## 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 Therefore, the obsolete Board of Regents rule regarding separations from employment and layoff needs to be repealed.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 <a href="https://www.flbog.org">www.flbog.org</a>. In addition, the full text of the regulation is available upon request to the Office of the Chancellor, at (850) 245-0466.

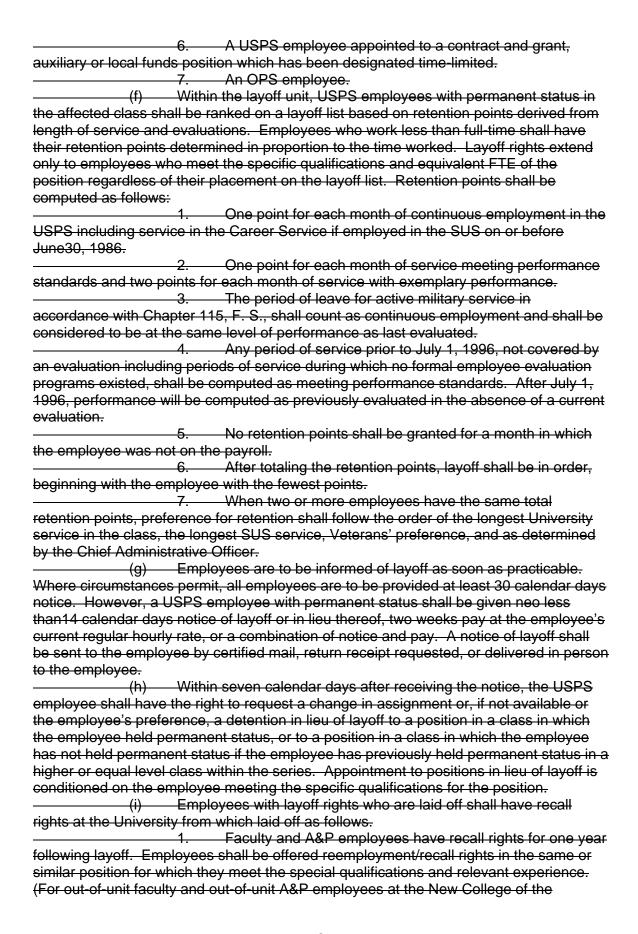
**AUTHORITY TO REPEAL REGULATION(S):** Section 7(d), Art. IX, Fla. Const.; BOG Regulation Development Procedure dated March 23, 2006.

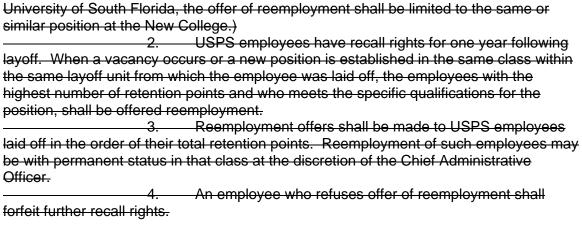
THE BOARD OF GOVERNORS' OFFICIAL INITIATING REPEAL OF THE REGULATION(S): Vikki Shirley, General Counsel.

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 <a href="mailto:generalcounsel@flbog.org">generalcounsel@flbog.org</a>.

## 5.955 Separations from Employment and Layoff. Separations from employment shall be administered consistent with the following provisions. An employee who resigns from employment shall not have any rights of appeal. An employee who is absent without approved leave for three or more consecutive workdays shall be considered to have abandoned the position. The Chief Administrative Officer may dismiss an employee for just cause in accordance with University rules, policies or procedures. 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. 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. 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. 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. The following employees do not have layoff rights. A Faculty or A&P employee appointed for less than one academic year or appointed to a visiting appointment; A Faculty or A&P employee appointed to a position funded from contracts and grants, auxiliaries or local funds; 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; A USPS employee without permanent status in any class;





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