

**FLORIDA BOARD OF GOVERNORS
NOTICE OF PROPOSED REGULATION REPEAL**

DATE: June 19, 2008

REGULATION TITLE(S) AND NUMBER(S) 6C-5.955 Separations from
Employment and Layoff

SUMMARY: The Board of Governors has delegated authority to the board of trustees to develop university personnel programs. Therefore, the obsolete Board of Regents rule regarding separations from employment and layoff needs to be repealed.

FULL TEXT OF THE REGULATION: The full text of the regulation proposed for repeal is posted on Board of Governor's Web site at www.flbog.org. In addition, the full text of the regulation is available upon request to the Office of the Chancellor, at (850) 245-0466.

AUTHORITY TO REPEAL REGULATION(S): Section 7(d), Art. IX, Fla. Const.; BOG Regulation Development Procedure dated March 23, 2006.

THE BOARD OF GOVERNORS' OFFICIAL INITIATING REPEAL OF THE REGULATION(S): Vikki Shirley, General Counsel.

COMMENTS REGARDING THE REPEAL OF THE REGULATION(S) SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation(s) on which you are commenting:

Vikki R. Shirley, General Counsel, Board of Governors, State University System, 325 W. Gaines Street, Suite 1614, Tallahassee, Florida 32399, (850) 245-0466 (phone), (850) 245-9685 (fax), or generalcounsel@flbog.org.

5.955 Separations from Employment and Layoff.

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

~~(a) An employee who resigns from employment shall not have any rights of appeal.~~

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

~~(c) The Chief Administrative Officer may dismiss an employee for just cause in accordance with University rules, policies or procedures.~~

~~(d) OPS and USPS employees without permanent status in any class may be separated from employment at any time without any requirements of notice or reason and without rights of appeal.~~

~~(e) Nontenured or nonpermanent Faculty and A&P whose appointments expire after receiving notice of nonrenewal or nonreappointment or whose appointment expires without the requirement of a written notice of nonreappointment may be separated without further notice.~~

~~(2) Layoff shall be administered consistent with the following provisions.~~

~~(a) Employees may be laid off at anytime 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. The Chief Administrative Officer shall notify the appropriate employee organizations when layoffs are to take place.~~

~~(b) The layoff unit may be at organizational level such as a campus, division, college, school, department, area, program, or other level of organization as the Chief Administrative Officer deems appropriate. In designating the makeup of the layoff unit, the Chief Administrative Officer may consider the special qualifications and relevant experience required for specific positions and exclude such positions from layoff. USPS time-limited positions shall be excluded from the layoff unit.~~

~~(c) A tenured Faculty or permanent status employee shall not be laid off if there are nontenured/nonpermanent status employees in comparable positions in the layoff unit. Those employees will be retained who, in the judgment of the Chief Administrative Officer, will best contribute to the mission and purpose of the University when taking into account the employee's length of continuous University service and other appropriate factors.~~

~~(d) The Chief Administrative Officer shall make a reasonable effort to locate appropriate alternative/equivalent employment for laid-off employees, first within the University and second within the SUS.~~

~~(e) The following employees do not have layoff rights.~~

~~1. A Faculty or A&P employee appointed for less than one academic year or appointed to a visiting appointment;~~

~~2. A Faculty or A&P employee appointed to a position funded from contracts and grants, auxiliaries or local funds;~~

~~3. A Faculty or A&P employee whose appointment expires after receiving timely notice of nonrenewal/nonreappointment;~~

~~4. A Faculty or A&P employee whose appointment expires without the requirement of a written notice of reappointment, including an employee serving on an appointment without a fixed term or an employee on a multi-year contract;~~

~~5. A USPS employee without permanent status in any class;~~

~~_____ 6. A USPS employee appointed to a contract and grant, auxiliary or local funds position which has been designated time-limited.~~

~~_____ 7. An OPS employee.~~

~~(f) Within the layoff unit, USPS employees with permanent status in the affected class shall be ranked on a layoff list based on retention points derived from length of service and evaluations. Employees who work less than full-time shall have their retention points determined in proportion to the time worked. Layoff rights extend only to employees who meet the specific qualifications and equivalent FTE of the position regardless of their placement on the layoff list. Retention points shall be computed as follows:~~

~~_____ 1. One point for each month of continuous employment in the USPS including service in the Career Service if employed in the SUS on or before June 30, 1986.~~

~~_____ 2. One point for each month of service meeting performance standards and two points for each month of service with exemplary performance.~~

~~_____ 3. The period of leave for active military service in accordance with Chapter 115, F. S., shall count as continuous employment and shall be considered to be at the same level of performance as last evaluated.~~

~~_____ 4. Any period of service prior to July 1, 1996, not covered by an evaluation including periods of service during which no formal employee evaluation programs existed, shall be computed as meeting performance standards. After July 1, 1996, performance will be computed as previously evaluated in the absence of a current evaluation.~~

~~_____ 5. No retention points shall be granted for a month in which the employee was not on the payroll.~~

~~_____ 6. After totaling the retention points, layoff shall be in order, beginning with the employee with the fewest points.~~

~~_____ 7. When two or more employees have the same total retention points, preference for retention shall follow the order of the longest University service in the class, the longest SUS service, Veterans' preference, and as determined by the Chief Administrative Officer.~~

~~(g) Employees are to be informed of layoff as soon as practicable. Where circumstances permit, all employees are to be provided at least 30 calendar days notice. However, a USPS employee with permanent status shall be given not less than 14 calendar days notice of layoff or in lieu thereof, two weeks pay at the employee's current regular hourly rate, or a combination of notice and pay. A notice of layoff shall be sent to the employee by certified mail, return receipt requested, or delivered in person to the employee.~~

~~(h) Within seven calendar days after receiving the notice, the USPS employee shall have the right to request a change in assignment or, if not available or the employee's preference, a detention in lieu of layoff to a position in a class in which the employee held permanent status, or to a position in a class in which the employee has not held permanent status if the employee has previously held permanent status in a higher or equal level class within the series. Appointment to positions in lieu of layoff is conditioned on the employee meeting the specific qualifications for the position.~~

~~(i) Employees with layoff rights who are laid off shall have recall rights at the University from which laid off as follows.~~

~~_____ 1. Faculty and A&P employees have recall rights for one year following layoff. Employees shall be offered reemployment/recall rights in the same or similar position for which they meet the special qualifications and relevant experience. (For out-of-unit faculty and out-of-unit A&P employees at the New College of the~~

University of South Florida, the offer of reemployment shall be limited to the same or similar position at the New College.)

~~2. USPS employees have recall rights for one year following layoff. When a vacancy occurs or a new position is established in the same class within the same layoff unit from which the employee was laid off, the employees with the highest number of retention points and who meets the specific qualifications for the position, shall be offered reemployment.~~

~~3. Reemployment offers shall be made to USPS employees laid off in the order of their total retention points. Reemployment of such employees may be with permanent status in that class at the discretion of the Chief Administrative Officer.~~

~~4. An employee who refuses offer of reemployment shall forfeit further recall rights.~~

Authority: Section 7(d), Art. IX, Fla. Const., History—New 1-24-96, 8-17-99.