UNIVERSITY POLICY: HR-21.00-2004/07

TO: University of West Florida Community

FROM: Dr. John Cavanaugh, President

SUBJECT: Separations from Employment

Responsible Office/Executive: Executive Vice President and Human Resources

Policy/Purpose: To specify the methods for implementing separations from employment at the University of West Florida including the return of all University property. The University encourages employees to complete Exit Interviews.

CONTENTS:

(1) Separation from Employment
   (a) Resignation
   (b) Job abandonment
   (c) Separation During Orientation Year
   (d) Layoff
   (e) Separation With Advance Notice
   (f) Separation Without Notice
   (g) Removal of Administrative Appointment for Non-Unit Faculty
   (h) Termination for Cause

(2) Exit Interview

(3) Separation Clearance

(1) Separation from Employment - Non-tenured, non-unit Faculty or University Work Force (UWF) appointments shall not create any rights, interest, or expectancy of employment beyond the terms provided in this policy. Separations from employment shall be administered consistent with the following provisions:
   (a) Resignation - Whenever possible, employees will provide at least one month 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 Once tendered, a resignation, whether communicated verbally or in writing, is deemed accepted, and may not be rescinded by the employee without concurrence of the University. An employee who resigns from employment shall not have any rights of appeal.
   (b) Job Abandonment - An employee who is absent without approved leave for three or more consecutive workdays shall be considered to have abandoned his or her position and has therefore resigned from the University.
   (c) Separation During Orientation Year - Other Personal Services (OPS) and University Work Force (UWF) employees serving a position orientation year in any position class may be separated from employment at any time, for any reason. Separations during the orientation year 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 adverse financial circumstances; reallocation of resources; reorganization of degree or curriculum offerings or requirements; reorganization of academic or administrative structures, programs, or functions; curtailment or abolishment of one or more programs or functions; shortage of work; or a material change of duties. The President/designee shall notify any appropriate employee organizations when layoffs are to take place.

2. The layoff unit may be at an organizational level such as a campus, division, college, department, area, program, unit or other level of organization as the President/designee deems appropriate.

3. In designating the makeup of the layoff unit, the President/designee shall consider the special qualifications and relevant experience required for specific positions and exclude such positions from layoff.

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

(e) Separation With Advance Notice (SWAN) - Employees, except those noted in section (f) below, may be separated from the University without cause, as long as he or she is provided with appropriate advance notice or payment in lieu thereof, where applicable.

1. Decisions for non-reappointment shall not be based on constitutionally impermissible grounds.

2. Advance Notice of Separation shall be given in writing as follows:

a. Non-tenured, non-unit Faculty or University Work Force (UWF) employees in their first two years of employment with the University shall be given 120 days advance notice of separation.

b. Non-tenured, non-unit Faculty or University Work Force (UWF) employees in their third year of employment or beyond with the University shall be given six months advance notice of separation. However, employees who had completed two or more years of continuous service with the University, by January 1, 2000, shall be given 12 months advance notice of separation.

c. Non-tenured, non-unit Faculty or University Work Force (UWF) employees hired after July 1, 2004 shall be given advance notice of separation as follows:

(I) Employees in their second year of employment receive 60 days notice.

(II) Employees in their third year of employment or beyond receive 90 days notice.

d. 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.

3. The Advance Notice of Separation shall include the last date of employment with the University.

4. An employee who has received an advance notice of separation may be reassigned to other duties, responsibilities and locations for the duration of the notice period.

5. An employee who has received an advance notice of separation shall not receive any pay increases during the advance notice period.

6. For employees hired after the effective date of this policy, the University may opt
to pay an employee an amount equivalent to the salary he or she would have earned during the advance notice period in lieu of providing advance notice of separation. For employees hired before the effective date of this policy, the University, with the agreement of the employee, may pay the employee an amount equivalent to the salary he or she would have earned during the advance notice period in lieu of providing the advance notice of separation.

(f) Separation Without Notice - The following employees are not entitled to advance notice of separation:
1. Employees holding visiting, acting or temporary appointments;
2. Employees who are appointed for less than one academic year;
3. Employees whose salary is funded through “soft” money, e.g., contracts, grants, auxiliary or local funds.
4. Employees on time limited appointments
5. OPS employees
6. Employees serving a position orientation year.

(g) Removal of Administrative Appointment for Non-Unit Faculty - Faculty administrative appointments are “at will” appointments. Non-unit Faculty members in administrative appointments serve at the pleasure of the appointing University administrator. Employees are not entitled to advance notice of removal from the administrative appointment and have no right to appeal or grieve the removal. This policy affects administrative appointments only.

(h) Termination for Cause - Employees terminated for cause are not entitled to advance notice of separation and may be terminated at any time during an appointment in accordance with this policy.
1. Just cause includes, but is not limited to, misconduct in office, conduct unbecoming of a University employee, insubordination, willful neglect of duty, incompetence or conviction of a crime, including violation of any Federal or State law.
2. Notice of Intent to Terminate
   a. An employee shall be given written notice that the University intends to terminate him or her which contains the reasons therefor. The notice will advise the employee of his or her right to request a pre-determination hearing.
   b. If an employee does not request a pre-determination hearing, the notice of Intent to Terminate shall serve as the Notice of Termination.
   c. If an employee requests a pre-determination hearing, it shall be conducted in accordance with subparagraph (4)(c)4 of the Standards of Conduct Policy.
   d. 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.

(2) Exit Interview - Each employee who separates from employment is encouraged to complete an Exit Interview Questionnaire and/or request a personal Exit Interview through Human Resources.

(3) Separation Clearance
(a) All persons separating from employment with the University are required to return to the University all State of Florida and University property in their possession and settle their accounts with UWF prior to receipt of any final payments due them.
1. 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 are due the employee, (i.e., final pay, leave payoff) and may delay or withhold the issuance of transcripts where applicable.

2. 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.

3. The Controller’s Office shall not process final payments to terminating employees without verification that all outstanding accounts are settled.

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

Approved By: ___________________________ Date: 7/1/2004

Dr. John Cavanaugh, President