

Prompt Notice of Termination and Final Payments Policy

Effective Date:	April 15, 2013
Supersedes:	N/A
Policy Review Date:	October 2018
Issuing Authority:	Research Foundation President
Responsible Party:	Vice President, Human Resources
Contact Information:	518-434-7080 hra@rfsuny.org

Reason for Policy

Article 6 Section 195.6 of the New York State Labor Law requires that all employees who terminate employment with the Research Foundation receive a written notice that specifies the exact date of termination and the exact date of cancellation of benefits no more than five working days after the employee's end date. Moreover, Article 6 Section 191 requires that wages and accrued benefits of employees who have terminated employment be paid promptly. Delay in processing paperwork does not alleviate this requirement.

The Research Foundation's Oracle Information Change Form that is completed for each employee's date of termination from Research Foundation employment does not provide sufficient notice of termination because the form does not contain the necessary information regarding cancellation of benefits.

Failure to comply with the labor law can result in civil and criminal penalties.

Statement of Policy

The Research Foundation will notify each employee who terminates employment, in writing, of the exact date of termination of employment and of the exact date of cancellation of group health insurance benefits. This written notice is required for all voluntary and involuntary terminations.

The written notice will be provided within five working days after the employee's termination date.

Payment of Wages

Upon termination of employment, the Research Foundation will pay wages on the regular pay day for the pay period during which the termination occurred.

Prompt Payment of Benefits

Employees may be paid for accrued vacation (to a maximum of 30 days, and within 30 days of termination) upon

- termination of all employment with the Research Foundation,
- transfer from one operating location to another, or
- transfer to an employment category ineligible to accrue vacation leave, e.g., less than .5 full time equivalent (FTE).

Prompt Payment for Unused Paid Time Off in Lieu of Wages

Operating locations with a standard workweek of 37.5 hours have the option to use paid time off in lieu of wages to compensate nonexempt employees for the nonovertime portion of any time worked in excess of the standard workweek.

When an employee is terminated from an operating location that has chosen this option, the operating

location will pay the employee for any unused paid time off in lieu of wages.

Payment for unused Paid Time Off In Lieu of Wages will be given at the employee's current pay rate; i.e., the rate on the date of termination.

If employee is paid from a Sponsored Award and the sponsor is unable or unwilling to make payments for unused time, the operating location will do so.

For more information about paid time off in lieu of wages, see the [Paid Time Off in Lieu of Wages Policy](#).

Written Notice

No more than five working days after the employee's termination date, the Research Foundation Operations Manager or designee will notify each terminated employee in writing of the exact date of termination of employment and the exact date of cancellation of group health insurance benefits.

A copy of the written notice required under this policy, signed by the Research Foundation Operation Manager or designee, will be kept by the operation location and placed in the employee's personnel history file.

A sample of a memorandum that may be sent to an employee to satisfy the prompt notice requirement is located in the [Continuation of Coverage](#) area.

Responsibilities

The following table outlines the responsibilities for compliance with this Policy:

Responsible Party	Responsibility
RF Operations manager or designee	Ensuring that the campus location is in compliance with the Prompt Notice of termination and Final Payments Policy through careful monitoring.
Office responsible for processing time reporting documents	Ensuring that Prompt Notice of Termination and Final Payments are processed and issued promptly, include the required authorized signatures, and records are retained in accordance with this policy.

Definitions

Terminated: For this policy terminated means termination or separation whether voluntary or involuntary.

Related Information

[Paid Time Off in Lieu of Wages Policy](#)

[Continuation of Coverage](#)

Forms

None

Change History

Date	Summary of Change
March 7, 2013	Revised existing policy; removed references to New York State Prompt Notice Law; included reference to New York State Labor Law; removed requirement for

notification to employee via certified mail; included requirement that a copy be retained by the operating location; revised the Responsibilities section to include all stakeholders responsible for complying with the policy. Formatted for new template. Effective 4/15/2013

Feedback

Was this document clear and easy to follow? Please send your feedback to webfeedback@rfsuny.org.

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