EMPLOYMENT SEPARATION/TERMINATION

It is the Academy’s policy to ensure that employee separations/terminations are handled in a professional manner with minimal disruption to ongoing work functions.

In the absence of a specific written contract, employment is at will. An employee or the Academy is free to terminate employment at any time and for any legal reasons, which may include but are not limited to: an employee’s resignation, retirement or death; the expiration of an employment contract; reduction in the workforce; the existence of applicable identified significant performance concerns (e.g., poor job performance or other issues related to the employee failing to meet performance standards in his/her job) or unacceptable behaviors (e.g., misconduct, negligence, insubordination, poor attendance and other issues related to an employee’s general conduct and behavior).

There are three types of terminations:

(1) VOLUNTARY SEPARATIONS/TERMINATIONS

Voluntary separation/termination of employment occurs when an employee informs his or her supervisor of his/her resignation or retirement, or separation/termination is deemed to have occurred when an employee is absent from work for three consecutive workdays and fails to contact his or her supervisor (job abandonment).

Notice of Resignation

Employees are requested to give written notice of their intent to resign or retire to their direct supervisor and the Office of Human Resources (HR). Administration, Faculty, Support Leadership, and Resident Counselors are requested to give at least four (4) weeks’ notice. Clerical, secretarial, security, custodial and maintenance staff, and all other employees are requested to give at least two (2) weeks’ notice.

Job Abandonment

Employees who are absent from work for three (3) consecutive work days without being excused or giving proper notice will be considered as having voluntarily resigned. HR will inform the employee of his/her status.
Off-Boarding Process

HR will coordinate the employee’s departure. The off-boarding process includes: the return of all Academy property; a review of the employee’s benefit status; and completion of an exit interview questionnaire. The exit interview provides employees the opportunity to freely express views about working at the Academy and will be held in strict confidence. HR will compile aggregate data from exit interviews and may share themes or trends with supervisors and Academy leadership.

(2) INVOLUNTARY TERMINATIONS

An involuntary termination of employment, to include reduction in force (RIF), is an administration-initiated dismissal.

Termination may be for any legal or justifiable reason, i.e., misconduct, tardiness, absenteeism, unsatisfactory performance, etc. In some cases progressive discipline may be used, prior to termination, to correct a performance problem. However, certain types of employee misconduct are so severe that one incident of misconduct will result in immediate dismissal without prior use of progressive discipline (e.g., insubordination, theft, assault, sexual impropriety, etc.).

Prior to an involuntary termination, consideration will be given to an employee's service and past contributions to the Academy. The possibility of transfer or demotion may be considered in all cases except those which involve gross misconduct.

Reduction in Force

A Reduction in Force (RIF) may occur when changing priorities, budgetary constraints, or other fiscal/economic conditions require the Academy to eliminate positions. A RIF can also occur when a position changes so significantly that the employee is no longer able to perform the required duties.

A reduction in force decision requires an evaluation of the need for particular positions and the relative value of work performed by specific employees so that the Academy can continue to provide the highest level of service possible with a reduced work force.

Determining the retention or separation of an employee includes an evaluation of the relative skills, knowledge and productivity of the employee in light of the necessary services. Length of service and other factors are also considered but receive less weight in the determination.

Temporary and part-time employees performing the same work will be terminated before any employee with a regular fulltime appointment, provided that a regular employee can perform the temporary/part-time employee’s tasks.

Reduction in force of permanent employees will be based on multiple factors including: which positions are most vital to the Academy/division in the delivery of services; relative skills, knowledge and productivity of employees; length of service of employees; and consideration of equal employment factors to avoid adverse impact on IMSA’s diversity initiatives. The President will recommend all RIF actions to the Board of Trustees.
Termination of Employment and Notice

An employee’s supervisor may recommend termination to the Executive Director of Human Resources. Upon receipt of a recommendation for termination and after conducting a thorough review, the Executive Director may terminate an employee.

