

**CALIFORNIA INSTITUTE OF TECHNOLOGY
STAFF PERSONNEL MEMORANDA**

Subject: TERMINATIONS	Memo No.: 14 Total Pages: 8 Date: September 20, 2023
Approved by: Julia M. McCallin, CHRO, Associate Vice President for Human Resources	

(This supersedes Memo No. 14, dated December 1, 2021 and applies to all employees who receive notice of layoff or furlough on or after September 20, 2023.)

1. Policy

It is the policy of the Institute that employee terminations be handled in a fair manner whether it is the employee or management who initiates the termination. Employees may be terminated with or without notice. This policy is further described below.

2. General

a. Types of Voluntary Terminations:

(1) Voluntary Resignation and Retirement

Voluntary terminations are those initiated by the employee. Employees are expected to give reasonable advance notice of resignation and provide a written notice. Normally, two weeks is considered reasonable notice. Employees who are eligible to retire should provide their supervisor and the Benefits Office with at least sixty (60) days advance notice of their intent to retire.

Employees who request to take vacation after they have given their advance written notice of their intent to voluntarily terminate their employment must have written approval from their supervisor, or designee, prior to the vacation commencing.

(2) Failure to Return from a Leave of Absence or other approved time off

An employee who fails to return to work from a leave of absence or an approved extension within the approved time period, or other approved time off, without notifying their supervisor or Employee Relations, may be considered to have abandoned their job and voluntarily resigned. Employees on approved time off and/or leave of absence who accept regular employment with another employer will be considered to have voluntarily resigned as of the date they began employment with a new employer.

(3) Declining a Reassignment

Employees who are reassigned by management to an alternative but comparable position and refuse this assignment will be considered to have voluntarily resigned.

Supervisors should contact Employee Relations to review all proposed reassignments due to layoff or outsourcing.

(4) Job Abandonment

An employee who is absent from work for three consecutive workdays without notifying their supervisor may be considered to have abandoned their job and voluntarily resigned. Supervisors should review all potential job abandonment situations with Employee Relations.

(5) Reemployment after a Voluntary Resignation

Employees who have completed their initial Introductory Period and who voluntarily terminate and are reemployed by the Institute within 12 calendar months will be considered to have uninterrupted service for purposes of eligibility for sick leave and vacation accrual and credit for service awards.

Refer to the Caltech Summary Plan Description for treatment of benefits, including the Institute's defined contribution retirement plan:

<https://hr.caltech.edu/departments/total-rewards/benefits/spd>

b. Involuntary Terminations

Employees may terminate their employment at any time for any reason, with or without notice, as may the Institute.

Employees who are involuntarily terminated may, in the Institute's sole discretion, be offered the opportunity to resign, provided however, that if the employee elects resignation, they give up the right to file an appeal using the Problem Resolution process. If the Institute offers the employee the opportunity to resign, employees are responsible for informing Employee Relations within ten calendar days of their termination date of their decision to resign. Under such circumstances, the Institute will document that the employee's resignation was in lieu of involuntary termination.

(1) Immediate Termination

Certain conduct may result in disciplinary action up to and including termination depending on the circumstances, even for the first occurrence. Examples may include but are not limited to:

- insubordination;
- willful neglect;
- engaging in a fraudulent or dishonest act;
- falsification of records, including timekeeping records;
- deliberate damage to the Institute's property or the property of another;
- theft including, but not limited to, unauthorized taking, removal, or possession of funds or property belonging to the Institute or a fellow employee;
- unauthorized charges against the Institute's accounts;
- conviction of or pleading guilty or no contest to a felony;
- fighting, and/or threatening or committing physical violence against another person;
- bringing or being in possession of a weapon or other dangerous device on the Institute's property without authorization;
- a violation of the substance abuse policy;
- Surreptitious photography, video, or audio monitoring or recording of other person(s) without their express written permission before each/any recording;
- a violation of computer and/or network security by an employee of the Institute, including but not limited to unauthorized access, intrusion into, use or corruption of, interference with, disruption or slowdown of service with respect to the Institute's automated information systems or information, or attempts thereto. In addition, the employee may be held financially responsible for any damages that may result consistent with applicable law. For further information, please see [Institute Policy on Acceptable Use of Electronic Information Resources](https://hr.caltech.edu/resources/institute-policies/acceptable-use-electronic-resources-policy) linked here (<https://hr.caltech.edu/resources/institute-policies/acceptable-use-electronic-resources-policy>);
- a violation of safety or security policies or practices;
- a violation of business ethics policy or practices;
- accessing/downloading, storing, distributing pornographic material;
- a violation of any of the Institute's policies;
- any statement or representation made by an employee in the course of discussions or negotiations leading up to employment with the Institute that proves to have been materially false, incomplete or misleading; and
- Other misconduct of any kind.

