

Involuntary Termination of Employment

Reasons for Involuntary Termination

Continued employment with the Research Foundation (RF) is dependent upon a number of factors, including, but not limited to, the needs of the Research Foundation, satisfactory job performance, and the wishes of the employee, where applicable.

When Research Foundation employment is involuntarily terminated, the termination is for one of the following four reasons: death, end of a temporary job, termination of employment for cause, or termination due to employment at will. The following describes each one of the reasons for involuntary termination of employment.

- **Death.** When an employee who is appointed to the RF payroll dies, it is necessary to terminate all active appointments for the employee so that the employee is removed from the payroll. Survivors are notified of death and survivor benefits.
- **End of Job.** Many Research Foundation jobs are terminated because of insufficient grant funds or reduction-in-force.
- **Termination of Employment for Cause.** Research Foundation employment can be terminated for failure to meet satisfactory job performance standards or for a variety of other reasons including, but not limited to, insubordination, undue or chronic absenteeism or tardiness, and theft of property or any other illegal act. Whether cause exists is within the discretion of the Research Foundation. Cases of termination for cause must be reviewed and documented.
- **Termination Due to Employment at Will.** In an [employment-at-will](#) situation, the employment relationship can, in general, be terminated at any time by either party.

Compliance

Notifying Employees of Employment Termination

In accordance with New York State Prompt Notice Law, operating locations must notify in writing those employees who are being involuntarily terminated from Research Foundation employment within five working days of the employee's termination date. This written notification specifies the employee's exact date of termination of employment and the exact date of cancellation of group health insurance benefits.

In order to demonstrate Research Foundation compliance with the New York State Prompt Notice Law, an employee must be requested to sign this written notification as documentation that he or she received the notification and must return the signed letter to the location. Otherwise, the letter should be sent to the employee by certified mail.

Providing Unemployment Insurance Information to Employees

In order to be in compliance with New York State Labor Law, operating locations must provide Unemployment Insurance information to employees who are being involuntarily terminated from employment, except in the case of an employee who dies.

Employment Termination for Cause

Reviewing Cases

The Research Foundation operations manager or designee (personnel officer) must coordinate with the affirmative action officer and other location officials, as necessary, the review of all circumstances before an employee is terminated from employment for cause. The review is performed to ensure that the termination is not contrary to federal and state laws and Research Foundation policy.

The Central Office of Employee Services must assist the Research Foundation operations manager or designee, if needed, in reviewing the documentation provided for a termination for cause and recommend action after consulting with the Central Office of Legal Affairs, Corporate Affirmative Action Office, and other central offices as appropriate.

Documenting Cases

Any involuntary termination of employment for cause must be supported by appropriate documentation that is maintained in the employee's personnel file.

Notifying Survivors of Death and Survivor Benefits

In a case of involuntary termination due to an employee's death, the Research Foundation operations manager or designee must notify the Central Office of Employee Services when an employee has died so that death and survivor benefits can be processed by the Benefit Services unit at central office.

Termination Procedure

When an employee is involuntarily terminated from the RF, determine the reason for the involuntary termination. Follow all requirements for cases of termination for cause or the employee's death.

For involuntary terminations, use the same Termination Procedure as outlined in [Voluntary Termination of Employment](#), which is located in the Termination of Employment procedure group of the Employees: Personnel Administration business area of EPSS.

Responsibilities

Operating Locations

The *Research Foundation operations manager or designee* is responsible for

- ensuring that when an employee is involuntarily terminated from Research Foundation employment, the termination is in compliance with all policies and requirements.

Central Office

The *director of the Office of Employee Services or designee* is responsible for

- assisting the Research Foundation operations manager or designee, if needed, in reviewing the documentation provided when an employee is being terminated for cause and recommending action to be taken as appropriate.
- receiving notification of an employee's death and processing the employee's death and survivor benefits as required.
- entering information regarding an employee's severance from employment into the computerized business system for those

locations that are not
responsible for their own personnel/payroll input.

Change History

- **August 9, 2001-** The termination procedure is the same as for a voluntary termination.