If warranted, the Executive Director may terminate an employee without a recommendation from the individual’s supervisor.

The Executive Director will convey a termination decision to the employee in writing. The notification will inform the employee of the reason(s) for termination and, in the case when the reason is not a reduction in force, the employee’s right to have the action reviewed by the President.

Whenever an employee has been terminated for any reason other than a reduction in force, that employee will be entitled to a review of the termination as follows:

President’s Review

An employee who has been terminated has the right to have the action reviewed by the President. To initiate this review, the employee must, within five (5) business days after receipt of the letter of termination, notify the President in writing of his/her request for a President’s Review.

Upon receipt of a written request, the President will schedule a meeting with the employee as soon as possible, and will notify the employee of the time and place. At the review, the employee:

- may make a statement on his/her own behalf;
- may discuss the termination with the President;
- may present any information the employee wants the President to consider, including written statements from other individuals;
- may bring a second individual to serve as an adviser to the employee.

The President may invite other individuals to attend as he or she deems necessary.

After reviewing all available information, the President may uphold, rescind or modify the termination. The President also may continue the review for the purposes of gathering additional information.

The President will notify the employee in writing of his/her decision within five (5) business days after the review has been completed. If the President upholds the termination, the President’s letter will inform the employee of the individual’s right to appeal the President’s decision to the IMSA Board of Trustees.

Delegation of President’s Review

The President may delegate the review of an employee’s termination to another administrator, but only to an administrator not having direct supervisory authority over the employee. If the
President has so delegated the review to such administrator, that administrator will have the same powers and responsibilities as the President as set forth in this policy.

**Board of Trustees’ Review**

The employee may appeal the President’s decision upholding termination to the Board of Trustees by filing a written notice of appeal with the Secretary of the Board within five (5) business days after receiving the President’s written decision.

The Chairman of the Board of Trustees will be notified and will designate a committee of three (3) voting members of the Board to serve on the Appeal Committee. In consultation with and on behalf of the Chairman, the Secretary of the Board will communicate the Appeal Committee arrangements to the employee and to the President.

The appeal before the Board Committee will take place at the Academy and will be limited to the employee, the President, appropriate Academy administrators, and others whose participation is deemed necessary by the Board Chairman or Board Appeal Committee Chairman.

At the review, the employee:
- may make a statement on his/her own behalf;
- may discuss the termination with the Committee;
- may present any information the employee wants the Committee to consider, including written statements from other individuals;
- may bring a second individual to serve as an adviser to the employee.

The Appeal Committee will render its decision within five (5) business days after the completion of the hearing. The Committee may continue the hearing if it deems it necessary to obtain additional information. The Committee may uphold, reverse or modify the termination. The decision of the Committee is final.

**Status Pending Review**

During the review process, the termination will be in effect. If the termination is reversed, the employee will be reinstated and will receive all back pay due. If the termination is modified, the employee will be reinstated on such terms and conditions as set by the President or Board Appeal Committee, which may or may not include back pay.

**(3) DEATH/DECEASED EMPLOYEES**

A termination due to the death of an employee will be made effective as of the date of death. Upon receiving notification of the death of an employee, the supervisor must notify HR immediately. Designated staff members will process all appropriate beneficiary payments from the various benefits plans.

**FINAL PAY**

An employee who resigns, retires or is terminated will be paid through their last day of work, plus any earned and unused vacation leave up to the maximum accrual allowed by their
employment classification, less outstanding obligations for agreements the employee may have with the Academy. Final pay due, upon the death of an employee, will be paid to the deceased employee’s estate.

It is the responsibility of the employee and the employee’s supervisor to ensure that payroll staff receive the terminating employee’s final timesheet in sufficient time to process the final paycheck.

ADOPTED: September 10, 2002
AMENDED: March 8, 2006
AMENDED: March 14, 2007
AMENDED: January 22, 2010