(2) Introductory Period Release

Supervisors should contact Employee Relations as soon as any concerns arise during an Introductory Period.

a. New Hires

Upon employment, employees are placed on an Introductory Period. An employee who is in their Introductory Period, like all

employees, may be terminated with or without warning or notice at any time. Employees who are terminated during their Introductory Period are not entitled to use the Problem Resolution process.

(3) End of Temporary Employment

Employees who are hired on a temporary basis may be terminated by their supervisor at any time, with or without cause or notice, including before the completion of their original work assignment or any work extension thereof.

(4) Layoff

(a) A layoff is an involuntary termination resulting from circumstances such as, but not limited to:

- (i) A reorganization or a reduction in force.
- (ii) A redirection of work due to the cessation of, or change in, the activities or funding of the Institute.
- (iii) A change in job function, technology, and/or required skills, knowledge and/or abilities which results in the position being eliminated or filled by an individual who has the requisite skills, knowledge or abilities which, as determined by management, the incumbent does not possess to the same degree as the replacement.
- (iv) Loss of funding or other budget constraints.
- (v) Change in direction, focus or method of carrying out the Institute's activities that as determined by management results in the Institute no longer having a need for the incumbent's services.
- (vi) An involuntary reduction of an employee's regularly scheduled hours by 50% or more per week.

When the Institute decides that a layoff is necessary or appropriate, the positions to be eliminated and/or individuals to be laid off will

be selected based upon the Institute's needs, in accordance with the management's judgment. Layoff is not to be used in lieu of disciplinary procedures.

(b) Notice of Layoff

Human Resources must review all proposed layoffs before anyone gives notice to employees.

Notice under WARN and CA WARN will run concurrently with any Separation Notice provided.

WARN/CA WARN Notice

If notice of layoff (of 60 or fewer days) is required under the Worker Adjustment Retraining and Notification Act (WARN) or a similar state statute (CA WARN), Human Resources will provide the required amount of notice. This notice period, which begins on the day after an employee receives WARN/CA WARN notice, is known as the WARN/CA WARN notice period.

During the WARN/CA WARN notice period, the employee will continue to be employed and may be asked to continue to report to work or may be placed on a paid leave, or some combination of the two. During this period, the employee will remain on the Institute's payroll and will continue to accrue and be eligible for all benefits. Employees on paid leave status are not permitted to perform work unless they are notified to return to work.

The Institute also reserves the right to terminate the employee's employment at the inception of, or at any time during, the WARN/CA WARN notice period, so long as the Institute has paid the employee for, and granted employee benefits to cover, that period (not to exceed 60 days).

(c) Separation Notice and Benefits for Regular Benefit-Based Employees Who Have Completed the Introductory Period Following Their Most Recent Hire or Rehire Date

(i) Grant Employees at Campus

Information on separation notice and benefits for eligible employees who are funded wholly, or in part, from grants is set forth in the [California Institute of Technology Layoff Notice Policy for Grant Funded Employees](https://hr.caltech.edu/documents/4439/Separation_Notice_Benefits_for_Grant_Funded_Employees.pdf) linked here (https://hr.caltech.edu/documents/4439/Separation_Notice_Benefits_for_Grant_Funded_Employees.pdf).

