



Western Nebraska
Community College

WNCC Administrative Procedure

Title:	Involuntary Separation of Staff
Division:	Human Resources
Category:	Personnel
Reference:	Nebraska Employment Law Board Policy 430 (Reduction-in-Force) Board Policy 431 (Continuation/Amendment/Termination of Employment) Board Policy 426 (Discipline Policy) Administrative Procedure 426.01 (Discipline Procedure) Board Policy 720 (Discrimination)
Number:	AP-431.02
Date of Approval:	August 28, 2024
Approval:	Greg Dart, President

Purpose and Scope

This procedure establishes the process for the termination of employment for all employees with the exception of full-time faculty, where the conditions and process for termination are established in AP-431.01 (Continuation/Amendment/Termination of Employment – Faculty) and the President, where the process for termination is established in Board Policy 845.0200.01 (Annual Review of College President’s Performance).

Definitions

At-Will Employment – Employment that may be ended at any time, by either party, for any or no reason.

Grant-funded Employment – Employment, full or in part, that is funded through external dollars and where ongoing employment is contingent upon continued external funding.

Reduction-in-Force (RIF) – An action taken by the College to reduce the number of current positions in a department or at the College overall. The decision not to fill a vacant position or positions does not constitute a reduction-in-force.

Staff: All administrative, professional, or support staff not employed at WNCC for the purposes of instruction.

Procedure

Nebraska is an “employment at will” state, and all employees are employed on an “at will” basis. WNCC may initiate termination at its sole discretion and for any reason not prohibited by Board policy or law. As non-faculty employees, staff have no property right in continued employment and no statutory right to prior notice or appeal of decisions to terminate.

When appropriate, the employee will be provided written notification of the termination in person, or the notification will be delivered by another method. Documentation of the termination will be retained in the employee’s personnel file in Human Resources.

I. Termination as the Result of Disciplinary Action

Employment may be terminated as the result of progressive discipline (as established in AP-426) or based on the severity of a single incident.

A. Grounds for Immediate Dismissal

Grounds for immediate termination of employment can be based on misconduct that:

- involves a violation of the law,
- is or creates a significant risk to College operations,
- endangers the safety or wellbeing of oneself or others, or
- constitutes an act of dishonesty.

Examples of misconduct that may warrant termination include, but are not limited to, violence or threats of violence in the workplace; serious neglect of job duties; insubordination; dishonesty; falsification of records; breach of confidentiality; criminal activity; or violations of College policies and procedures or federal, state, local, or regulatory laws, rules, or regulations applicable to the College.

The decision to terminate the employment of a non-faculty employee as the result of misconduct is first made in consultation with Human Resources and approved by the President. Per AP-426.01 (Discipline Procedure), staff have seven (7) days to provide a written rebuttal to Level IV (termination) disciplinary action and such rebuttals will be reviewed by the President prior to the final determination of termination.

II. Termination Due to Reduction-in-Force

In the case where the President determines a reduction-in-force is necessary and terminates a non-faculty employee because of a lack of funds or the curtailment of work, the employee will be given written notice of at least 30 working days. The President's decisions regarding reduction-in-force are final.

III. Termination of Grant-Funded Employees

Staff positions supported by grant funds are WNCC employees and subject to the conditions of at-will employment and disciplinary policies. Grant-funded employees are not guaranteed employment for the duration of the grant nor are they guaranteed employment at WNCC after the expiration of grant funds.

Revising this Procedure

This Administrative Procedure supersedes any prior WNCC procedure, guideline, or handbook on this subject matter.

WNCC reserves the right to revise this procedure, as necessary, and for the changes to become effective immediately.

Original Adoption Date: August 28, 2024

Revision Date:

Sponsoring Division: Human Resources