

# Voluntary and Involuntary Separation

HR-10-40



## About This Policy

**Effective Dates:**

02-24-1968

**Last Updated:**

11-02-2017

**Responsible University Administrator:**

Vice President and Chief Financial Officer

**Policy Contact:**

[IU Human Resources](#)

[askHR@iu.edu](mailto:askHR@iu.edu)

## Scope

This policy applies to all Staff and Temporary employees.

## Policy Statement

1. Types of employment separation
  - a. Voluntary separation (resignation)
  - b. Involuntary separation as a result of corrective action (termination)
  - c. Involuntary separations for non-corrective action reasons
2. Staff employees who are separated from employment are entitled to receive the reasons in writing.
3. All final written notices of involuntary separation must be cleared with the campus Human Resources office before distribution to the employee.
4. The employee must return all university property (keys, uniforms, tools, records, books, etc.) to their supervisor and/or department.

## Procedure

### Voluntary separation (resignation)

1. An employee may decide to end their employment with the University at any time by notifying their department.
2. Employees are encouraged to give advance notice of at least two weeks when separating from university employment, including retirement.
3. Typically employees should work through their resignation period including their last day on the job.
  - a. Departments may waive the last day work requirement in the following circumstances:
    - i. The employee fails to return to work following a Leave of Absence, FMLA, sick leave, Paid Parental Leave, or injury on the job.
    - ii. If the employee leaves the university in good standing and is eligible for reemployment the department may:
      - a. Approve the use of accrued Vacation, Comp Time, Holiday, or PTO by a Staff employee during the notice period for up to two weeks prior to the separation date for an employee who is resigning.

- b. Approve the use of accrued Vacation, Comp Time, Holiday, or PTO by a Staff employee during the notice period for up to four weeks prior to the separation date for an employee who is retiring.
- b. Campus HR or IU Human Resources must approve waiving the last day worked and use of accrued Vacation, Comp Time, Holiday, or PTO by a Staff employee during the resignation notice period for:
  - i. More than two weeks prior to the separation.
  - ii. More than 4 weeks prior to the separation date for a Staff employee who is retiring
- 4. A Staff employee may be removed from the workplace during their resignation notice period, and required to take accrued Vacation, Holiday, or PTO. Such removal requires prior approval from either the campus HR office or IU Human Resources.

### **Involuntary separation (termination) as a result of corrective action**

1. The administrative authority considering the employee's involuntary separation as a result of corrective action will apply the steps contained in the procedure section of the Corrective Action policy covering the separating employee ([AFSCME Police](#), [AFSCME Service](#), [CWA](#), [Employees not covered by a Union](#), [Temporary Employees](#)) prior to making a decision.
2. A Staff employee may be removed from work or suspended with or without pay pending a separation decision according to the applicable Corrective Action policy. In such cases, Campus or IU HR must be consulted prior to this action being taken.
  - a. For AFSCME Police and AFSCME Service suspended without pay subject to discharge at the end of five workdays of suspension.
  - b. A staff employee may be required to take accrued time off (PTO, vacation, holiday, income protection [consistent with that policy], or compensatory time off) or time off without pay when the employee is provided notice of involuntary separation from the university or when the employee is removed from the workplace pending termination.
3. For Temporary employees, no notice of corrective action is required, however, it is encouraged. Should the employee be removed from work pending the action, it is without pay.
4. Once the applicable steps have been followed and a decision is reached to separate the employee as a result of corrective action, a further notice period is not required.

### **Involuntary separations for non-corrective action reasons**

1. Involuntary separations for non-corrective action reasons include:
  - a. Can no longer meet the qualifications and/or perform the essential functions of the position.
  - b. No reasonable accommodation can be found under the [Americans with Disabilities Act](#) and its Amendments. Refer to the [Reduction In Force policy](#).
  - c. An employees has exhausted all leave options or is ineligible for additional leave; and unable to return to work.
  - d. Loss of position under the [Reduction-in-Force policy](#).
  - e. Other circumstances not covered in [involuntary separation as a result of corrective action \(termination\)](#).
2. With the exception of a reduction-in-force, typically, no notice period is required when the University separates an employee for non-corrective action reasons.
  - a. Staff employees whose position is eliminated under the Reduction-in-Force policy must receive at least 30 days written notice.
  - b. Departments are encouraged to give an advance notice of at least two weeks when circumstances permit for all other non-corrective action separations.
3. During the notice period, employees may;
  - a. Be reassigned.

