the balance of annual leave as of the Last Working

Day. Employees shall not use annual leave to remain in an active pay status after the last day worked.

B. Sick Leave

In all cases, excluding death, sick leave cannot be paid out in a lump sum pursuant to state law. The balance of sick leave will remain on file and may be transferred to another State of Tennessee agency or institution per the *Leave Transfer Policy*.

In the case of the death of an employee, the balance of sick leave will be paid out to the designated beneficiary or the employee's estate.

Authority: T.C.A. §§ 49-8-203; 49-1-103; 8-50-807

Previous Policy: N/A

### Definitions

Active Pay Status	The conditions under which an employee is eligible to receive pay.
Involuntary Separation	Is separation initiated by the University or caused by the death of an employee.
Exempt Employee	Exempt employees are ineligible for overtime pay and compensatory time according to the Fair Labor Standards Act.
Last Working Day	The last day that a separating employee reports to work. The last working day is the same as the effective date of the separation. No leave is recorded after this date unless the employee is on terminal leave or the Office of Human Resources instructs otherwise.
Lump Sum Payment	Lump Sum Payment refers to the payment of a separating employee's annual leave balance as of the last working day.
Offboarding Process	The current process used by ETSU to notify all pertinent parties of an employee's separation from the university.
Professional Non-Faculty Personnel	Exempt or non-exempt (depending upon job description and annual salary) non-academic employees whose positions require recognized professional achievement acquired by formal training or equivalent experience.

### Policy History

Effective Date:

Revision Date:

## Procedure

An online Employee Separation/Transfer Form is completed for every employee who separates from ETSU employment. The instructions are provided on the Employee Offboarding webpage: [Employee Offboarding \(etsu.edu\)](https://etsu.edu/employee-offboarding). The form may be completed by the employee or on the employee's behalf. The submission of this online form will result in the notification via e-mail to affected University departments. All approvals are obtained electronically during the routing of the form.

Timesheets for the employee's last working month are to be submitted and approved in the Time Reporting System (TRS) by the 15<sup>th</sup> of the month unless Human Resources has indicated otherwise.

## Procedure History

Effective Date: September 13, 2021

Revision Date:

## Related Form(s)

## Scope and Applicability

Primary: Human Resources

Secondary: