

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: May 13, 2009

REGULATION TITLE:
Separations from Employment and Layoff

REGULATION NO.:
6C1-1.017

SUMMARY: The language of this regulation is clarified to reflect the University's longstanding interpretation and intent that the University has the authority to layoff those employees associated with a particular specialty, function or activity that is eliminated or reduced and that the eliminated or reduced specialty, function or activity need not be tied to a particular organizational level of the University. The use of retention points, which applied only to non-exempt TEAMS employees and USPS employees, is eliminated. All bumping rights of USPS employees are eliminated. The layoff order for Academic Personnel (faculty) is unchanged. The layoff rights of law enforcement personnel and in-unit faculty are covered in applicable collective bargaining agreements and processes.

AUTHORITY: BOG Regulation 1.001

COMMENTS CONCERNING THE PROPOSED REGULATION SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS: Rebecca J. Holt, Administrative Assistant, 123 Tigert Hall, Post Office Box 113125, University of Florida, Gainesville, Florida 32611, 352-392-1358 office, 352-392-4387 facsimile, regulations@ufl.edu.

NAME OF PERSON WHO APPROVED THE PROPOSED REGULATION: Paula Fussell, Interim Vice President for Human Resource Services

THE FULL TEXT OF THE PROPOSED REGULATION IS ATTACHED TO THIS NOTICE.

REGULATIONS RULES OF

UNIVERSITY OF FLORIDA

6C1-1.017 ~~University of Florida~~; 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 President or President's designee may dismiss an employee for just cause in accordance with University Regulations Rules 6C1-3.046, 6C1-3.047 and 6C1-7.048, F.A.C.
- (d) Other Personnel Services (OPS), University Support Personnel System (USPS) employees without permanent status in any class, or probationary non-exempt Technical, Executive, Administrative and Managerial Support (TEAMS) employees may be separated from employment at any time without any requirements of notice or reason and without rights to appeal.

(2) Layoffs shall be administered consistent with the following provisions for USPS, TEAMS, and Academic Personnel (AP) employees:

- (a) Reasons for layoff, which may occur at any time, are: 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 President or designee shall notify the appropriate employee organizations when layoffs are to take place.

(b) The President or designee shall designate a layoff unit. A layoff unit may consist of employee(s) in any of the following, as the President or designee deems appropriate: an administrative unit or structure; or a particular pay plan, classification, or rank in an administrative unit; or an instructional, research, or clinical specialty; or any activity, program, group, project, or function. at an organizational level such as a division, college, school, department, area, program, or other level or organization as the President or designee deems appropriate. In designating the makeup of the layoff unit, the President or designee shall consider the special qualifications and relevant experience required for specific positions and exclude such positions from layoff. The President or designee will designate layoff units at the University of Florida as determined by administrative reporting rather than funding. Other than the exceptions noted in this rule, the unit employee with the fewest retention points in the designated classification will be the layoff candidate.

(c) The layoff areas for bumping purposes are designated as follows:

1. For academic units, except the College of Agricultural and Life Sciences, each individual college will be designated as a layoff area. The Institute of Food and Agricultural Sciences (IFAS) is designated as its own layoff area for bumping purposes.

2. For non academic units, the affected Vice Presidential area will be designated as a layoff area for bumping purposes.

(cd) A tenured/permanent status Academic Personnel employee shall not be laid off if there are non-tenured/non-permanent status Academic Personnel employees in the layoff unit; and a USPS employee with permanent status shall not be laid off if there are USPS employees in

~~comparable positions with less retention points in the layoff unit.~~ Those employees will be retained who, in the judgment of the President or designee, will contribute to the mission and purpose of the University when taking into account the employee's length and continuous University service and other appropriate factors. The appropriate Vice President shall submit a plan to meet the goals set by the President. The Vice President shall have the sole discretion in determining the distribution by pay plan to accomplish the goals.

(3) Layoff Provisions for USPS and TEAMS employees.

(a) Identification of Layoff Candidate and Notice of Layoff. The classification(s) of the position(s) to be abolished will be determined by the administrator(s) of the layoff unit. ~~The Division of Human Resources identifies the incumbent(s) in the classification(s) that are to be issued layoff notice based on total retention points within the layoff unit. The administrator of the unit as the President's designee determines which specific positions are to be excluded from the layoff unit based on the special qualifications and relevant experience required for the position.~~ Written notice of layoff rights will be provided to an employee at least forty-five (45) calendar days in advance of layoff. ~~The Division of Human Resources will make an initial assessment of the layoff candidate's rights to specific classifications.~~

(b) The University maintains the discretion to retain the employees, who, in the judgment of the President or designee, will contribute to the mission and purpose of the University when taking into account the employee's duties, skill level, previous experience, training, certifications, length of continuous University service and other appropriate factors. The appropriate Vice President shall submit a plan to the President to meet the goals set by the President. The Vice President shall determine the distribution by pay plan to accomplish the goals. The Division of Human Resource Services will review each layoff request to ensure

appropriate selection occurs. Consideration for Vacancies in USPS Classifications. The Division of Human Resources identifies vacant, posting positions to which the layoff candidate has rights. The assessment of the layoff candidate's match for a position will be determined by the hiring administrator of the position and will take into account whether successful performance can be expected for the layoff candidate after consideration of any special qualifications and relevant experience given a reasonable training period of up to six months. Where posting vacancies exist both within and outside the layoff unit, the priority placement obligation will be with the vacancy in the layoff unit. USPS employees who have applied and been offered any position waive their layoff rights upon acceptance.

