Termination

Date Adopted: 1 April 1993

Date Revised: 14 September 2017

Date Reviewed: 29 August 2017; 3 September 2026

Reference:

TERMINATION

There are five (5) different ways employees may separate from the College of Micronesia-FSM.

1. RESIGNATION

Resignation of an employee from College employment shall be in writing and shall be submitted at least fourteen (14) calendar days in advance of the effective date. An exception may be made only upon the approval of the President.

a. Withdrawal of a Resignation
Withdrawal of a resignation may be permitted provided the employee provides notice in writing, prior to the effective date, and if the President agrees to the proposed withdrawal.

2. TERMINATION FOR MEDICAL REASONS

An employee shall be terminated for medical reasons when evidence of incapacity to perform the duties of the position is substantiated by a duly authorized medical care practitioner. Additionally, an employee may be terminated due to medical reasons, when a duly authorized medical care practitioner determines that the employee may be a danger to himself or to others, that the employee is incapable of performing essential functions of his position due to medical reasons, or that recognized and prescribed necessary treatment for the employee is not available on the island where his work site is located. If an employee is incapable of performing essential functions of his position due to medical reasons, the College will make reasonable efforts to either modify the position to accommodate the employees' limitations or offer a transfer to a position at a similar level within the employees' capabilities, if such a position is available. If such accommodation cannot be reasonably obtained, then this provision regarding medical termination shall apply.

3. TERMINATION DURING PROBATION

When the President finds it necessary to terminate an employee during the probationary period there shall be provided to the employee at least fourteen (14) calendar days advance notice in writing. Disciplinary procedures do not apply to this termination and no reason must be provided to the employee as the basis for such termination

4. TERMINATION OF EMPLOYMENT

The termination of employment under this Section shall reflect no discredit on the employee unless otherwise specified in writing. These types of termination include but are not limited to the following:

a. When the duration of the temporary, limited-term, or emergency employment ends;

b. The employee does not qualify for continuation of his/her employment;

c. The employee fails to report to work within 14 calendar days of expiration of his/her approved leave of absence.

(1) The employee does not return to duty at the expiration of his/her approved leave of absence (with or without pay);

(2) Reasonable efforts must be made to contact the employee by telephone, mail or personal contact before the termination action is taken, however, this provision may be implemented without contacting the employee if reasonable efforts to contact the employee have failed;

d. The employee does not report for work for a period of ten (10) business days and fails to notify the appropriate supervisor of the employee intentions during the period. This provision only applies to non-elective absences, such as illness, injury, or similar circumstances, and does not apply to absences that are within the general control of the employee and subject to discipline under the policy on employee discipline and protection; and

e. Termination as a result of a disciplinary action under the authority of the President. Employees terminated as a result of a disciplinary action have the right to review and appeal as set out in the Grievance procedures.

5. LAYOFF

When curtailment of work, shortage of funds, or reorganization as determined by the board of regents makes it necessary to abolish positions, the employee affected shall be laid off. In making the layoff decision, management will first consider the work performance. Secondary consideration will be given to the length of service. Employees who are laid off may apply for vacancies at the college. In the event two candidates have equal qualifications priority will be given to the laid off employee.

Notification

a. An employee identified to be laid off will be notified in writing no later than sixty days (calendar days) prior to the effective date of the layoff. The employee may only appeal through the grievance procedures his or her selection for layoff in comparison to other employees who are retained.