

SAMPLE LETTER – DISMISSAL FOR GROSS MISCONDUCT
Rehire Designation - Ineligible for Rehire State Government*
Letter from the Agency Appointing Authority

[HAND DELIVERED or CERTIFIED MAIL - RETURN TO RECEIPT REQUESTED]**

[DATE]

[EMPLOYEE’S NAME ADDRESS]

Dear **[EMPLOYEE’S NAME]**:

This letter serves as official notice of your dismissal from the **[DEPARTMENT OR AGENCY NAME]** for gross misconduct effective **[ACTUAL DATE**]**. This includes a ten (10) calendar day paid notice.

My decision to dismiss you is based on the following: **[DESCRIBE THE JOB RELATED MISCONDUCT AND PROVIDE APPLICABLE SECTION(S) OF TENNESSEE CODE ANNOTATED UNDER WHICH THE EMPLOYEE MAY BE CRIMINALLY PROSECUTED. ALSO, PROVIDE OTHER APPLICABLE SECTION(S) OF TENNESSEE CODE ANNOTATED, RULES OF THE DEPARTMENT OF HUMAN RESOURCES, AND/OR ANY INTERNAL AGENCY RULES OR POLICIES THAT SERVE AS THE BASIS FOR THE DISCIPLINE]**.

[DETAIL THE TIMES, PLACES, AND OTHER PERTINENT FACTS CONCERNING THE PERFORMANCE AND/OR CONDUCT ISSUES. INCLUDE APPLICABLE TRAINING PROVIDED, SUPERVISORY COUNSELING, PERFORMANCE EVALUATIONS, OTHER DISCIPLINE RELATED TO THIS ISSUE, ETC.]

You will be paid for the workdays that fall within the 10 calendar day notice period but will not report to work during that time. Please note that as this dismissal is for gross misconduct, your accumulated annual leave will be used during the ten (10) calendar day notice. Pursuant to Tennessee Code Annotated § 8-50-807(d), and Rules of the Department of Human Resources, Rule 1120-6-.11(4), you are not eligible to collect your remaining annual leave balance. **[INCLUDE IF THE EMPLOYEE HAS A COMPENSATORY LEAVE BALANCE – However, you will receive a lump sum payment for any compensatory leave to your credit.]** In addition, an employee who is terminated on the basis of gross misconduct is not eligible for continued insurance coverage through Cobra.

IF HAND-DELIVERED, INCLUDE THE FOLLOWING - You are required to return your [STATE ISSUED PROPERTY, E.G., KEYS, CELL PHONE, STATE ISSUED IDENTIFICATION BADGE/CARD] and any other property belonging to state government to [HUMAN RESOURCES OFFICER OR OTHER APPROPRIATE SUPERVISOR] before you leave the office today.

*A rehire designation for a specific agency is at the discretion of the appointing authority. To designate an employee as ineligible for rehire with state government, the termination must be for job related misconduct for which the employee may be criminally prosecuted. See DOHR Policy 12-065.

**Written communication to the employee shall be considered received upon actual receipt as indicated by signature if hand delivered or three (3) days after a decision is sent via certified mail, return receipt requested to the employee’s residence.

IF SENT CERTIFIED MAIL, INCLUDE THE FOLLOWING – RETURN RECEIPT REQUESTED – You are required to return your [STATE ISSUED PROPERTY, E.G., KEYS, CELL PHONE, STATE ISSUED IDENTIFICATION BADGE/CARD] and any other property belonging to state government. Please contact [HUMAN RESOURCES OFFICER OR OTHER APPROPRIATE SUPERVISOR] to arrange return of any state property and to pick up your personal items.

Due to the seriousness of this situation, you will not be eligible for rehire with the State of Tennessee. If you reapply for positions within state government, state agencies will not be required to interview you when filling a position.

As a preferred service employee, you may appeal this decision by filing a written complaint within fourteen (14) calendar days to **[THE AGENCY APPOINTING AUTHORITY OR DESIGNEE]**. You may direct questions regarding the appeal procedures to **[AGENCY HR DIRECTOR OR EMPLOYEE RELATIONS OFFICER AND TELEPHONE NUMBER]** or the Employee Relations Division of the Department of Human Resources at 615-741-1646. You may find additional information regarding the appeal process in the Rules of the Department of Human Resources, Chapter 1120-11.

Sincerely,

[AGENCY APPOINTING AUTHORITY]

cc: Commissioner, Department of Human Resources