

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: May 22, 2024

REGULATION TITLE:

Resignation and Nonrenewal of Non-unit Faculty and
A&P Staff Members

REGULATION NO.:

UCF-3.0122

SUMMARY OF REGULATION AMENDMENT: This regulation addresses resignation and nonrenewal of employees who are in the Faculty and Administrative and Professional (A&P) pay plans and who are not part of a collective bargaining unit. The proposed amendments specifically update the expectations for how much notice employees are expected to provide when resigning, clarifying the expectation that employees with patient care responsibilities will provide more notice of resignation to allow for uninterrupted healthcare for patients. The proposed amendments also update how much notice the university gives to employees for nonrenewal. The amount of nonrenewal notice given depends on how long the employee has been employed and whether the employee has patient care responsibilities.

AUTHORITY: BOG Regulation 1.001

NAME OF PERSONS 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 N.
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, except that UCF College of Medicine Faculty and A&P staff members shall provide notice as set forth in (b) below.

- (b) UCF College of Medicine Faculty and A&P staff with patient care responsibilities (whether at UCF Health or another institution with whom UCF has contracted to provide professional services) shall give at least three months' (or 90 calendar days') written notice of resignation.
- (c) ~~(b)~~ Failure to provide ~~at least two (2) weeks' written~~ notice of resignation as described above 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.
- (de) 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. Use of accrued leave during the resignation notice period should not exceed one week, and the employee is expected to report to work on the employee's last day of the resignation notice period.

(2) Nonrenewal by the University

- (a) Nonrenewal means an employee is given written notice that his or her employment with the University will end no later than the time set forth in the written notice.
- (b) Non-unit 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 period provisions herein, at any time during their employment, and such notice supersedes any term provisions of an appointment or contract. The nNotice period is provided to allow time for the employee to seek other employment, either with UCF or elsewhere.
- (c) Any reference to "non-unit faculty" in this Regulation specifically excludes tenured faculty.
- (b) ~~Nonrenewal means an employee is given written notice that his or her employment with the University will end at the time set forth in the written notice.~~

(3) Terms and Conditions of Notice; Notice Periods

The length of the notice period provided to the employee when the University issues a notice of nonrenewal depends on years of employment and work assignment at the time of notice of nonrenewal, as set forth below:

- (a) For non-unit Faculty and A&P staff members who do not have a work assignment that includes patient care responsibilities at UCF Health or another institution with whom UCF has contracted to provide professional services:
 - (i) 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.~~
 - (ii) ~~(b)~~ Non-unit Faculty and A&P staff members with at least six months but fewer than two (2) years of employment in their current pay plan ~~_, may be given~~ four (4) weeks' written notice ~~terminating the employment relationship.~~
 - ~~(e)~~(iii) Non-unit Faculty and A&P staff members with at least two (2) years but fewer than five (5) years of employment in their current pay plan ~~_, may be given~~ twelve (12) weeks' written notice ~~terminating the employment relationship.~~
- (bd) For non-unit Faculty and A&P staff members employed by UCF in the College of Medicine with fewer than five years of employment in their current pay plan and

who have work assignments that include patient care responsibilities at UCF Health or another institution with whom UCF has contracted to provide professional services - twelve weeks' written notice.

- (cd) For ~~n~~Non-unit Faculty and A&P staff members with at least five (5) years but fewer than ten (10) years of employment in their current pay plan ~~_ may be given~~ sixteen (16) weeks' written notice ~~terminating the employment relationship.~~
- (de) For ~~n~~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.~~
- (ef) 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) Following receipt of the notice of nonrenewal, the employee may be reassigned to other duties and responsibilities, at the discretion of the supervisor. An employee reassigned during ~~part or all of the~~ a notice of nonrenewal period is entitled to the same level of salary ~~he or she~~ ~~they~~ received prior to reassignment. 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 of nonrenewal period, as may be allowed under Florida law and as may be appropriate to the employee's work assignment. 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. Those employees with patient care responsibilities may be expected to continue seeing patients during some or all of the notice of nonrenewal period.

(6) Exceptions to Notice Requirements; Special Conditions

- (a) Employees on "soft money" funded appointments. Notwithstanding paragraphs (2) and (3) above, the University may nonrenew without notice employees who are on "soft money" funded appointments (e.g., contracts and grants, sponsored research funds, ~~and~~ grants and donations trust funds, and revenues from clinical services) with less than five continuous years of service on such "soft money" funded appointments. For employees on a "soft money" funded appointment with five years or greater of such continued service, the University shall provide ninety (90) days' notice of nonrenewal if funds are available in the contract, grant or fund.
- (b) Employees on Visiting Appointments. Notwithstanding paragraphs (2) and (3) above, the University may nonrenew an employee on a Visiting Appointment without providing notice.
- (c) Each employee on "soft money" or a Visiting Appointment 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.

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, 10-27-17, 11-14-19, _____-24.