



Item: PC: A-3

PERSONNEL & COMPENSATION COMMITTEE

Monday, June 15, 2015

SUBJECT: REQUEST TO AMEND REGULATION 5.008, NOTICE OF SEPARATION

PROPOSED COMMITTEE ACTION

Recommend BOT approval of amendments to FAU Regulation 5.008, Notice of Separation.

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review with Human Resources and other administrators, these amendments to the regulation are recommended to update outdated provisions and implement current best practices.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 Regulation is being amended to reflect existing personnel policies, change the notice periods for new employees in their initial year of employment (probationary period), 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

Supporting Documentation:	Text of proposed amended Regulation 5.008
Presented by:	David Kian, Vice President & General Counsel
Phone:	561-297-3007

Florida Atlantic University

Regulation 5.008 Notice of Separation.

(1) Applicability

(a) A Notice of Separation may be issued in accordance with Regulation 5.007 to employees who are regular non-tenured or non-permanent status Faculty, and Administrative, Managerial and Professional (AMP) employees, unless superseded by a collective bargaining agreement.

(b) A Notice of Separation may be issued with or without cause for any reason, and without right of appeal or grievance. A Notice of Separation may be issued in lieu of, or together with a layoff notice.

(2) Notice Periods

(a) Only the most recent continuous service in pay plans and positions described above at Florida Atlantic University, will count toward length of employment or hiring date for purposes of this Regulation.

(b) Employees issued a Notice of Separation shall receive at least the following advance notice periods prior to separation:

1. Employees hired prior to August 29, 2001: twelve months
2. Employees hired on or after August 29, 2001, but prior to November 15, 2005: six months
3. Employees hired on or after November 15, 2005, but prior to July 1, 2015:
 - a. In their initial year of covered employment: one month
 - b. In their second year of covered employment: two months
 - c. With two or more years of covered employment: three months
4. Employees hired on or after July 1, 2015:
 - a. In their initial year of covered employment:
 - i. 0-6 months: none
 - ii. 6-9 months: 2 weeks
 - iii. 9-12 months: one month
 - b. In their second year of covered employment: two months
 - c. With two or more years of covered employment: three months

(c) Employment shall terminate without right of appeal or grievance after the advance notice period.

(3) Terms and Conditions of During Notice Period

(a) The employee's current rate of pay shall remain unchanged through the end of the advance notice period. The employee shall not receive any pay increases during the advance notice period.

(b) The University may reassign the employee to a different position and/or change the employee's responsibilities, job title, work location and/or duties during the notice period.

The University's right to terminate the employee for just cause, layoff or furlough remains in effect during the advance notice period.

(c) The President, Provost or Vice President may offer the employee a payout in lieu of continuing to work through the end of the notice period as permitted by law.

(4) Notice of Separation Requirements

(a) Notices of Separation shall be issued by the President, Provost, Vice President or their designee to whom the employee reports.

(b) Notices of Separation shall specify the dates of the notice period.

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 6C5-5.10, Amended 11-11-87, 8-29-01, 11-9-05, 3-15-06, 3-18-09, 7-1-15.