



FGCU REGULATION 5.023

*Effective Date
of Regulation:*

Separations

September 10, 2019

A. GENERAL STATEMENT

This Regulation applies to all employees who are not subject to a collective bargaining agreement, unless otherwise indicated, and encompasses actions separating an employee from the University or from their current position while remaining an employee (“reassignment”). If there is a conflict between any contract and this Regulation, the Regulation will control.

B. SEPARATIONS FROM EMPLOYMENT

The following 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 Once tendered, a resignation, whether communicated verbally or in writing, is deemed accepted, and may not be rescinded by the employee without concurrence of the President for a President’s direct report, or the appropriate Vice President. Employees resigning in lieu of termination are not eligible for rehire.

2. 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, or designee, provides information regarding the existence of an emergency situation or medical condition that impaired the employee’s ability to contact his/her supervisor. Employees separating due to job abandonment are not eligible for rehire.

3. Separation During Probationary Period

Employees serving in a probationary period in any position or classification may be separated from employment at any time, for any non-discriminatory reason. Separations during the probationary period do not require notice and may not be appealed.

4. Layoffs

Layoffs shall be administered consistent with the following provisions. Additional guidance may be provided in a University policy.

- a) Employees may be laid off at any time.
- b) The President or designee shall notify any appropriate employee organizations when layoffs are to take place.
- c) Layoff units may be at an organizational level such as a division, college, school, department, area, program, unit or other level of organization as the University President or designee deems appropriate.
- d) In designating the employees for layoff, the President or designee may take into consideration the qualifications and relevant experiences required for specific positions and exclude such from layoff.
- e) The President or designee may make reasonable efforts to locate appropriate alternative/equivalent employment within the University for laid-off employees, where possible.

5. Notice of Separation

a) Separation with Written Notice

- 1) Non-Unit Faculty, Administrative & Professional (A&P), Support Personnel (SP), and Executive Service employees may be separated from the University without cause, effective immediately, with written notice and a lump sum severance payment according to the following schedule:
 - i) Employees in their initial year of employment shall be given a lump sum severance payment equal to thirty (30) days of the employee's current salary upon notice of separation without cause;
 - ii) Employees with more than one year of employment shall be given a lump sum severance payment equal to ninety (90) days of the employee's current salary upon notice of separation without cause; or
 - iii) Employees in the Executive Service shall be given a lump sum severance payment equal to sixty (60) days salary upon notice of separation without cause, unless there exists an applicable contract in which case the terms of the contract will govern any severance payment. This notice shall indicate whether the separation is from employment or removal from the executive service position with a reassignment to a non-executive service position, if applicable.

- 2) In providing any lump sum severance payment to the employee in accordance with section 5 (a) (1) above, such lump sum shall not exceed 20 weeks of pay, subject to limitations under Section 215.425, Florida Statutes.

b) Fixed Term Appointments

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.

c) Other Personal Services (OPS) Employment

- 1) Persons appointed to OPS employment category are provided notice upon hire that such appointment is temporary in nature and may end at any time without notice and with no right to appeal.
- 2) 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.

6. Dismissal for Cause

Non-Unit Faculty, A&P, SP, and Executive Service employees dismissed for cause are not entitled to advance notice and may be dismissed at any time during their employment in accordance with this Regulation. Employees dismissed for cause are not eligible for rehire, and consistent with section 215.425, Florida Statutes, are prohibited from receiving any severance pay. Dismissal for cause is also addressed in FGCU-PR5.016, Disciplinary Actions.

C. EXIT INTERVIEW

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

D. SEPARATION CLEARANCE

1. Faculty (including in-unit), A&P, and SP 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.

2. 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 payout).

Authority

Sections 1001.706 and 215.425, Florida Statutes

BOG Regulation 1.001, University Board of Trustees Powers and Duties

History of Regulation

New 06/17/08; Amended 06/18/13; Amended 04/21/15; Amended 04/19/16; Amended 09/11/18; Amended 09/10/19

*Approved by Florida Gulf Coast University Board of Trustees
September 10, 2019*