

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: May 18, 2010

REGULATION TITLE:

Advance Notice of Separation for University
Support Personnel Employees

REGULATION NO.:

UCF-3.038

SUMMARY OF REGULATION: This regulation establishes a procedure to provide advance notice of separation to USPS employees who have successfully completed their probationary period with the University. The regulation outlines the procedure for providing advance notice of separation and the rights and responsibilities of the affected employees.

AUTHORITY: BOG Regulation 1.001

NAME OF PERSON WHO INITIATED PROPOSED REGULATION AMENDMENT:

Mark Roberts, Director, Human Resources

COMMENTS CONCERNING THE PROPOSED REGULATION AMENDMENT SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation you are commenting on.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION AMENDMENT IS:

Regulations Administrator
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Millican Hall, Suite 360
Orlando, FL 32816-0015
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FULL TEXT OF THE PROPOSED REGULATION AMENDMENT:

**UCF-3.038 Advance Notice of Separation for University Support Personnel System
Employees**

(1) Except as provided by any applicable collective bargaining agreement, this regulation applies to all USPS employees.

(a) Employees on probation or in OPS, temporary, time-limited, emergency or other irregular appointments may be separated from the university without advance notice, although they will normally be given two weeks notice of separation.

(2) Probationary Employees:

(a) All USPS employees must serve a probationary period, upon initial employment in a regular benefits' earning position. This period shall be a working trial period required of all new USPS employees. Upon the successful completion of the probationary period, regular status is granted for those serving in regular benefits' earning positions.

(b) USPS employees in positions which have a six month probationary period will serve only one (1) probationary period upon their initial USPS employment. Positions which have a twelve month probationary period shall serve a probationary period in each classification. After attainment of regular status in any USPS position, employees who serve in a position requiring a six month probationary period will not be required to serve an additional probationary period during contiguous employment.

(c) If a USPS employee has a break in service, a new probationary period will be required. Approved paid or unpaid leaves shall not be considered a break in service. An exception to this provision is the recall of a laid off employee during the recall period as noted in University Regulation UCF-3.0123, in which case the employee shall not be required to serve another probationary period.

(3) A USPS employee may be separated with cause in accordance with University Regulation UCF-3.033.

(4) USPS staff members have no expectation of continued employment beyond the terms listed herein. A USPS employee may be separated without cause by providing a written Advance Notice of Separation informing the employee of the last date of employment with the university. The period between issuance of the Advance Notice of Separation and the last date of employment shall be the advance notice period.

(5) Terms and conditions during the advance notice period:

(a) The advance notice period shall be six (6) months.

(b) The employee's base rate of pay shall remain unchanged during the advance notice period. The employee shall not receive any pay increases or bonuses during the advance notice period.

(c) At its discretion, the university may reassign the employee to other duties, responsibilities, and locations during the advance notice period.

(d) The employee has the right to seek employment elsewhere, either within or outside the university.

(e) The employee remains subject to all university regulations, policies, and procedures during the advance notice period. The university's right to terminate the employee for cause remains in effect during the advance notice period. Similarly, the employee is subject to layoff in accordance with UCF Regulation 3.0123 during the advance notice period.

(f) In lieu of the employee working for the duration of the advance notice period, the university and the employee may mutually agree, by utilizing a settlement agreement, to provide the employee a lump sum payout equivalent to their salary for the advance notice period. Such lump sum payment shall be calculated by using the appropriate gross salary, excluding benefit costs or contributions. Any such settlement agreement must be on a form approved by the UCF Office of the General Counsel and signed by the employee no later than the close of business ten work days subsequent to the employee's receipt of the Advance Notice of Separation. If a payout is made pursuant to a settlement agreement, employees will also receive any accrued leave payments to which they are entitled by university policy. However, no further benefit accruals (e.g. annual leave, sick leave, retirement) will be advanced or paid.

(6) Advance Notice of Separation Procedures:

(a) A department that wishes to consider the issuance of an Advance Notice of Separation to an employee pursuant to this regulation must consult with Human Resources regarding the proposed action. The department must obtain the approval of the respective vice-president or designee prior to making a request to Human Resources for a separation action under this regulation. Only Human Resources is authorized to issue an Advance Notice of Separation.

(b) An employee who is separated in accordance with this regulation will be considered eligible for rehire.

(7) The decision to issue an Advance Notice of Separation to a USPS employee shall not be based on constitutionally or statutorily impermissible grounds.

(8) The director of Human Resources or designee shall make final determinations as to interpretation and implementation of this regulation.

(9) This regulation is effective January 1, 2011.

Authority: BOG Regulation 1.001. History–New ____-10.