

NOTICE OF REGULATORY ACTION

May 16, 2008

REGULATION TITLE:

Separation from Employment

REGULATION NO.:

FGCU-PR5.023

SUMMARY:

Approve new university regulation Separation from Employment

FULL TEXT:

The full text of the regulation being proposed is attached and can also be found at <http://www.fgcu.edu/generalcounsel/promulgation.asp>

LAW IMPLEMENTED:

Section 1001.74 Florida Statues

UNIVERSITY OFFICIAL INITIATING THE PROPOSED REVISED REGULATION:

Director, Human Resources

UNIVERSITY OFFICIAL APPROVING THE PROPOSED REGULATION:

Vice President of Administrative Services and Finance

PERSON TO BE CONTACTED REGARDING THE PROPOSED NEW REGULATION:

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ANY COMMENTS REGARDING THE PROPOSED NEW REGULATION SHOULD BE SUBMITTED IN WRITING ON OR BEFORE JUNE 2, 2008 BY 5:00 P.M. THE COMMENTS MUST IDENTIFY THE REGULATION ON WHICH YOU ARE COMMENTING.

THIS NOTICE WAS POSTED ON THE FGCU WEBSITE ON: MAY 16, 2008

FGCU-PR 5.023 Separation from Employment

(1) This regulation applies to all employees who are not subject to a collective bargaining agreement. "Separation from Employment" is defined as and includes:

- (a) Resignation;
- (b) Job Abandonment;
- (c) Termination of Employment During Probationary Period;
- (d) Layoff;
- (e) Notice of Separation; and
- (f) Dismissal for Cause

(2) "Separations from Employment" shall be administered consistent with the following provisions:

- (a) 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 Once tendered, a resignation, whether communicated verbally or in writing, is deemed accepted, and may not be rescinded by the employee without concurrence of the appropriate vice president or designee.
- (b) Job Abandonment - An employee who is absent without approved leave for three (3) or more consecutive workdays may be considered to have abandoned the position and has therefore resigned from the University, unless the employee provides information regarding the existence of an emergency situation that impaired his/her ability to contact his/her supervisor.
- (c) Separation During USPS 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.
- (d) Layoff –shall be administered consistent with the following provisions:
 - 1. Employees may be laid off at any time as a result of :
 - a. adverse financial circumstances;
 - b. reallocation of resources;
 - c. reorganization of degree or curriculum offerings or requirements;
 - d. reorganization of academic or administrative structures, programs, or functions;
 - e. curtailment or abolishment of one or more programs or functions;
 - f. shortage of work; or
 - g. material change of duties.
 - 2. The University President or designee shall notify any appropriate employee organizations when layoffs are to take place.
 - 3. 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 or designee deems appropriate.
 - 4. In designating the employees for layoff, the University President or designee shall consider the qualifications and relevant experiences required for specific positions and exclude such from layoff.

5. The University President or designee may make reasonable efforts to locate appropriate alternative/equivalent employment for laid-off employees, where possible.

(e) Notice of Separation

1. Separation with Advance Notice

a. Non-Unit Faculty and A&P employees (including Executive Service employees) may be separated from the University without cause, as long as written notice according to the following schedule is provided:

- i. Employees in their initial year of employment shall be given 30 days notice prior to the effective date.
- ii. Employees with more than one year of employment shall be given 90 days notice prior to the effective date.
- iii. Employees in the Executive Service shall be given 60 days notice prior to the effective date.

b. An employee who has received a separation notice may be reassigned to other duties, responsibilities and locations for the duration of the notice period and shall not be eligible for pay increases or bonuses and benefits designated for employees "in good standing" during the notice period.

c. The University may opt to provide a lump sum amount to be paid to the employee in lieu of providing the applicable time as notice of separation.

2. Persons appointed to fixed term appointments, including but not limited to visiting appointments and employees in positions funded through contracts and grants, sponsored research funds, trust funds, auxiliary, or local funds, shall be provided notice that employment will cease on a specific date where no further notice of cessation of employment is required in an employment agreement, offer letter, or other document.

3. Persons appointed to the Other Personal Services (OPS) employment category are provided notice upon hire that such appointment is temporary in nature and may end at any time without notice with no right to appeal.

a. Persons appointed to Adjunct faculty are hired for one academic term at a time and are provided notice upon hire that such appointment may end due to lack of enrollment, funding or reassignment of faculty workload.

(f) Dismissal for Cause - Non-Unit Faculty, A&P and USPS employees dismissed for cause are not entitled to notice and may be dismissed at any time during an appointment in accordance with this policy. Dismissal for cause procedures are outlined in PR5.016 Disciplinary Actions.

(3) Exit Interview - Individuals who separate from employment are encouraged to complete the Exit Interview Process through the Department of Human Resources.

(4) Separation Clearance -

(a) Faculty (including in-unit), A&P and USPS employees separating from employment with the University shall return 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 Department of Human Resources and all applicable University departments to ensure the timely return of all University property and/or to activate the appropriate measures to collect such. 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.

(b) The University reserves the right to deduct any amounts owed to the University or to deduct an amount to compensate for unreturned property from any funds which may be due the employee(i.e., final pay, leave payoff).

Action by Florida Gulf Coast University Board of Trustees:

Approved: 06/17/08

Law Implemented:

Section 1001.74, Florida Statutes

History of Rule:

New 04/17/97

History of Regulation:

New 06/17/08

Effective Date of Regulation:

06/17/08