

## NOTICE OF REGULATION REPEAL

May 8, 2008

### DEPARTMENT OF EDUCATION

Division of Universities  
University of North Florida

### REGULATION TITLE:

Separation from Employment

### REGULATION NO.:

4.0280R

### SUMMARY:

The repeal is being undertaken in order to establish and implement a policy that is current and in accordance with present University practice and procedure.

### FULL TEXT:

The full text of the regulation for repeal is attached.

### AUTHORITY:

Resolution of the Florida Board of Governors dated January 7, 2003 and

### UNIVERSITY OFFICIAL INITIATING THE REPEALED REGULATION:

Rachelle Gottlieb, Vice President

### INDIVIDUAL TO BE CONTACTED REGARDING THE REPEALED REGULATION:

Stephanie Howell, Paralegal, Office of the General Counsel, [showell@unf.edu](mailto:showell@unf.edu), phone (904)620-2828; fax (904)620-1044; Building 1, Room 2100, 1 UNF Drive, Jacksonville, FL 32224.

***Any comments regarding the repeal of the regulation must be sent in writing to the contact person on or before May 29, 2008 to receive full consideration.***

Regulation Number	Subject	Effective Date	Revised Date
4.0280R	Separation From Employment	02/01/06	
<b>Responsible Division / Department: Administration &amp; Finance / Human Resources</b>			
<input checked="" type="checkbox"/> New Regulation	<input type="checkbox"/> Major Revision of Existing Regulation	<input type="checkbox"/> Minor/Technical Revision of Existing Regulation	<input type="checkbox"/> Reaffirmation of Existing Regulation

## I. OBJECTIVE & PURPOSE

The purpose of this regulation shall address all separations of employment for employees not subject to the provisions of a collective bargaining agreement.

## II. STATEMENT OF REGULATION

A. **Definition:** Separation from employment is defined as and includes:

- 1) Resignation;
- 2) Job Abandonment;
- 3) Termination of Employment During Probationary Period;
- 4) Layoff;
- 5) Non-reappointment; and
- 6) Termination for Cause.

## III. DISCUSSION OF SEPARATIONS OF EMPLOYMENT

A. Separations from employment shall be administered consistent with the following provisions:

- 1) Resignation - Whenever possible, employees are encouraged to provide at least two weeks advance notice of resignation to the University. Once tendered, a resignation, whether communicated verbally or in writing, is deemed accepted, and may not be rescinded by the employee without concurrence of the appropriate vice president or designee.
- 2) Job Abandonment - An employee who is absent without approved leave for three (3) or more consecutive workdays shall be considered to have abandoned his or her position and has therefore resigned from the University.
- 3) Separation During Probationary Period - Employees serving in a probationary period in any position or class may be separated from employment at any

time, for any reason. Separations during the probationary period do not require notice and may not be appealed.

- 4) Layoff - shall be administered consistent with the following provisions:
  - a. Employees may be laid off at any time as a result of adverse financial circumstances;
  - a. reallocation of resources;
  - b. reorganization of degree or curriculum offerings or requirements;
  - c. reorganization of academic or administrative structures, programs, or functions;
  - d. curtailment or abolishment of one or more programs or functions;
  - e. shortage of work; or
  - f. a material change of duties. The University President shall notify any appropriate employee organizations when layoffs are to take place.
  - g. Layoffs may be at an organizational level such as a division, college, department, area, program, unit or other level of organization as the University President deems appropriate.
  - h. In designating the employees for layoff, the University President shall consider the qualifications and relevant experiences required for specific positions and exclude such from layoff.
  - i. The University President may make reasonable efforts to locate appropriate alternative/equivalent employment for laid-off employees, where possible.
- 5) Non-reappointment (Separation With Advance Notice) - Employees, except those noted in number 14 below, may be separated from the University without cause, as long as advance notice or payment in lieu thereof is provided.
- 6) Notices of Non-reappointment shall include the last date of employment with the University.
- 7) Advance Notice of Separation shall be given in writing as follows for all employees hired after, January 31, 2006:
  - a. Non-tenured, non-unit Faculty or Administrative employees in their first two years of employment with the University shall be given 60 days advance notice of separation.
  - b. Non-tenured, non-unit Faculty or Administrative employees in their third year of employment or beyond with the University shall be given 90 days advance notice of separation.
- 8) Tenure earning non-unit faculty members who, at the end of the sixth year of continuous full-time, or equivalent part-time employment or service, have not been granted tenure, shall be given 12 months advance notice of separation.
- 9) Advance of Notice of Separation shall be given in writing as follows for all employees hired before the effective date of this policy:

