

The college shall establish procedures for employee separation from employment that conform to federal and state statute and regulations (ARS 15-1445).

Resignation

Two weeks prior to resignation, the employee will provide a letter of resignation to the Supervisor and the Office of Human Resources. The employee may schedule an exit interview with his/her immediate Supervisor.

Retirement

Three months prior to effective date, the employee should submit a letter of resignation to their Supervisor and the Office of Human Resources. The employee should also submit an application for retirement to the ASRS.

Death

In the event of an employee's death, the legal heir(s) will be entitled to the following:

1. Any unpaid compensation due to the employee.
2. Any earned but unused vacation time pay due to the employee.
3. Any pertinent benefits accrued to the employee as a result of participation in the Mohave Community College flexible benefits plan (except expressly excluded such as unused time accrued, or as expressly stated such as life insurance).

Separation Pay

Upon involuntary separation, the employee will receive any compensation due him/her, by placing payment in the US mail within seven (7) business days of the termination.

Date of Adoption: Adoption of Manual

References: ARS 15-1445

5.170-B

**Separation from Employment
Training Expenses Reimbursement**

5.170-B

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Training Expenses Reimbursement

If an employee voluntarily resigns or is terminated “for cause” less than 12 months from completing a transferable certification or qualification that the College paid for, the employee may be required to reimburse the college for that expense. Employees must authorize the college to deduct this reimbursement from any monies due at separation prior to commencing training. An invoice for any remaining balance will be issued.

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Constructive Discharge Pursuant to Arizona Law

An employee is encouraged to communicate to the employer whenever the employee believes working conditions may become intolerable to the employee and may cause the employee to resign. Under Arizona Revised Statutes 23-1502, an employee may be required to notify an appropriate representative of the employer in writing that a working condition exists that the employee believes is intolerable, that will compel the employee to resign or that constitutes a constructive discharge, if the employee wants to preserve the right to bring a claim against the employer alleging that the working condition forced the employee to resign.

Under the law, an employee may be required to wait for fifteen calendar days after providing written notice before the employee may resign if the employee desires to preserve the right to bring a constructive discharge claim against the employer. An employee may be entitled to paid or unpaid leave of absence of up to fifteen calendar days while waiting for the employer to respond to the employee's written communication about the employee's working condition.

Constructive discharge may be established by either of the following:

1. Evidence of objectively unpleasant working conditions to the extent that a reasonable employee would feel compelled to resign, or
2. Evidence of outrageous conduct by the employer, managing agent of the employer, including sexual assault, threats of violence directed at the employee, a continuous pattern of discriminatory harassment by the employer or by a managing agent of the employer or other similar kinds of conduct, if the conduct would cause a reasonable employee to feel compelled to resign.

Procedure for Constructive Discharge Complaint by College Employee

1. In order to preserve a claim of constructive discharge, an employee must (1) submit a written statement to the Office of Human Resources, describing in detail the working conditions or conduct of any managing agent of the College which he/she believes constitutes or may constitute constructive discharge, and (2) allow fifteen days for the director's response before resigning.
2. The complaining employee may be entitled to up to fifteen days paid leave at the discretion of the Office of Human Resources pending a response to the employee's claim or complaint. If leave is granted, the employee must keep the director informed as to how the employee may be contacted for further information and/or for service or delivery of the director's response.

3. Upon receipt of the response from the Office of Human Resources, the employee may elect to (1) resign, (2) proceed under formal grievance procedures pursuant to Section 5.160 or (3) treat the matter as resolved and return to work.
4. When a claim of constructive discharge is established, the alleged offending college administrator(s) may be subject to the disciplinary procedures in administrative procedures.

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The employment relationship may be terminated at any time, with or without cause.

Dismissal of an At-Will Employee

The employment relationship of an at-will employees may be terminated at any time, with or without cause. A supervisor, who determines the need to dismiss an employee, will notify Human Resources. Human Resources will evaluate the grounds for termination, seek approval from the appropriate campus dean or chief officer and prepare a written notice of dismissal. The notice will include the reason(s), if any, for dismissal and the effective date.

The notice of dismissal will be given to the employee in person, or via certified mail. No employee will be dismissed for a legally impermissible reason such as race, color, gender, religion, national origin, age, or disability.

Dismissal of a Term Employee

Any faculty or staff member employed under a notice of term appointment may be dismissed mid-term for cause only. A supervisor, who determines the need to dismiss an employee, will notify Human Resources who will evaluate the grounds for termination, seek approval from the appropriate campus dean or chief officer and prepare a written notice of dismissal. The notice will include the reason(s), if any, for dismissal and the effective date.

Appeal

The employee may appeal the decision to dismiss by submitting a written request for a hearing to Human Resources within five (5) workdays of receiving written notice. Failure to submit a written request for an appeal to the Human Resource Office within the time limit results in forfeiture of any appeal rights. Human Resources will convene a hearing, which will proceed in accordance with section 5.165.

President's Review

The findings, conclusions and recommendations of the hearing officer, along with the termination, the employee's notice of appeal and the record of the appeal, will be reviewed by the President. The President shall within ten (10) business days, under unusual circumstances as many as 20 days, forward a written decision to Human Resources. Human Resources shall, within two business days, deliver copies of the decision to all interested parties. Delivery shall be complete upon mailing to the last-known address of each party. The President's decision will be final.

Judicial review of this agency's decision shall be filed in a court of competent jurisdiction, if at all, within 30 calendar days of the date of delivery of the President's decision.

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Employee Exit Procedures

Upon receipt of notice of an employee's intent to separate from employment, the supervisor shall submit written documentation of the notice to Human Resources. If the employee gives verbal notice, the supervisor shall endeavor to obtain a written notice from the employee. If an employee refuses to provide a written notice, the supervisor shall document the verbal notice and submit it to Human Resources. The employee's last day of employment is the last day that the employee physically works at the assigned work station for a minimum of 50% of the scheduled work day. The last day of employment is considered a leave blackout date and Employees are not generally granted leave on this day, unless approved by Human Resources and the President's Office.

On the employee's last day of employment, the supervisor will meet with the separating employee to review the employee separation checklist and collect any College property the employee may have been issued, including but not limited to: keys, laptop computer or other mobile computing device, name tag, or credit card.

The supervisor submits the completed separation checklist form to Human Resources. The employee will be provided a voluntary exit interview form to be completed and return to Human Resources.

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References: ARS 15-1445