



KENTUCKY STATE UNIVERSITY POLICIES AND PROCEDURES

POLICY TITLE:

Termination Policy

VOLUME, SECTION & NUMBER:**ENTITIES AFFECTED:**

Staff

ADMINISTRATIVE AUTHORITY:

Office of Human Resources

APPROVED BY:

Kentucky State University Board of Regents

EFFECTIVE DATE:

August 9, 2024

REVISED FROM:

2013 Human Resources Policy Manual

POLICY STATEMENT:

This policy establishes the guidelines for the termination of employment for staff employees at Kentucky State University (KSU). It has been promulgated to ensure that KSU fulfills its responsibilities concerning all termination decisions.

Employment at KSU is at-will for staff employees. Therefore, either KSU or a staff employee may initiate termination of employment at any time in accordance with this policy. The term “employee” in this policy refers exclusively to staff employees.

DEFINITIONS:**At-Will Employment**

At-will employment refers to KSU’s right to terminate the employment of any employee at any time for any lawful reason—or for no reason at all—and the right of an employee to terminate his or her employment with KSU at any time and for any reason, or for no reason at all.

Involuntary Termination

Involuntary termination refers to the termination of an employee's employment at KSU due to a decision by KSU.

Job Abandonment

Job abandonment refers to the voluntary termination of employment when an employee who is not on an authorized leave fails to show up to work or fails to contact his or her supervisor for three (3) business days.

Layoff

A layoff refers to the involuntary termination of an employee that typically occurs due to a lack of work, a lack of funds, a reorganization, the elimination of a position, a reduction in force, or the expiration of a grant.

Termination

Termination refers to the cessation of the employment relationship between an employee and KSU, regardless of the reason.

Voluntary Termination

Voluntary termination refers to a termination of employment resulting from the voluntary decision of an employee to resign from KSU. Voluntary termination includes, but is not limited to, resignation, an inability or failure to return from an authorized leave of absence, and retirement.

TERMINATIONS:

Voluntary Termination

- An employee who voluntarily terminates his or her employment is expected to provide his or her supervisors with adequate written notice.
 - Exempt employees with supervisory responsibilities are expected to provide at least four (4) weeks' written notice.
 - Non-exempt employees and exempt employees without supervisory responsibilities are expected to provide at least two (2) weeks' written notice.
 - Any employee who fails to provide adequate notice or otherwise fails to separate in good standing is ineligible for rehire at KSU.
- An employee who voluntarily terminates employment is expected to work the entire notice period unless his or her supervisor and the Office of Human Resources (HR) waive the notice period.
 - An employee may not use vacation leave during any portion of his or her notice period.
 - If KSU waives an employee's notice period without cause, KSU shall provide the employee with a severance payment equal to the amount of notice given, up to 30 days. This payment is intended to

compensate the employee for the pay he or she would have earned by working through the notice period.

- If KSU waives an employee's notice period for cause at any time after the employee's notice of separation, the employee is not entitled to any type of severance payment.
- Employees who voluntarily separate from KSU are entitled to a payout of their accrued vacation leave in accordance with the Vacation Leave Policy.

Involuntary Termination

KSU initiates an involuntary termination for what it considers justifiable reasons. Involuntary terminations may result from layoffs, eliminations of positions, or gross misconduct.

Layoffs:

A layoff is a separation without cause that typically occurs due to a lack of work, a lack of funds, a reduction in force, or the expiration of a grant.

Employees who are to be laid off are entitled to 30 days' prior notice or 30 days' pay in lieu of such notice.

Position Eliminations:

A position at KSU may be eliminated due to an organizational realignment, a lack of funds, or other administrative changes. The elimination of a position must be approved by the Kentucky State University Board of Regents.

Employees whose positions are to be eliminated are entitled to 30 days' prior notice or 30 days' pay in lieu of such notice.

Termination for Gross Misconduct:

KSU may terminate an employee without prior notice or paying any kind of severance if the employee has violated KSU policy or committed any of the following:

- Insubordination, including the unwillingness to perform assigned duties;
- Negligent destruction of KSU property;
- Drug or alcohol abuse while on KSU premises;
- Job abandonment;
- Fighting, physical assault, physical violence, or the threat of physical violence while on the job;
- Breach of confidentiality or any conflict of interest;
- Dishonest or unethical conduct;
- Failure to carry out required duties in a diligent and competent manner;
- Failure to meet the standards established for the position; and
- Other misconduct while on KSU property or while conducting KSU business

The above list is not exhaustive. Employees should consult the Established Work Rules Policy for more information.

Employees terminated for gross misconduct are not eligible for rehire at KSU, and they shall not be provided any severance pay.

PROCESS:

HR Review and Approval

Any supervisor who believes the termination of an employee is necessary shall contact HR before taking any action. The supervisor, HR, and the General Counsel shall meet to discuss the reasons for termination to ensure that the reasons comply with the law and that the employee was provided all necessary due process.

Documentation

All separations from KSU shall be fully documented in writing. The documentation will detail the events that led up to the separation and the final reason for separation. The files of employees fired for cause shall be marked accordingly.

Final Payment

Employees separating from KSU will be paid for all hours worked and for vacation time accrued but not taken. The payment of accrued vacation shall be made in accordance with the Vacation Leave Policy. An employee who is entitled to severance payment will receive it with his or her final wage payment.

Date of Separation

The date of separation for employees will be governed as follows:

- **Last Day Worked:** The usual date of separation for employees will be the last day worked.
- **Employee's Intent Not to Return to Work:** The date of separation for an employee who gives a notice of intent not to return to work while on paid or unpaid authorized leave will be the date such notice is received.
- **Death:** The date of separation for deceased employees is the date of death.
- **Failure to Return from Personal Leave:** The date of separation in the event an employee fails to return from a personal leave of absence will be the last day of the authorized leave.

Benefits Letter

Upon separation, HR shall notify an employee of the status of his or her benefits.

KSU Property

Upon separation, an employee shall return all KSU property in his or her possession. Supervisors are responsible for monitoring the removal of employees' personal effects from KSU to ensure that no KSU property is taken. Supervisors or HR personnel shall also collect all KSU keys and cards from employees prior to their separation. Finally, HR shall arrange for the cancellation of separated employees' key cards and access to email and computer accounts.

Exit Interviews

Any employee who separates from KSU will be invited to complete a voluntary exit interview with his or her supervisor or an HR staff member.

RELATED POLICIES:

Corrective Action Policy

Established Work Rules Policy

Vacation Leave Policy