(ii) All Other (Non-Grant) Employees

The [California Institute of Technology Severance Plan](https://hr.caltech.edu/documents/4438/Severance_Plan_and_Summary_Plan_Description.pdf) linked here

(https://hr.caltech.edu/documents/4438/Severance_Plan_and_Summary_Plan_Description.pdf) sets forth the separation benefits options for eligible non-grant employees.

(d) Reemployment after a layoff

Regular, benefit-based employees who have completed their initial Introductory Period and who are subsequently laid off and reemployed within the reemployment period set forth below (not to exceed 24 months) will be credited with prior service for purposes of eligibility for sick leave and vacation accrual, credit for service awards and other applicable benefits; provided, however, prior service will not be credited for purposes of separation notice and benefits or separation benefit options referenced in 4(c) above, in connection with any future layoff. After a layoff, the date of reemployment will become the new service date for purposes of eligibility and calculation of any such notice and benefits or benefit options.

<u>Length of Service</u>	<u>Reemployment Period</u>
One year or less	Reemployed within 12 months of termination date
More than one year	Reemployed within time period equal to the employee's length of service but not to exceed 24 months

Refer to the Caltech Summary Plan Description for treatment of benefits, including the Institute's defined contribution retirement plan: <https://hr.caltech.edu/departments/total-rewards/benefits/spd>

(e) Final Checks

The final paycheck for a terminating employee will be paid on the termination date. However, an employee who resigned but did not provide at least 72 hours advance notice will receive a final paycheck within 72 hours after the employee gave notice to his or her supervisor.

The final paycheck will include deductions for insurance premiums to provide coverage through the last day of the month in which the employee worked, if applicable.

(f) Termination Clearance

Supervisors are responsible for assuring that employees terminating from their department have returned any and all Institute property, including badges, P-card, computers, passwords, phones, tools, keys, books and other Caltech property assigned to them.

(g) Termination Inquiries and Employment Verification Requests

All inquiries by outside organizations and individuals concerning a terminated employee should be referred to Human Resources. Supervisors and employees who receive requests to verify the employment of a terminated employee are to refer the inquiry to Human Resources.

3. Furlough Policy

Under circumstances that require a temporary work stoppage or reduction in work hours due to unforeseen circumstances, employees may be placed on a furlough. The duration and nature of the furlough will be determined by the Institute and may be extended by the Institute as necessary. The employee's employment has not been terminated during a furlough, as there is an expectation (but not a guarantee) that the employee will be returned to their regular position when the temporary work stoppage or reduction in work hours ceases; however, the employee will not be paid while furloughed.

For purposes of calculating benefits, for employees on furlough periods of less than 1 year, there is no break in service.

An employee on a furlough will retain the vacation and sick time balances accrued up to the beginning of the furlough period, but will not continue to accrue vacation and sick time during the furlough period. If an Institute observed holiday falls within the furlough period, the employee will not be eligible for holiday pay and the observance of the holiday shall not be deferred. Employees on a partial furlough will accrue vacation, sick, and personal holiday time proportional to their actual hours worked.

Upon notification of furlough, an employee may voluntarily elect to use all or a portion of their earned, but unused, vacation and personal holiday while on a furlough, except as otherwise required by law. If the employee voluntarily elects to use vacation, it must be contiguous. (For example, an employee may not go between furlough and vacation during the period). Exempt employees are required to use vacation in full-day increments. The employee will remain on a furlough until the work stoppage or reduction in work hours has ceased and the employee has been approved to return to work or is laid off.

An employee is not eligible for any Separation Benefits in the event that they are affected by a work stoppage or reduction in work hours that results in a furlough.

The Institute will contribute the employer's portion of the relevant health and welfare benefits for a period of 90 days. The 90-day period will start on the first of the month, following the month the employee was placed on furlough status.

4. **Exceptions**

Any exception to this policy requires the approval of the Associate Vice President for Human Resources/Chief Human Resources Officer or designee for Campus staff, or of the Director for Human Resources at JPL or designee for JPL staff.