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**TITLE            VOLUNTARY AND INVOLUNTARY TERMINATION POLICY**

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Approval: \_\_\_\_\_  
Executive Director

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The purpose is to outline the procedure to be used by CSU Fullerton Auxiliary Services Corporation (“ASC”) in voluntary and involuntary terminations. No modification of the “at will” nature of any employee’s employment will be effective unless it is in writing and signed by the Executive Director.

**A. Terminations Defined**

Employment may be terminated for any of the reasons set below. The kind of termination should be clearly identified because of its effect on benefits, company liability, personnel records and future business references.

**1. Resignation**

A voluntary termination initiated by the employee.

**2. Discharge**

See Paragraphs B through G of this Policy.

- Termination by ASC of employees for offenses considered serious enough by ASC to warrant dismissal on the first occurrence.
- Termination by ASC of employees for reasons such as sub-standard performance, absence or tardiness. These terminations are generally preceded by a warning and an opportunity for the employee to improve his/her employment conduct.
- Termination of an employee for any reason which is not prohibited by statute.
- Termination of temporary employment.

**3. Layoff**

See Paragraph H of this Policy.

Termination of employment for reasons such as loss of business, lack of work, consolidation of jobs, elimination of positions or any other business reason.

**4. Retirement**

Individual employee terminates employment and is eligible for ASC’s retirement plan.

**5. Employee’s Death**

The employee’s beneficiary becomes eligible for any benefits provided by written company policies covering such death.

**B. Grounds for Discharge**

ASC may terminate any temporary employee at any time during the temporary employment for any reason which is not prohibited by statute.

Paragraphs C and E below set forth the guidelines applicable to discharge of all regular employees, and contain several examples of unacceptable conduct. These guidelines are necessary because the ASC is involved in a highly competitive business, where many other

individuals and companies rely on the quality and reliability of our work product and services. As a result, all employees are expected to provide excellent and reliable services to our Company, our customers, and our co-employees. Any failure to meet these high standards is a ground for concern, discipline, and discharge subject to the following guidelines.

ASC may bypass these guidelines and terminate any employee where the ASC deems such action necessary.

**C. Employee Actions Which Result in Discharge on the First Occurrence**

There are certain kinds of actions which cannot be permitted to occur because of their unfair impact on other employees and/or the ASC or its customers. Such offenses warrant discharge on the first occurrence. Some examples of such offenses are:

- Insubordination.
- Breach of Confidence.
- Falsification of any time card, of any other ASC record or request for pay, leave or benefits.
- Unauthorized taking of ASC's or a fellow employee's funds or property, or unauthorized charges against ASC's account.
- Dishonesty.
- Use, possession, sale, purchase or being under the influence of drugs or alcohol on the ASC premises or off ASC premises where such off-premises conduct may affect the employee's suitability for employment or the ASC's reputation.
- Serious misconduct of any kind.
- Gross Negligence.
- Willful discrimination in terms and condition of employment in disregard to the ASC's Affirmative Action Policy.
- Three (3) consecutive absences without prior approval from direct supervisor or employee's calling in to direct supervisor.
- Sexual Harassment.
- Workplace Violence.

**D. Actions Which Normally Result in Warning Prior to Discharge**

There are certain other actions which should not occur, but normally it is the recurrence of this action rather than the first occurrence of the action which results in discharge. For such actions, employees will normally receive a written or verbal warning prior to discharge.

Some examples of such offenses are:

- Inefficient, careless or unsatisfactory performance of assigned duties and responsibilities.
- Excessive absenteeism and/or tardiness (whether excused or unexcused).
- Failure to comply with work or safety rules or appearance standards.
- Discourtesy to another employee or customer.

**E. Department Work Rules**

Work rules are maintained within each department and may be more inclusive than the example offenses listed in Paragraphs C and D.

#### **F. Authority to Discharge or Lay-off**

All discharges and layoffs will be made in compliance with federal and state statutes and in accordance with this policy.

It is the responsibility of those with final approval authority to assure that all discharges or layoffs comply with this policy.

No one in the ASC has authority to discharge or lay-off any employee without advance consultation with the Human Resources (HR) Director.

#### **G. Statutory Limitations on ASC**

Federal and State statutes prohibit an employer from discharging or laying off an employee for a number of reasons. The primary ones are as follows:

- Race or color
- Sex
- Gender Expression/Identity
- National Origin or Ancestry
- Age (over 40)
- Religion or creed
- Veteran status
- Physical/mental disability, a record of such disability or regarded as having such a disability
- Marital status
- Union activity or “protected concerted activity”
- Exercising a statutory right in a legitimate and non-disruptive manner
- Work-related injury or worker’s compensation claim
- Political activities
- Arrest record unless it adversely affects ASC
- Serving as a juror
- Membership in the military

Contact your HR Director if you have any questions about the meaning or application of these prohibitions.

