



OHR POLICY LIBRARY

Separation from Employment

Separation from Employment Policy
Responsible Executive: CHRO
Originally Issued: June 29, 2017
Revised: December 17, 2018

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THE DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

POLICY STATEMENT

Clemson University makes every effort to address issues that may cause an employee to separate from employment with the university, except when separation is clearly in the best interest of one or both parties. In the event that the employee or the university wishes to end the employment relationship, either party can do so at any time.

Clemson strives to administer separations in a manner that is fair, respectful, and in compliance with state and federal laws and regulations. In return, Clemson expects employees to separate from employment in a manner that minimizes disruption to the workplace. In support of this policy, Clemson maintains [Guidelines for Separating from Employment](#), which outline the accepted procedure for ending an employment relationship between an employee and Clemson University, and [Clemson University Retirement Guidelines](#).

This policy addresses all types of separation and applies to all paid employees of Clemson University with the exception of student workers. All Clemson University employees are required to adhere to this policy, the related guidelines and, when applicable, the *Faculty Manual*.

REASON FOR POLICY

- To articulate the rights of both the employee and the university when ending an employment relationship
- To provide a fair, consistent and accountable process for separations from employment
- To establish the Office of Human Resources (OHR) as responsible for managing separations

ENTITIES AFFECTED BY THIS POLICY

- All colleges/divisions of the university

WEB ADDRESS FOR THIS POLICY

http://media.clemson.edu/humanres/policies_procedures/separation/Separation_from_Employment_Policy.pdf

CONTACTS

Subject Matter	Office	Telephone	E-mail/Web Address
Policy Clarification and Interpretation	OHR	(864) 656-2000	https://www.clemson.edu/human-resources/contact/index.php

PRINCIPLES

Appropriate staffing is critical to Clemson University's mission of providing education, research and public service to the citizens of South Carolina. Separation is a necessary tool for adjusting staffing when performance or disciplinary issues warrant termination or when the organizational needs or the financial situation of the university change. Clemson also recognizes that an employee's separation from the university due to personal/professional changes, including retirement, is part of the natural lifecycle of employment.

Separations should be processed accurately and promptly in order to 1) ensure that the employee receives separation information and final payouts within the timeframe established by state law and 2) protect the university's reputation and financial interests.

Clemson University holds that transition planning is vital to the successful transfer of knowledge and responsibility when an employee leaves the university. Transition planning involves action from the separating employee and management:

- Unless a supervisor expressly states that there will be shortened timeline before the separation, the separating employee gives appropriate notice and collaborates with management to ensure the effective transfer of knowledge and responsibility.
- Management applies the principles of transition planning and succession planning to prepare the university for a smooth transition.

PROCEDURES

This policy establishes the following mandated procedures for ending an employment relationship between an employee and Clemson University. For detailed information on the procedures for ending an employment relationship, please refer to the [Guidelines for Separating from Employment](#) and the [Retirement Guidelines](#).

For the purpose of this policy, separations are broken down into three categories:

1. Voluntary Separations (resignation, retirement and job abandonment)
2. Involuntary Separations (termination)
3. Other Types of Separation (expiration of employment, non-reappointment and death)

The Office of Human Resources

The Office of Human Resources (OHR) manages all separations from employment with the university. All separations must be reported to OHR, where they are processed and documented. In accordance with state regulations, OHR maintains, archives and disposes of personnel records of employees who have separated from the university.

OHR maintains an offboarding program to help ensure that 1) separating employees have the resources necessary to transition smoothly from employment with Clemson University and 2) Clemson receives valuable feedback on the separating employee's work experience through an established exit interview process.

Voluntary Separation

A voluntary separation occurs when an employee leaves a job on their own initiative, through resignation, retirement or job abandonment.

