

USF System USF USFSP USFSM

Number: USF10.211
Title: Separations from Employment and Layoff
Responsible Office: Administrative Services/Human Resources

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(1) Separations from employment will be conducted consistent with the following provisions:

(a) An employee who resigns from employment has no right to grieve.

(b) An Administration or Staff employee who is absent without approved leave for three (3) or more consecutive workdays will be deemed to have abandoned the position, unless the employee provides information regarding the existence of an emergency situation that impaired his/her ability to contact his/her supervisor.

(c) The CAO may dismiss an employee for just cause in accordance with these Regulations.

(d) The following employees may be separated from employment at any time without any requirements of notice or reason and without any right to grieve such a termination:

1. Temporary employees; and
2. Staff employees without permanent status in any class.

(e) An Administration employee may be separated from employment without any right to grieve such termination when his/her appointment ends after receiving written notice of non-reappointment or written notice upon appointment that employment will cease on the date indicated with no further notice of cessation of employment required.

(2) Layoffs will be conducted consistent with the following provisions:

(a) Employees may be laid off at any time as a result of: adverse financial circumstances; reallocation of resources; 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.

(b) The layoff unit may be at an organizational level such as a campus, division, college, school, department, area, program, or other level of organization as the CAO deems appropriate. In designating the makeup of the layoff unit, the CAO may consider the special

qualifications and relevant experience required for specific positions and excludes such positions from layoff.

(c) A permanent status Staff employee will not be laid off if there are nonpermanent Staff employees in comparable positions in the layoff unit. Those employees will be retained who, in the judgment of the CAO, will best contribute to the mission and purpose of the USF System when taking into account the employee's length of continuous satisfactory service to the USF System and other appropriate factors.

(d) The CAO will make a reasonable effort to identify appropriate alternative/equivalent employment opportunities within the USF System for laid-off employees.

(e) The following employees do not have layoff rights:

1. An Administration employee appointed for less than one (1) year;
2. An Administration employee appointed to a position funded solely from contract, grant, auxiliary or local funds;
3. An Administration employee whose appointment expires after receiving timely notice of non-reappointment;
4. An Administration employee whose appointment expires without the requirement of a written notice of non-reappointment, including an employee serving on an appointment with an appropriately documented fixed term or an employee on a multi-year contract;
5. A Staff employee without permanent status in any class;
6. A Staff employee appointed to a position which has been designated time-limited; and
7. Any temporary employee.

(f) Within the layoff unit, Staff employees with permanent status in the affected class will be ranked on a layoff list based on retention points derived from length of service and evaluations. Employees who work less than full-time will 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.

(g) Employees are to be informed of layoff as soon as practicable. Where circumstances permit, all employees are to be provided at least thirty (30) calendar days notice. However, a Staff employee with permanent status will be given no less than fourteen (14) calendar days notice of layoff or in lieu thereof, two (2) weeks' pay at the employee's current regular hourly rate, or a combination of notice and pay. A notice of layoff will be sent to the employee by certified mail, return receipt requested or hand-delivered to the employee.

(h) Within seven (7) calendar days after receiving the notice of layoff, the Staff employee has the right to request a change in assignment or, if not available, at the employee's preference, a

demotion 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 (based on salary band) in the career family. Appointment to positions, in lieu of layoff, is conditioned on the employee meeting the specific qualifications for the position and having an overall history of meeting performance standards.

(i) Employees with layoff rights who are laid off will have recall rights as follows:

1. Administration employees have recall rights for one year following layoff. Employees will be offered reemployment/recall rights in the same or similar position within the same layoff unit from which the employee was laid off for which they meet the special qualifications and have the relevant experience.

2. Staff 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 employee with the highest number of retention points who meets the specific qualifications for the position will be offered reemployment.

3. An employee who refuses an offer of reemployment forfeits any further recall rights.

(j) Layoffs are grievable only through the Informal Resolution process in accordance with these Regulations.

Authority: Art. IX, Sec. 7, Fla. Constitution, Fla. Board of Governors Regulation 1.001.

History: New (BOT approval) 10-05-03, Formerly 6C4-10.211, F.A.C., Amended 3-13-08, 8-27-09.