



Subject/Title  
**Pre-Termination Hearing**

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Date Effective  
April 1, 2011

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Revision Date Effective

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Code Number  
HR 22

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*W. Curtis Wakefield Jr.*  
City Manager

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Human Resources  
Responsible Key Business

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**Objective:** In accordance with North Carolina General Statute 160A-168(b), effective October 1, 2010, if disciplinary action of a City employee results in termination, the written notice of the City's final decision setting forth the specific acts and omissions that were the basis of the termination is a matter of public record. Based on the new public records requirement, the City is providing a name-clearing hearing before termination of all City employees not covered by Civil Service.

**Policy:** The purpose of the pre-termination hearing is to review the factual basis for the proposed termination and provide the employee an opportunity to respond to the termination charges and present information on his/her own behalf.

### **Procedures**

#### **Pre-Termination Review:**

- Human Resources must approve the written Notice of Pre-Termination Hearing prior to the KBU giving the Notice to Employee.
- Human Resources must approve the written Termination Letter prior to the KBU giving the Termination Letter to Employee.

#### **Pre-Termination Notice Procedure:**

- The employee must be given written Notice of Pre-Termination Hearing at least 24 hours prior to any termination. (Appendix A)
- Notice of Pre-Termination must state: reason for termination, including specific acts and/or omissions that are the basis of the termination; location of the hearing; and time line for determination.
- Notice of Pre-Termination should be given by Division Manager, or his/her designee, with copy to KBE, City Human Resources Consultant, and Personnel file.

#### **Hearing Procedure:**

- Employee must be given at least 24 hours notice of the hearing.
- Hearing must be conducted by at least a Division Manager or KBE designee and the employee's direct supervisor. Division Manager or KBE designee must have authority to uphold or overturn the termination. KBU HR Manager may be present. Absent unusual circumstances, no more than three KBU representatives should be present at the Pre-Termination Hearing.
- Employee may not have legal or other representation, although employee may, to support their position, present witnesses with direct knowledge of the acts and/or omissions cited as the basis for termination. Employees may not present character witnesses without direct knowledge of the termination event(s) at issue.

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- Employee may present additional information and provide relevant documentation to support their position.
- Hearing should begin with the Division Manager's presentation of concerns that led to the proposed action of termination. Employee may then respond and present witness(es) and/or relevant information.
- There is no recording or documentation of the Pre-Termination Hearing other than the written Notice.
- Hearing is concluded by giving notification to the employee of when a final determination will be made and the employee's status until that time.
- If termination is the final decision, the employee should be given notice of the determination in writing, utilizing City of Charlotte Termination letter template. (Appendix B)

**Appeal:** There is no appeal of the Pre-Termination Hearing. If eligible, terminated employees may participate in the City's Grievance Process.

**Responsibilities**

The Human Resources Key Business shall be responsible for the coordination of this Policy.

Key Business Executives and/or their designees are responsible for ensuring that the Pre-Termination Hearing procedures outlined in this Policy are conducted appropriately.

The City Attorney's Office is responsible for assisting Human Resources and the Key Business Units with interpretation and/or implementation of this policy.

The City Manager or designee will have final decision making authority on any disputes arising from this policy.

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Appendix A: Template for Notice of Pre-Termination Hearing



TEMPLATE – Example

TO: Employee Name

FROM: Division Manager

DATE:

RE: Recommendation of Termination and Notice of Pre-Termination Hearing

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This is to notify you that you have been cited for termination from employment with the City of Charlotte, \_\_\_\_\_ Key Business Unit for violation of \_\_\_\_\_.

Recommendation for termination is based on the following: *(Please document as appropriate for your KBU situation – but there must be documentation of the specific acts and omissions that are the basis for the decision in enough detail to allow the employee to challenge the facts. You must consult with Human Resources before giving to the employee.)*

Your pre-termination hearing is scheduled for (date and time) at (location). The purpose of the Pre-Termination Hearing is to review the factual basis for the proposed termination and to provide you an opportunity to respond. During the pre-termination hearing, you may present information which you believe is relevant to refute the charges against you. You may not have legal or other representation; however, to support your position, you may present witnesses with direct knowledge of the facts surrounding the reasons given for your termination. **Failure to report to the Pre-Termination Hearing will result in immediate termination.** There will be no recording of the Pre-Termination Hearing.

Following the Pre-Termination Hearing, the final decision of whether to implement the termination will be made. You will be notified in writing of the decision within two (2) business days following the hearing. Until such notification, you are (suspended without pay).

Received \_\_\_\_\_ Date \_\_\_\_\_

cc: Human Resources  
KBE  
Personnel File

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Appendix B: Template for City of Charlotte Termination Letter

**Termination Letter Draft Template:**

**Put on KBU Letterhead, add or delete information as needed based on employee's status.**

*Date*

*Employee Name*

*Address*

*Employee Name,*

Effective immediately, your employment with the City of Charlotte, \_\_\_\_\_Key Business Unit is terminated. This decision was based upon your violation of: \_\_\_\_\_.

*(Please document as appropriate for your KBU situation – but there must be documentation of the specific acts and omissions that are the basis for the decision. You must consult with Human Resources before giving to the employee.)*

You will be paid through the end of the day. Your final payout of any unused vacation will be mailed to your home the week of \_\_\_\_\_.

In addition, below is a list of the City's third-party service providers for specific information regarding your benefits administered outside of the City. Please contact them directly to assist you with questions you may have regarding the specific benefit plan they administer on behalf of the City.

- Prudential ([www.prudential.com/ncplans](http://www.prudential.com/ncplans)) 401k at 866-627-5267
- Benefit Management Services ([www.bmstpa.com](http://www.bmstpa.com)) regarding flexible spending and dental at 704-844-0963
- NC Retirement System at 877-627-3287

The City offers former employees the ability to access a variety of personal services through the Employee Assistance Program administered by Business Health Services. They may be reached by calling 1-800-765-3277. Many of the initial consultations are provided to you at no cost if you contact them within the next 31 days.

Please be advised that, if eligible, you may appeal your termination through the City of Charlotte Grievance Procedure. Human Resources will provide you with additional information about your appeal rights.

Should you have any questions you may contact \_\_\_\_\_ in Human Resources at 704-336-\_\_\_\_\_.