



# New York Medical College Policy and Procedure Manual

<b>Section: HUMAN RESOURCES</b>	<b>No.: HR.903</b>
	<b>Date: February 22, 2006</b>
<b>Subject: FACULTY NOTICE OF TERMINATION</b>	<b>Page 1 of 5</b>
	<b>Supersedes: 09/17/96</b>

## I. Purpose

To establish guidelines for faculty notice of termination to eligible faculty members.

## II. Scope

This policy applies to all College regular full-time salaried faculty members who perform academic duties.

For eligible faculty members working under HHC Affiliation Agreements, **or under the Westchester Institute for Human Development (WIHD)** agreement, the applicable provisions of such Agreements shall govern.

## III. Definition

- A. Payment In Lieu of Notice - An allowance that is payable to a faculty member upon termination of employment under certain conditions.
- B. COBRA - Consolidated Omnibus Budget Reconciliation Act -A federal regulation that provides for continuation of medical and dental benefits after termination (see **Policy HR.317 - COBRA Compliance**).

## IV. Policy

It is the policy of New York Medical College to give eligible faculty members notice of termination consistent with the procedures provided below.

This policy conforms with the Board of Trustees' Policy on Faculty Notice of Termination dated September 2, 1987.

<b>Issued By:</b>	<b>Approved By:</b>
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**V. Procedures****A. Notice**

1. Each **academic** faculty member who has been employed by the College for a continuous period of two (2) years shall be given not less than one (1) year's notice of termination of their College employment.
2. Each **academic** faculty member who has been employed by the College for a continuous period of one (1) year, but less than two (2) years, shall be given at least six (6) months notice of termination of his/her College employment.
3. These notice provisions are subject to the conditions and exceptions stated below.
4. Transfer of employment between College divisions or locations is not a termination of employment.

**B. Condition of Availability of Funds**

1. Payments to terminated faculty pursuant to this policy to be made from an affiliation agreement or faculty practice funds or other external sources of funding, except from HHC Affiliation Agreements, shall be conditioned and dependent on the reasonable availability from the applicable sources of funds with which to make such payments.

**C. Payment in Lieu of Notice**

1. If a faculty member is terminated on less notice than is prescribed above, they shall be paid at or after termination at their base salary rate for the period necessary to make the period for which base salary is paid after termination equal to the prescribed notice period.

2. At the College's option such payments may be made after termination in installments corresponding to the College's payroll periods or in one (1) or more lump sums.
3. Such payments shall be net of payroll taxes and without benefits except as provided below.

4. One (1) Year Formula

- a. If it is not possible to give this one (1) year's notice, faculty members will be granted a payment in lieu of this one (1) year's notice based upon the following calculation:

$$\frac{12 \text{ (minus) - months of notice}}{12} \times \text{annual pay} = \text{Payment in lieu of notice}$$

5. Six (6) Months Formula

- a. If it is not possible to give this six (6) month's notice, faculty members will be granted a payment in lieu of this six (6) month's notice based upon the following calculation:

$$\frac{6 \text{ (minus) - months of notice}}{12} \times \text{annual pay} = \text{Payment in lieu of notice}$$

D. Exceptions

1. Severance payments or payments in lieu of notice will not be made when a faculty member:
  - a. Resigns from College employment after any notice of termination but before the designated termination date.
  - b. Is offered comparable employment from another entity which has taken over a portion of New York Medical College's prior area of responsibility in which the faculty member works.

- c. In the case where payments are to be made to a faculty member after termination in lieu of all or part of the notice of termination prescribed in section V.A. above, all such payments shall cease and there shall be no further obligation to make such payments under this policy from and after the date the faculty member commences new employment. It shall be a condition of any payments under this policy that a terminated faculty member provide prompt and accurate information to the College with regard to his or her employment status and compensation after termination.
- d. Is on severance and becomes employed by another segment of the College. Severance will cease and no lump sum will be provided.
- e. This policy shall be inapplicable to termination judged by the Dean or his designee to be for cause.

**E. Method of Payment**

- 1. Payments will be made until the notice period is completed through the College's normal payroll system at the same frequency and amount as were wage/salary payments during active employment.
- 2. At the discretion of management, payment may be made in a lump sum.
- 3. Upon death, any lump sum payments due shall be made to the faculty member's estate.

**F. Continuation of Benefits**

- 1. During the payments in lieu of notice period, Non-Contributory Group life insurance and medical and dental coverage will continue.
  - a. All other benefits cease.
- 2. At the end of the notice period, the faculty member has the right to choose continuation of the College's Medical and Dental Plans for a

period of eighteen (18) months at the faculty member's costs under COBRA.

**G. Vacation Pay**

1. Employee shall receive a lump sum payment for any unused accrued vacation in accordance with **Policy HR.303 - Vacation Policy**.

**H. Amendments and Repeal**

1. This policy is for the guidance of College Administrators and may be amended or repealed at any time without notice.

**V. Responsibility**

**A. Department Chairperson**

1. Judge the respective qualifications of each member of the faculty and recommend retention, transfer or termination. All layoffs must receive prior approval of the Dean's Office and the Human Resources Department.

**B. Appropriate Dean**

1. Implement the procedures contained in this policy in consultation with Human Resources regarding policy compliance.

**C. Human Resources Department**

1. Provide advice and guidance with respect to the interpretation and administration of this policy.