

Policy 704.12 – Termination: Non-Union Staff

Date Adopted: 10/1/08

Issuing Office: Administration & Finance

Date Revised:

Approved By:

References: 39-3-205, M.C.A.; 39-2-802, M.C.A.; 29-2-801, M.C.A.; UMW 702.2 Sick Leave Policy, 2-18-618, M.C.A.; UMW 702.1 Annual Leave Policy; 2-18-617, M.C.A.; 29-2-404, M.C.A.; 2-17-423 (3) (d) M.C.A.; 29-2-504, M.C.A.; 39-2-402, M.C.A.; 29-2-406 (1) M.C.A.; 39-2-911, M.C.A.

I. POLICY

The University of Montana Western has implemented a policy for termination of non-union staff.

II. PURPOSE

The purpose of this policy is to provide fair and consistent treatment of all non-union employees and their rights regarding termination of employment, and to provide supervisors with clear procedures on termination of these employees. All Collective Bargaining Agreement provisions take precedence in the treatment of employees.

III. PROCEDURES

Probationary period is a period of trial employment for new employees. Non-union employees undergo a six-month trial period.

A. Termination

Termination of employment, whether voluntary or involuntary, results in the discontinuance of employment and cessation of the employee's applicable rights.

1. Voluntary Termination

Employees are requested to notify their supervisor a minimum of two weeks prior to their proposed last working day.

Appropriate termination procedures should be followed to ensure the employee's receipt of a final paycheck. Please refer to Section D of this policy for further information.

2. Involuntary Termination

a. Temporary and Probationary Employees

Temporary employees and employees who have not completed the probationary period may be terminated without cause. However, a temporary employee must receive written notice at least five working days in advance if termination is to occur prior to the original end date of the employment agreement.

- b. If an employee, with the exception of a temporary employee, is terminated for cause, that employee must receive a final paycheck immediately. A temporary employee who is terminated will receive a final paycheck on the next regular pay period.

B. Pre-Termination Hearing

State employees are protected by the due process clause of the U.S. Constitution. Therefore, an employee must be given an opportunity for a hearing prior to termination for cause. Arrangements for such a hearing for non-union employees are made by the EEO/Affirmative Action Officer and will be held within a reasonable time frame.

C. Notification of Grievance Procedures

UMW provides non-union employees with an internal grievance procedure to assist in the resolution of disputes concerning terms and conditions of employment.

It is the responsibility of the EEO/Affirmative Action Officer to notify non-union employees terminated for cause of the grievance procedure and to provide copies of that policy in accordance with State Statute, 39-2-911 M.C.A.

Union employees should refer to applicable grievance provisions as provided in their Collective Bargaining Agreements.

D. Termination Procedures

1. Final Paycheck

After employment has been voluntarily terminated, the employee's department must submit a copy of the termination letter and record the final timecard on the Biweekly Time Sheet Roster. Exceptions to this process may be made by the Vice Chancellor for Administration & Finance/Student Affairs. When an employee other than a temporary employee is involuntarily terminated, unpaid wages and leave benefits are due and payable immediately.

It is the responsibility of the departmental supervisor to contact the Associate Director of Human Resource Services to initiate the termination process as soon as the employee's last day of work is known. The affected department must process the termination form prior to submitting a request to fill the vacant position.

2. Exit Assessment Checklist

An Exit Assessment Checklist is to be completed before the terminating employee's last day of work. This list will assist the employee and department to ensure proper exit procedures. The list serves to remind the employee to accomplish certain responsibilities including:

- closure of computer accounts
- return of State property currently in the employee's possession
- settlement of any financial obligations
- return of University keys

This list must be completed by the employee and approved by the supervisor for all voluntary and involuntary terminating employees. A copy of the checklist, signed by both employee and supervisor, is to be sent to the Associate Director of Human Resource Services to be put in the employee's personnel file before termination pay is processed. The Exit Assessment Checklist is available from the Associate Director of Human Resource Services.

IV. AUTHORITY

39-3-205, M.C.A.; 39-2-802, M.C.A.; 29-2-801, M.C.A.; Sick Leave Policy, 2-18-618, M.C.A.; Annual Leave Policy; 2-18-617, M.C.A.; 29-2-404, M.C.A.; 2-17-423 (3) (d) M.C.A.; 29-2-504, M.C.A.; 39-2-402, M.C.A.; 29-2-406 (1) M.C.A.; 39-2-911, M.C.A.

V. RESPONSIBILITY

Vice Chancellor for Administration & Finance/Student Affairs, EEO/Affirmative Action Officer, Associate Director of Human Resource Services