

REVISED NOTICE OF PROPOSED REGULATION AMENDMENT

Revised date: October 11, 2017

Date: September 27, 2017

REGULATION TITLE:

Resignation and Nonrenewal of Non-unit Faculty
and Administrative and Professional Staff Members

REGULATION NO.:

UCF-3.0122

SUMMARY OF PROPOSED REGULATION AMENDMENT: This regulation is amended to clarify the procedures for providing notice of non-renewal to employees. Additional amendments are to articulate the options available following a non-renewal and the exemptions to the non-renewal procedures for special categories of employees.

Revision of October 11, 2017. In response to comments received, minor changes made to include: language to clarify that any reference to non-unit faculty in this regulation specifically excludes tenured faculty, and conversion of months to years for some time periods in paragraph 3.

AUTHORITY: BOG Regulation 1.001

NAME OF PERSON WHO INITIATED PROPOSED REGULATION AMENDMENT:

Maureen Binder, Associate Vice President and Chief HR Officer

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
4365 Andromeda Loop North
Millican Hall, Suite 360
Orlando, FL 32816-0015
Phone: (407) 823-2482
e-mail: regulations@ucf.edu

FULL TEXT OF THE PROPOSED REGULATION AMENDMENT:

UCF-3.0122 Resignation and Nonrenewal of Non-unit Faculty and Administrative and Professional Staff Members.

(1) Resignation by the Employee.

- (a) Non-unit Faculty and Administrative and Professional (“A&P”) staff members shall give one month’s written notice of resignation if possible.

- (b) Failure to provide at least two (2) weeks' written notice of resignation will result in the designation of the employee as ineligible for rehire, except in cases of medical or family emergency, or where the employee's early departure is approved by the University.
- (c) Employees are required to work their resignation notice period unless on approved leave of absence. Failure to work during the resignation notice period will result in the designation of the employee as ineligible for rehire.

(2) Nonrenewal by the University.

- (a) Non-unit ~~administrative~~ faculty and A&P staff members have no expectation of continued employment beyond the terms listed herein. These employees may be given a notice of nonrenewal for any reason, subject to the notice provisions herein, at any time during their employment, and such notice supersedes any term provisions of an appointment or contract. Notice is provided to allow time for the employee to seek other employment, either with UCF or elsewhere. Any reference to "non-unit faculty" in this Regulation specifically excludes tenured faculty.
- (b) ~~The University reserves the right to terminate employment. An employee may be notified of nonrenewal at any time during their employment, and this supersedes any term provisions of an appointment or contract.~~
- (c) ~~Nonrenewal means an employee is given written notice of that his or her employment with the University will end at the time set forth in the written notice termination of the employment relationship with the University after the end of the applicable notice period as set forth below.~~

(3) ~~Notice periods~~ Terms and Conditions of Notice; Notice Periods

- (a) Non-unit Faculty and A&P staff members with up to 6 months of employment in their current pay plan, may be given two weeks' notice terminating the employment relationship. ~~Two weeks' pay may be given in lieu of notice.~~
- (b) Non-unit Faculty and A&P staff members with at least six months but fewer than two (2) years ~~12 months~~ of employment in their current pay plan may be given ~~two~~ four (4) weeks' ~~months'~~ written notice terminating the employment relationship.
- (c) Non-unit Faculty and A&P staff members with at least two (2) years ~~12 months~~ but fewer than ~~24 months~~ five (5) years of employment in their current pay plan, may

be given ~~three months~~ twelve (12) weeks written notice terminating the employment relationship.

(d) Non-unit Faculty and A&P staff members with at least two five (5) years but fewer than ten (10) years ~~or more years~~ of employment in their current pay plan may be given ~~six months~~ sixteen (16) weeks written notice terminating the employment relationship.

(e) Non-unit Faculty and A&P staff members with ten (10) years or more of employment in their current pay plan may be given twenty (20) weeks' written notice terminating the employment relationship.

(f) Notwithstanding any provision of this regulation, employees hired on or moved to Executive Service appointments may have their employment terminated with sixty (60) days' written notice of nonrenewal, regardless of how long the individual has been employed with the University.

~~(4) The decision to nonrenew a University employee shall not be based on constitutionally or statutorily impermissible grounds.~~

~~(5) Following receipt of the notice of nonrenewal, the employee may be reassigned to other duties and responsibilities. Regardless of a reassignment, however, the employer~~ An employee reassigned during a notice of nonrenewal period is entitled to the same level of salary he or she received prior to reassignment. committed to compensate the employee until the effective date of nonrenewal. ~~An employee on notice of nonrenewal shall not receive any pay increase during the notice period.~~

(5) At the time of or following issuance of a notice of nonrenewal to any employee, the University may elect in its discretion to pay the employee for all or a portion of the notice period, as may be allowed under Florida law. If the University elects this option, it shall pay the employee an amount, less withholding, equal to the salary for that portion of the notice period which the University is paying out, and the employee's employment shall terminate immediately.

(6) Exceptions to Notice Requirements; Special Conditions.

(a) Employees on "soft money". ~~Notwithstanding paragraphs (2) and (3) above, the University may nonrenew without notice, no notice need be provided to~~ employees ~~(i)~~ who are on "soft money" (e.g., contracts and grants, sponsored research funds, and grants and donations trust funds) with less than five continuous years of service on such "soft money" appointments in their current pay plan. For employees on

~~“soft money” with five years or greater of such continued service in their current pay plan, the University shall provide ninety (90) days’ notice of nonrenewal if shall be provided contingent upon funds being available in the contract, grant or fund. or~~

~~(b) Employees on Visiting Appointments. Notwithstanding paragraphs (2) and (3) above, the University may nonrenew an employee on a Visiting Appointment without providing notice. (ii) who are on a Visiting Appointment. For employees on “soft money” with five years or greater of such continued service in their current pay plan, ninety (90) days’ notice shall be provided contingent upon funds being available in the contract, grant or fund.~~

~~(c) Each such employee on “soft money” or a Visiting Appointment referred in paragraph (a) above shall have the following or an equivalent statement included in an appointment document or employment agreement: “Your employment is a Visiting Appointment or is funded by ‘soft money’ as defined in Regulation UCF-3.0122 and may cease with little or no notice.”~~

~~(7) The decision to nonrenew a University employee shall not be based on constitutionally or statutorily impermissible grounds. Notwithstanding any of the above, employees hired on Executive Service appointments may have their employment terminated with sixty (60) days’ written notice.~~

Authority: BOG Regulation 1.001. History—New 4-30-81, Formerly 6C7-3.122, Amended 1-6-93, 4-23-03, 7-16-07; Formerly 6C7-3.0122, Amended 5-7-09, 8-25-14, _____-17.