#### **H. Layoffs**

Whenever ASC concludes that a layoff is necessary or appropriate, the positions and/or employees to be eliminated will be selected in accordance with ASC’s judgment concerning its needs and will be consistent with statutory requirements. Where two or more employees are performing the same function which will be eliminated or reduced, the selection will be based on seniority.

#### **I. Termination Procedures**

The procedures for termination of employment will be handled by the HR Department in cooperation with the terminating employee’s supervisor.

### **1. Discharge or Layoff**

- (1) Any person proposing the termination of another employee must consult in accordance with the provisions of Paragraph G of this policy.
- (2) When such consultation occurs, the HR Director should confirm that the applicable provisions of Paragraphs B through G of this policy have been complied with.
- (3) Once policy compliance is established and necessary approvals obtained, two representatives of the ASC (normally the HR Director and the employee's immediate supervisor) should meet with the employee in confidence and inform the employee of the termination.
- (4) Normally the termination will be effective on the same day that the employee is informed of his/her termination.
- (5) An employee who is terminated or laid off must be given his/her final paycheck at the time of termination or layoff.
- (6) An employee may be placed on suspension pending investigation under circumstances as listed below. This is an acceptable procedure only under the following circumstances:
  - (a) If there has not been an opportunity to thoroughly investigate the facts in the discharge case.
  - (b) If the employee's behavior requires immediate removal from ASC premises pending further investigation of possible discharge.Suspension as applied under these circumstances should extend only for the short period of time necessary to investigate the facts of the discharge case.

### **2. Voluntary Terminations**

- (1) **Retirement** – An individual who voluntarily terminates his/her employment and is eligible for retirement benefits. It is expected that employees give at least one (1) month notice in advance when they are leaving so that the HR Department can compute their retirement benefits.
- (2) **Resignation** – An employee who intends to terminate employment should notify the immediate supervisor sufficiently in advance of the intended termination date to allow for completion of work assignments, processing of the necessary paperwork and for the selection replacement. Normally a two (2) week notice is required.

If the resigning employee becomes a disruptive influence, becomes insubordinate, or violates any ASC policy, an immediate dismissal (discharge) may be considered.

If the employee has given notice of leaving and the ASC elects at any time to not have the employee work through the notice period, the ASC will pay the employee for the remaining notice time after approval by the HR Director.

### **J. Exit Interview**

In order to advise the employee about termination and/or extension of benefits, insurance conversion privileges, and to obtain the employee's objective evaluation of ASC, the HR Department will conduct and record an exit interview with all full-time and part-time benefited employees who leave ASC. Such interview will emphasize significant areas as follows:

- Obtain the employee's reason(s) for leaving ASC and any clarification of the termination, and the employee's comments on the ASC's policies and procedures, and any constructive suggestions.
- Advise the employee of his/her rights such as group insurance conversion, last day of insurance coverage (if applicable) with ASC, 403(b) vesting, final pay check and any other matters appropriate in the opinion of the HR Department.

#### **K. Property Clearance**

To ensure that all company property has been collected, HR will also conduct a property clearance during the exit interview on the employee's final day of employment. Such property clearance will include but is not limited to the following:

- a) Electronic devices (i.e cell phone, laptop, iPad etc.)
- b) Parking decal
- c) Company keys
- d) P-cards/charge accounts
- e) Titan ID card
- f) Loan/Deferral Agreement
- g) Any other company property as applicable.

In addition, all computer access must be deactivated immediately. HR will notify the IT department and/or the employee's supervisor (for grants/campus program) to deactivate all IT accounts and email. An Exit Interview and Property Clearance form must be signed by the employee and an HR Representative. This form will be filed in the employee's personnel file.

#### **L. Final Paycheck**

For Involuntary termination, the employee's final check must be given immediately. For Voluntary termination with more than 72 hours' notice, the employee's final check must be given on the last day of work. For Voluntary termination with less than 72 hours' notice, the employee's final check must be given not later than 72 hours after the notice is given. Personnel Transaction Record (PTR) form must be completed, signed and submitted to the HR department in a timely manner. This will ensure that all final checks are processed timely and in compliance.

#### **M. Future Employment References**

To preclude the possibility of misunderstandings resulting in possible legal implications, all questions regarding former employees must be referred to the HR office. Upon such request, the HR office will verify dates of employment and job title only.