SAN JUAN COLLEGE BOARD POLICY

Policy No. 502

SECTION: Human Resources

POLICY TOPIC: Employment Separation

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: Employees of San Juan College may be subject to reduction-in-force based on lack of work relevant to the position, declining enrollment, institutional income factors, termination of funding for a grant-funded program, reorganization, or any combination of these factors that dictates a reduction-in-force.

The San Juan College Board recognizes that the College, within these policies and procedures, 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 when 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. Administration of procedures for effecting reduction-in-force

C. Philosophy: Every effort will be made to retain qualified and productive employees in situations where reduction-in-force becomes necessary. In cases other than financial exigency or non-renewal of soft money contract where immediate termination may be necessary, employees affected by impending reduction-in-force may be given assistance in the following ways:

1. Priority in placement in like jobs when a vacancy occurs

2. Cross-training in other areas where openings are anticipated

3. Where possible, delay the reduction-in-force until natural attrition occurs, i.e., pending retirement or resignation
D. Criteria for Reduction-in-Force of Faculty and Staff:

1. Normally, faculty and staff reductions will be satisfied by retirements, resignations, or other types of normal attrition. Where that is not possible, the determination concerning terminations will be made considering, but not limited to, the following factors in descending order:

   a. Job performance and competency in service
   b. Qualifications of the employee
   c. Seniority

2. The President shall have the option of reassigning affected faculty and staff members into other areas of the institution for which the person is qualified in the judgment of the President, based on the same criteria.

E. Notice of Reduction-in-Force: Should a reduction-in-force become necessary, the President will advise the Board of the needed reduction and then provide a notice to the faculty and staff of the impending action, setting forth the conditions requiring the action. 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. Salary and benefits shall cease the day following the effective date of reduction-in-force.

1. Reduction-in-Force of Faculty

   Notice of termination due to reduction-in-force will be given as early as is practicable and no later than March 1 of the contract year in which it is necessary for such reduction-in-force to take effect.

2. Reduction-in-Force of Staff

   Employees to be affected by a reduction-in-force shall be provided at least thirty (30) days written notice prior to termination. Terminated employees will be eligible for benefits as described in the Professional and Support Staff Handbook and the Faculty Handbook.

F. 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.