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SECTION: Human Resources

POLICY TOPIC: Employment Separation

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I. Termination

- A. Philosophy: It shall be the responsibility of each supervisor to assist his or her employees in becoming effective workers. However, realizing that some employees may not benefit from this assistance and continue to be nonproductive, a written termination policy shall be established by the President subject to the following policies.
- B. Probationary, Conditional, and Temporary Employees: Individuals employed in these categories may be terminated at any time without showing cause and with no employee appeal.
- C. Continuing Employees: In cases of termination of a faculty member on continuing contract or other non-faculty employee on contract, termination for cause prior to the end of the fiscal year in which hired, such termination will include the right to an appeal process. The appeal process will be established by the President and outlined in the appropriate employee handbook.
- D. Reasons for Termination Include, But Are Not Limited To, the Following:
1. Incompetence
  2. Moral turpitude
  3. Sexual harassment
  4. Neglect of duty
  5. Unprofessional conduct
  6. Insubordination
  7. Failure to fulfill job requirements in a Job Description
  8. Violation of San Juan College Board Policy
  9. Possession or use of alcohol or narcotics or being under the influence while on the job
  10. Theft
  11. Criminal activity
  12. Failure to report for duty for three (3) successive days without authorization
  13. Assault or battery of a fellow staff member or student

Further explanations of reasons may be set forth in the *Faculty Handbook* and the *Professional and Support Staff Handbook*.

## II. Reduction-in-Force

- A. General Provisions and Philosophy: The College generally manages employee reductions through means such as retirements, resignations, or other types of normal attrition. However, employees of San Juan College may be subject to reduction-in-force as a result of various factors, including but not limited to, lack of work relevant to their position, declining enrollment, lack of funding, reorganization of a department or program, or other institutional needs. Separation of employees due to grant funding becoming unavailable is not subject to the procedures contained herein.

The San Juan College Board recognizes that the College may be required to curtail or delete certain programs at the same time that other programs are being retained, expanded, or added depending upon educational requirements as determined by the College. Programs and services most necessary to meet the educational needs of the students and community, consistent with the established priorities and objectives of the College, are of the highest priority for retention when a reduction-in-force is being considered.

- B. The Board delegates to the President the following duties:
1. Determination of the necessity of a reduction-in-force;
  2. Determination of the program areas within which reductions-in-force will occur in accordance with the guidelines;
  3. Selection of employees that will be subject to a reduction-in-force; and
  4. Administration of procedures for effecting the reduction-in-force.
- C. Criteria for Reduction-in-Force of Faculty and Staff:
1. The President shall work with the College Administration to identify programs, departments, services, and employees that may be subject to a reduction-in-force. In determining whether a reduction of a program, department, or service is appropriate, the President shall consider whether the program, department, or service is necessary to meet the educational needs of the students and community, consistent with the established priorities and objectives of the

College. In determining whether a reduction of an employee's position at the College is necessary, the President may consider the employee's job performance and competency in service, the length of time the employee has been continuously employed by the College, whether the employee's job duties may be performed by others, whether there is sufficient work at the College to justify the employee's continued employment, and any other criteria deemed relevant by the President. An employee shall not be selected for a reduction-in-force on the basis of race, sex, color, religion, creed, national origin or ancestry, age, marital status, sexual orientation, gender identity, gender expression, disability, veteran status, or in retaliation for participation in a legally protected activity.

2. The President may reassign affected employees into other open positions at the College for which the person is qualified in the judgment of the President.

D. Notice of Reduction-in-Force: Should a reduction-in-force become necessary, the President, or the President's designee, will notify the San Juan College Board and the affected employees. The notice will state the reason for the reduction-in-force and shall state that this policy governs procedures for review of the reduction-in-force. The notice shall provide the effective date of the reduction-in-force. Salary and benefits shall cease the day following the effective date of reduction-in-force.

1. Reduction-in-Force of Faculty

Notice of a reduction-in-force for Faculty that are members of a legal bargaining unit will be provided in accordance with the requirements set forth in any collective bargaining agreement entered into between the College and the applicable bargaining unit and effective on the date of the issuance of the notice.

2. Reduction-in-Force of Other Employees

Notice of a reduction in force for Employees, other than those subject to Paragraph D (1) above, that are affected by a reduction-in-force shall be provided at least thirty (30) days written notice prior to the reduction-in-force. Terminated employees will be eligible for benefits as described in the *Professional and Support Staff Handbook* and the *Faculty Handbook*.

E. Grievance/Appeal Procedures: All employees affected by reduction-in-force may appeal the decision through the employee appeal procedures for termination as outlined in the *Professional and Support Staff Handbook* and the *Faculty Handbook*.