1. In accordance with the State Employee Grievance Procedure Act, voluntary separations are not grievable. For more information on grievance rights, see the university's Grievance Policy or, for faculty grievances, the *Faculty Manual*.
2. Any employee may separate from employment by tendering written or oral notice to their supervisor.
 - a. Employees are expected to give appropriate notice, when possible, within the timeframe established for the position.
 - b. Notice may not be rescinded nor may the planned separation date be changed except with prior approval from the chief human resources officer (CHRO) or designee.
3. Unless expressly stated by the supervisor, it is Clemson University's expectation that separating employees report to work to fully facilitate the transition (knowledge transfer, closing or proper transfer of work projects and tasks, etc.).
 - a. Only when there has been a successful transition (knowledge transfer, closing or proper transfer of work projects and tasks, etc.) should time off be granted prior to the separation.
 - b. It is the responsibility of the supervisor to assess whether the absence of the separating employee during the transition period will negatively impact a successful transition.
4. Job abandonment:
 - a. Job abandonment occurs when an employee fails to report to work for three or more consecutive workdays without notifying their supervisor of the absence prior to or during the first three days of the absence.
 - b. An employee who abandons their job is considered to have voluntarily separated from employment.
5. In accordance with South Carolina state regulations, Clemson University reserves the option to offer state-approved programs designed to provide an incentive to employees to retire or resign in order to realign resources and/or permanently downsize. The decision to implement a voluntary incentive program is made by the VP/division head and is based on the strategic business needs and priorities of the college/division. Approval is based on the VP/division head's ability to demonstrate recurring cost savings.

Involuntary Separation

An involuntary separation, or termination, occurs when the university removes an employee from a position against his or her will.

1. Clemson reserves the right to terminate employees due to one or more of the following reasons:
 - a. Business needs, such as reorganization, work shortage, loss of funding, or outsourcing/privatization.
 - b. Failure on the part of the employee to return to work after authorized leave options have expired.
 - c. Cause, to include:

- i. Repeated or severe misconduct by the employee.
 - ii. Repeated or severe substandard performance by the employee.
2. All terminations must be coordinated with OHR, follow a consistent process and be applied in a fair manner.
3. All terminations require the approval of the VP/division head in consultation with the CHRO or designee.
4. In the case of termination, an employee with grievance rights retains those rights. For specifics on the grievance process, see Clemson's Grievance Policy or, for faculty grievances, the *Faculty Manual*.
5. Clemson University does not provide severance pay to separating employees.
6. Terminations for cause are effective immediately upon notification of the employment action.

7. Terminations due to failure to return to work after authorized leave options have expired are effective immediately upon notification of the employment action.
8. Terminations for business/financial reasons require 1) justification and 2) prior notice to the affected employee as established for the position type. See the *Guidelines for Separating from Employment* or the *Faculty Manual* for position-based notification requirements.

Other Types of Separation

Expiration of Employment

1. Separation due to expiration of employment occurs in the following temporary employment situations when the employment ends for business reasons on the date specified in the offer letter (or contract):
 - End of contract (contract-based positions)
 - End of grant (temporary grant positions)
 - End of job (temporary and time-limited positions; intermittent positions when the job ends or when the employee has not worked for 12 months or more)
2. Expiration of employment has no requirement of prior notice or justification beyond that established by the offer letter. For terminations before the specified end date or if no end date is specified in the offer letter, see the Involuntary Separation section above.

Non-Reappointment

Separation due to non-reappointment occurs when a non-tenured faculty member or a special faculty member is not reappointed to a position. Non-reappointment is governed by the rules and regulations set forth in the *Faculty Manual*.

Death

Clemson University strives to respond to the death of an employee with sympathy and in a way that is supportive and considerate of colleagues, family and friends while ensuring that all official actions required for separation from employment are taken. For guidance on responding in an official capacity to a death within the Clemson University Family, please contact the Office of Human Resources.

DEFINITIONS

For definitions, click [here](#) to access the OHR Glossary of Terms.

RELATED RESOURCES

University Policies and Documents
<u><i>Clemson University Retirement Guidelines</i></u> <u>Discipline Policy</u> <u>Discipline for Non-Covered Employees Policy</u> <u>Faculty Manual</u> <u>Grievance Policy</u> <u><i>Guidelines for Separating from Employment</i></u> <u>Performance Management Policy</u> <u>Reduction in Force Policy</u>