Separation of Employment Policy

Policy Number	300.38.02	**Custodian**	Human Resources
Approved Date	11/29/2022		
Effective Date	11/29/2022	**Review Date**	November 2022
References: Code of Conduct; Corrective Action Policy; EEO Policy; Complaint/Grievance Policy; Final Paycheck Policy			

1. Purpose

White Earth Tribal & Community College (WETCC) strives to maintain employees, however, WETCC recognizes that conditions may develop that result in the separation of employment.

2. Persons Affected

2.1. Employees

3. Policy

This policy is to ensure the following:

3.1. Employees submit notification when they resign or retire. Employees who do not provide proper notification will be deemed to have quit.

3.2. Employees who do not report to work for 3 consecutive days without prior approval or contacting their supervisor are deemed to have abandoned their position and quit.

3.3. WETCC reserves the right to activate separation procedures immediately, regardless of the notice given, if it is in WETCC's best interest.

3.4. If layoffs are necessary, WETCC will develop a fair and equitable process to preserve employee morale. Layoffs should not:

- Hamper WETCC's ability to continue necessary operations
- Require the retention of employees who cannot satisfactorily perform the remaining work

3.5. The layoff process will consider an employee's suitability for the job and past performance. Tenure will be considered when suitability and performance are equal among affected employees.

3.6. Employees selected for layoff will be given a written 2-week notice, when feasible.

3.7. If WETCC can recall any laid-off employees, the recall process will consider a laid-off employee's suitability for the job and past performance. WETCC will select those who are deemed the best candidates.

3.8. An employee who believes they have been wrongfully terminated for cause has the right to appeal the decision within 5 working days. See the Complaint/Grievance policy.

3.9. An employee terminated for unsuccessful completion of the probationary period is not eligible to appeal the dismissal.

3.10. Separated employees may complete an exit interview with HR.

4. Definitions

4.1. Voluntary Separation. When employees voluntarily leave their job with proper notice.

4.2. Resignation. When employees submit a formal statement indicating their intention to leave their job 2 weeks or more after they submitted the formal statement.

4.3. Retirement. When employees leave their job and cease to work. Employees typically provide a 2-weeks (or more) notice.

4.4. Quit. When employees voluntarily leave their job but do not provide a 2-week notice.

4.5. Involuntary separation. When WETCC ends an employee's employment with the college.

4.6. At-Will Employment. All WETCC employees are at will, which means:

- An employee is not required to be employed by WETCC
- WETCC is not required to employ an employee for a set period
- Either the employee or WETCC can end employment at any time, with or without cause, and with or without notice
- WETCC policies are not intended to create a contractual agreement or negate the at-will employment relationship

4.7. Layoff. A reduction in the workforce initiated by the employer.

4.8. Dismissal. Involuntary separation of employment. The following are examples of reasons for dismissals. It is not an inclusive list:

For Cause

- Unsatisfactory performance
- Unsuccessful completion of the probationary period

- Misconduct, including a violation of WETCC policies, procedures, or departmental rules and regulations
- Inability to perform duties

Not for Cause

- Layoff/reduction in workforce
- At-will employment

4.9. Exclusion notification. Notification that a separated employee is banned from college property/events for a specified period. The notification includes the dates the separated employee is banned from college property/events and any special instructions such as allowing the separated employee to be on college property (or offsite) to attend a class/event they are enrolled in.

5. Procedures

5.1. Voluntary separation:

- Employee submits at least a 2-week written notice to their supervisor.
- Supervisors promptly notify Human Resources (HR) and provide HR with the written notice for the employee's personnel file.

5.2. Involuntary separation:

- The employee's cabinet member consults with HR before making any separation decision.
- HR prepares the official written separation notice and provides it to the employee. The notice will include:
    - Reason for separation
    - Effective date of separation
    - Employee's right to appeal
    - Date of final paycheck
    - Exclusion from property (if needed, on a case-by-case basis)

5.3. HR processes the paperwork to ensure the employee's final paycheck is prepared per WETCC policy and COBRA options for benefits are explained/mailed to the separating employee.

5.4. The separated employee will only have access to public areas of WETCC property (unless an exclusion is in place). The separated employee should contact HR if they need to claim personal items from a restricted area.

5.5. If the separated employee's supervisor and HR determine a separated employee should be excluded from college property/events, HR writes the exclusion notification and sends it to the separated employee, the president, the cabinet members, and security.

- For classes or on-property events, Security will enforce the exclusion
- For off-property events, the person in charge will enforce the exclusion

Revision History

Rev. Date	Rev. No.	Revision
11/29/2022	300.38.01	New format Combine Termination of Employment and Voluntarily Leaving Employment Policies Change name from Termination to Separation of Employment