- a. Non-tenured, non-unit Faculty or Administrative employees in their first two years of employment with the University shall be given six months advance notice of separation.
  - b. Non-tenured, non-unit Faculty or Administrative employees in their third year of employment or beyond with the University shall be given twelve months advance notice of separation.
- 10) In the event of a break in service from the University for more than 120 days in one full year only service following such break shall be counted for purposes of determining length of service to the University. Approved paid or unpaid leaves shall not be considered a break in service.
- 11) An employee who has received a notice of non-reappointment may be reassigned to other duties, responsibilities and locations for the duration of the notice period and shall not be eligible for benefits designated for employees “in good standing.”
- 12) An employee who has received a notice of non-reappointment shall not receive any pay increases or bonuses during the notice period.
- 13) The University may opt to negotiate a lump sum amount to be paid to the employee in lieu of providing the applicable time as notice of separation.
- 14) Separation Without Notice - The following appointments shall be exempt from a notice of non-reappointment:
- a. Visiting, acting, interim or temporary appointments;
  - b. Appointments for less than one academic year;
  - c. Contracts stating that employment will cease on a specific date where no further notice of cessation of employment is required.
  - d. Those funded all or in part\* through “soft” money, e.g., contracts, grants, auxiliary or local funds.
  - e. Time-limited appointments
  - f. OPS positions
  - g. Employees serving in a probationary status.

\*Employees appointed to positions funded in part through contracts, grants, auxiliary or local funds will revert to E&G for the equivalent FTE funded by E&G.

- 15) Termination for Cause - Employees terminated for cause are not entitled to notice of non-reappointment and may be terminated at any time during an appointment in accordance with this policy.
- a. Just cause includes, but is not limited to,
    1. misconduct,
    2. conduct unbecoming of a University employee,
    3. insubordination,
    4. willful neglect of duty,
    5. incompetence, or,

6. conviction of a crime, including violation of any Federal or State law.
- b. Procedures for Termination for Cause
  1. An employee shall be given ten (10) days written notice that the University intends to terminate him or her, which contains the reasons for the termination decision. The notice will advise the employee of his or her right to request a pre-determination hearing.
  2. If an employee does not request a pre-determination hearing, the termination will be effective at the end of the notice period.
  3. If an employee requests a pre-determination hearing, it shall be conducted in accordance with the established procedures.
  4. After the pre-determination hearing, the University shall provide the employee with a Notice of Determination which shall advise the employee of the date of termination, where that is the action taken.
  5. The University reserves the right to place the employee on paid administrative leave after issuance of a notice of intent to terminate and the outcome of any requested pre-determination hearing.
- 16) Exit Interview - Each employee who separates from employment is encouraged to complete an Exit Interview Questionnaire and/or request a personal Exit Interview through the Office of Human Resources. Exit Questionnaire can be found at [www.unf.edu/dept/humanres](http://www.unf.edu/dept/humanres).
- 17) Separation Clearance - All persons separating from employment with the University shall return to the University all University property in their possession and settle their financial accounts with the University prior to receipt of any final payments due them. The department head shall work in collaboration with the Office of Human Resources to ensure the timely return of all University property and/or to activate the appropriate measures to collect such.
- 18) The University reserves the right to subtract any amounts owed to the University or to subtract an amount to compensate for unreturned property from any funds which may be due the employee, (i.e., final pay, leave payoff) and may delay or withhold the issuance of transcripts where applicable.
- 19) The employee's immediate supervisor is responsible for ensuring proper separation procedures are followed and for notifying the Department Head if property or keys are not returned or accounts are not settled.
- 20) Final payments to employees shall not be processed without verification that all outstanding accounts are settled.

*References: 1001.74, FS.; 1001.75, FS. and relevant Collective Bargaining Agreements*

*History: NEW 2-1-06; Repealed 6C9-4*

*Adopted by the University of North Florida Board of Trustees as part of the University's Personnel Program on January 26, 2006.*