



## Procedure 450-07 Constructive Discharge

Sponsor: Human Resources

### **Purpose**

While the College desires to offer working conditions that are appropriate for all employees, it realizes that from time to time, employees may experience challenges at work that may make them wish to resign. A.R.S. § 23-1502 requires that employees be required to notify an appropriate representative in writing that a working condition exists that the employee believes is intolerable and is compelled to resign.

### **Definitions**

Constructive Discharge Evidence of objectively difficult or unpleasant working conditions to the extent that a reasonable employee would feel compelled to resign.

### **Procedure**

#### Process

An employee must notify in writing his/her immediate supervisor that a working condition exists that the employee believes is intolerable and feels compelled or intends to resign. (For issues of sexual harassment and other prohibited harassment refer to Policy and Procedure 105 Sexual Harassment and Misconduct.) If the complaint involves the immediate supervisor the employee must notify the next higher-level supervisor. In lieu of or in addition to notifying the immediate supervisor the employee may contact the Executive Director of Human Resources directly to register the complaint and/or to request advice and counsel.

The notification must contain a brief description of the condition that is intolerable, a statement of relevant facts supporting the employee's position, and the resolution being requested. An employee may be required to wait fifteen (15) calendar days after providing written notice before the employee may resign if the employee desires to preserve the right to bring a constructive discharge against the College.

The responding supervisor has fifteen (15) calendar days to investigate the issue and respond in writing to the employee's written communication.

If the employee reasonably believes that he/she cannot keep working during the fifteen (15) calendar days allowed the supervisor and/or the employee may take up to 15 calendar days of vacation time or leave without pay. Either the supervisor and/or employee must submit a written request for leave to the Executive Director of Human Resources. The Executive Director of Human Resources in consultation with the appropriate vice president and/or supervisor will make a decision as to which party or parties will be granted leave.

### **References**

A.R.S. § 23-1502

Policy and Procedure 105 Sexual Harassment and Misconduct

**Procedure History**

09/2010      Reformatted  
02/24/2011    Renumbered from 450-05

**Legal Review**

1998