- b. Request use of accrued time off (PTO, vacation, holiday, income protection [consistent with that policy], or compensatory time off).
  - c. Be required to use accrued time off (PTO, vacation, holiday, income protection [consistent with that policy], or compensatory time off) or time off without pay during the notice period if:
    - i. Such action is necessary to address a legitimate job related work or behavior issue that may arise.
    - ii. Is approved by the campus Human Resources office.
4. An employee who has been returned to work under the provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA) may not be separated from employment except for cause for 180 days after his or her date of reemployment if the most recent period of uniformed service was less than 181 days or for one year after the date of reemployment if the most recent period of uniformed services was more than 180 days.

## Reasons for Separation

1. When an employee voluntarily or involuntarily separates from the University the unit must determine the correct termination / separation reason.
2. When processing a separation in HRMS the termination / separation reason code must be indicated on the termination E-Doc.
3. The reason for separation determines the employee's eligibility for reemployment.
  - a. There are three types of eligibility for reemployment.
    - i. Eligible for reemployment - the employee is eligible to be rehired at any time.
    - ii. Not eligible for reemployment - the employee may not be rehired under any circumstances.
    - iii. Conditional reemployment – the employee may be rehired subject to the campus Human Resources office review of the circumstances.
  - b. See the [Eligibility for Reemployment](#) policy for more information.
4. A reason for separation that results in a conditional or not eligible for reemployment must be supported by documentation with an explanation for the separation.
  - a. Not eligible for reemployment always requires written documentation, such as a termination letter.
  - b. Conditional reemployment requires either written documentation or an explanation for separation added to the "notes" section of the E-Doc depending on the reason for separation, and whether the employee was Staff or Temporary.
5. For assistance in determining the appropriate termination / separation reason, and if documentation is needed, see the document, "[Termination/Separation Reasons](#)".
6. For additional information on how to process a separation go to IU HR [Separations Resource Page](#).

### • See also

1. See the following for information about pay benefits an employee receives.
  - a. [Separation Pay for Unused Time Off Accruals](#)
  - b. Policies
    - i. [Paid Time Off for PA](#)
    - ii. [Paid Time Off for PB](#)
    - iii. [Holidays](#)
    - iv. [Overtime](#)
    - v. [Vacation Time](#)
2. Refer to the [Medical and Dental Coverages policy](#) for information concerning continuation of medical and dental care plans.

3. Refer to Retirement policies ([Support and Service Staff](#), [Professional Staff](#)) for employee eligibility and related information.

## Sanctions

Violations of University policies will be handled in accordance with applicable University policies and procedures; which may include disciplinary actions up to and including termination from the University.

## History

### September 2017

1. Added a policy procedure for voluntary separations that gives departments the discretion to allow employees to use accrued leave prior to their separation date, thus waiving the last day work requirement. Departments can approve up to 2 weeks for resignations and up to 4 weeks for retirements.
2. Added a Reason for Separation section under the policy procedures. Provides more information on when documentation is needed.
3. Removed the How to Process a Separation from the policy and placed the information on the IU HR website.
4. Added PPL to the policy.
5. Edited language and moved some content around to streamline and add clarity to the policy.

Previous version: [Effective dates: February 23, 2016 - November 2, 2017](#)

### February 2016

Replaced the following policies:

AFSCME Police	Separation from the University
AFSCME Service	9.3 - Separations
CWA	13.1 - Voluntary and Involuntary Separations
Professional and Support/Service Staff not covered by a union	7.2 - Separation from the University
Temporary	8.1 - Voluntary and Involuntary Separations

## Related Information

[Separations Resource page](#)  
[Separation Pay for Unused Time Off Accruals](#)  
[Medical and Dental Coverages](#)  
[Base Retirement Plan for Support and Service Staff](#)  
[Base Retirement Plan for Professional Staff](#)  
[Paid Time Off \(PTO\) for PA](#)  
[Paid Time Off \(PTO\) for PB](#)  
[Holidays](#)  
[Overtime](#)  
[Vacation Time](#)  
[Income Protection Time \(Sick Time\)](#)