

## POLICIES AND PROCEDURE MANUAL

<b>Chapter:</b>	<b>Human Resources</b>		
<b>Title:</b>	<b>Involuntary Termination Procedure</b>		
Policy: <input type="checkbox"/>	<b>Review Cycle: Biennial</b>	<b>Adopted Date: 04.2016</b>	<b>Related Policies:</b> Personnel Manual Separation Policy
Procedure: <input checked="" type="checkbox"/>	<b>Author: Deputy Director</b>	<b>Review Date: 07.11.2023</b>	
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**Purpose:** In order to ensure uniform and consistent procedures for employee terminations, Mid-State Health Network has established rules applicable to all such terminations.

**Procedure:**

1. Mid-State Health Network is an “at will” employer. At-Will Employment means that the employee or MSHN may decide to terminate an individual’s employment at any time, with or without reason, and with or without notice. Since all MSHN employment relationships are at-will, no contract or promise of continued employment, either verbal or implied, is created now or at any time during employment. As such, no employment contract is or can be created unless or until MSHN and the employee expressly agree to an alternative to an at-will status and formalize such terms by a written agreement authorized by the MSHN Board and signed by the MSHN authorized designee.
2. When Mid-State Health Network initiates a termination, the termination is considered involuntary.
3. Involuntary terminations may occur for a variety of reasons, including with cause (i.e., employee misconduct) or without cause (i.e., as a part of a layoff).
4. When practical, employees will be warned, counseled and placed on a performance improvement plan if applicable. However, failure to correct behavior as outlined in the performance improvement plan, or further violation of company policy may result in additional disciplinary action, up to and including termination. Depending on the nature of the offense, Mid-State Health Network reserves the right to terminate any employee without warning.
5. Warnings and counseling are to be documented using MSHN’s documentation procedures and guidelines.
6. All involuntary terminations must be approved by the employee’s supervisor, coordinated with the Deputy Director, approved by the Chief Executive Officer and processed in accordance with the provisions outlined in this policy. Notwithstanding the foregoing, should a supervisor be present when serious misconduct occurs, he/she may immediately suspend the employee, pending an investigation and notification to the Deputy Director.
7. With respect to all involuntary terminations:
  - a. The company will inform the employee of the reason for termination.
  - b. The date of separation will be the employee’s last day worked.
8. With respect to all involuntary terminations without cause:
  - a. The employee’s record will indicate an involuntary termination without cause (i.e., from layoff).
  - b. Severance pay is:
    - i. Discretionary, based upon a number of factors (length of service, level of responsibility).
    - ii. Given only with the approval of the Chief Executive Officer
    - iii. May be authorized for up to one month of salary. Recommendations for severance pay in excess of one-month salary require action by the Executive Committee or the Board of Directors.
    - iv. Not an entitlement

9. When appropriate, the Deputy Director will attempt to schedule and conduct an exit interview with the terminated employee. An exit interview helps MSHN obtain information that may be useful in improving employee relations as well as to provide additional information to the terminated employee regarding 401(k), COBRA, etc. Exit Interview questions are stored in the Human Resources folder in BOX. [Exit Interview Questions](#)
10. The employee’s supervisor must complete a Record of [Termination Checklist](#) provided by Human Resources and found on BOX. This form must be completed to ensure that the employee is terminated in a uniform and consistent manner from all appropriate systems, that MSHN property is reclaimed, and that the employee’s final paycheck is paid in accordance with state and federal laws or regulations, etc.
11. Upon designation of official date of termination, the Deputy Director will complete the Payroll Status Change form and submit to CEO for submission to the Professional Employment Organization (PEO) and prepare any further termination forms.
12. All terminated employees will be paid in accordance with state and federal laws. Earned but unused Paid Time Off will be paid in accordance with the MSHN’s Personnel Manual.
13. The Chief Financial Officer will send the final payoff to the PEO for processing of the Employee’s last paycheck.

**Applies to:**

- All Mid-State Health Network Staff
- Selected MSHN Staff, as follows:
- MSHN’s Affiliates:  Policy Only     Policy and Procedure
- Other: Sub-contract Providers

**Definitions**

**MSHN:** Mid-State Health Network

**Other Related Materials**

Exit Interview Procedure  
Termination Checklist

**References/Legal Authority**

**Change Log:**

<b>Date of Change</b>	<b>Description of Change</b>	<b>Responsible Party</b>
04.2016	New Procedure	Deputy Director
07.2017	Annual Review	Deputy Director
05.2018	Annual Review	Deputy Director
05.2019	Annual Review	Deputy Director
02.2021	Biennial Review	Deputy Director
02.2023	Biennial Review	Deputy Director