



Item: PC: A-2

**PERSONNEL & COMPENSATION COMMITTEE**

**Monday, June 15, 2015**

**SUBJECT: REQUEST TO AMEND REGULATION 5.007, SEPARATIONS FROM  
EMPLOYMENT**

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**PROPOSED COMMITTEE ACTION**

Recommend BOT approval of amendments to FAU Regulation 5.007, Separations from Employment.

**BACKGROUND INFORMATION**

This personnel regulation was last reviewed in total and updated in March 2009. As part of a regular review with Human Resources and other administrators, these amendments to the regulation are recommended to update outdated provisions and implement current best practices. Specifically, the proposed amendments update titles, reflect existing personnel policies, and clarify processes and procedures to the reader.

**IMPLEMENTATION PLAN/DATE**

If approved by the Board, the regulation will be amended and effective as of July 1, 2015.

**FISCAL IMPLICATIONS**

N/A

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<b>Supporting Documentation:</b>	Text of proposed amended Regulation 5.007
<b>Presented by:</b>	David Kian, Vice President & General Counsel
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# Florida Atlantic University

## **Regulation 5.007 Separations from Employment**

(1) Separations from employment shall be administered consistent with the following provisions:

(a) Resignation. An employee who resigns from employment shall not have any grievance rights or rights of appeal. Once tendered, a resignation is deemed accepted and irrevocable, and may not be rescinded by the employee without written agreement by the President, Provost, a vice president or designee.

(b) Abandonment. An employee who is absent without approved leave for three or more consecutive workdays shall be considered to have abandoned the position.

(c) Notice of Separation. Any Faculty or Administrative, Managerial and Professional (AMP) employee who receives a Notice of Separation in accordance with Regulation 5.008, and whose notice period has ended, may be separated without further notice.

(d) Just Cause. An employee may be separated for just cause in accordance with Regulation 5.012.

(e) Layoff or Furlough. The University may lay off or furlough an employee 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. Layoff or furlough shall be conducted in accordance with University policy.

(f) Expiration of Term. The employment of employees holding time limited appointments and employees who are issued an offer letter with a preset termination date will automatically cease on the date indicated. No other notice of cessation of employment is required.

(2) Probationary and Temporary employees. Probationary and Temporary (or OPS) employees may be separated from employment at any time without any requirement of notice or reason and without right of appeal or grievance. Probationary employees who have been employed more than 90 days may be given two weeks advance notice or payment in lieu of notice at the sole discretion of the supervisor and with the approval of the Provost or Vice President, as permitted by law.

(3) Other Positions. Employees in the following categories may be separated from employment at any time for any reason upon at least 30 days advance notice without a Notice of Separation, right of appeal or grievance:

1. Employees holding acting appointments.
2. Employees holding visiting appointments.
3. Employees holding time limited appointments.
4. Employees who are appointed for less than one academic year.
5. Employees who are in positions funded through contracts and grants (not overhead funds).

*Specific Authority: Article IX of the Florida Constitution, Florida Board of Governors Resolution dated January 7, 2003, 1001.706 FS., 1001.74(5) FS. History—New 7-6-81, Formerly 6C5-5.09; Amended 11-11-87, 6-7-88, 11-9-05, Formerly 6C5-5.009; Amended 3-18-09, 7-1-15.*