— (c) Consideration for Non Vacant USPS Positions. If an appropriate vacant USPS position is not identified, then the Division of Human Resources will identify and coordinate interviews of employees for appropriate non vacant positions, which shall be within the layoff area in which the layoff candidate is assigned, in retention point order:

- 1. USPS positions held by USPS employees with probationary status in the job classification.
- 2. USPS positions held by USPS employees with fewer total retention points than the layoff candidate.

— (d) Layoff candidates who decline to interview for positions to which they have placement rights or who reject an offer that the Division of Human Resources deems to represent an appropriate match forfeit further layoff and recall rights and, as a result, voluntarily effect their final resignation.

— (e) Retention Points. 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 FTE. Layoff rights extend only to employees who meet the specific qualification and equivalent full time 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 State University System (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. Any 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 program 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, Veterans'~~

~~preference, and as determined by the President or designee based upon the special qualifications and relevant experience of the employees.~~

(c~~f~~) Recall Rights. Recall rights for USPS employees apply for a period of one year following layoff. When a vacancy occurs in the same position and class within the same layoff unit from which the employee was laid off, the employee ~~with the highest number of retention points~~, who is not otherwise employed in an equivalent full-time position, and who meets the specific qualifications of the position, will be referred to the hiring authority for consideration. ~~If the employee is hired for the position, he/she will return to the University as a TEAMS employee. If an employee refuses an offer of reemployment on recall any further recall rights are forfeited.~~

(d~~g~~) The following USPS and TEAMS employees do not have layoff rights:

1. A USPS employee without permanent status in any class.
2. A USPS or TEAMS employee appointed to a contract and grant, auxiliary, or local funds position which has been designated time-limited.

3. A probationary non-exempt TEAMS employee.

(e) This regulation does not apply to sworn law enforcement officers. The applicable collective bargaining agreement will be followed.

(4) Layoff Provisions for non-exempt TEAMS employees.

(a) Notice of Layoff. ~~Written notice of layoff will be provided to an employee at least forty five (45) calendar days in advance of layoff.~~

(b) ~~TEAMS employees do not have bumping or recall rights.~~

(c) ~~Layoff Order Retention Points. Within the layoff unit, non-exempt employees 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 qualification and equivalent full time 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 and TEAMS including service in the Career Service if employed in the State University System (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. Any 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 program 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 non-exempt TEAMS employees have the same total retention points, preference for retention shall follow the order of the longest University service in the~~

~~class, Veteran's preference, and as determined by the President or designee based upon the special qualifications and relevant experience of the employees.~~

- ~~(5) Layoff provisions for exempt TEAMS employees.~~
- ~~(a) Notice of Layoff. Written notice of layoff will be provided to an employee at least forty five (45) calendar days in advance of layoff.~~
- ~~(b) TEAMS employees do not have bumping or recall rights.~~
- ~~(c) Determination of Layoff. Employees in the layoff unit are to be laid off in accordance with years of continuous service at the University.~~
- ~~(d) The University maintains the discretion to retain the employees who, in the judgment of the President or designee, will contribute to the mission and purpose of the University when taking into account the employee's length and continuous University service and other appropriate factors. The appropriate Vice President shall submit a plan to the President to meet the goals set by the President. The Vice President shall determine the distribution by pay plan to accomplish the goals.~~

(46) Layoff Provisions for Out-of-Unit Academic Personnel:

- ~~(a) Layoff Order. Employees in the layoff unit are to be laid off in the following order:~~
 - 1. non-tenure earning or non-permanent status earning employees with five years or less of continuous university service;
 - 2. tenure-earning or permanent-status-earning employees, who have not attained tenure or permanent status with five years or less of continuous university service;
 - 3. non-tenure earning or non-permanent status earning employees with more than five years of continuous university service;

4. tenure-earning or permanent-status-earning employees, who have not attained tenure or permanent status with more than five years of continuous university service;

5. employees who are tenured or have permanent status.

(b) **Determination of Layoff.** In determining which employee(s) will be laid off, the President or designee, shall take into consideration appropriate factors including: tenure status; performance evaluations by supervisors, peers and students; contents of the faculty member's personnel file; the faculty member's academic credentials; professional reputation; collegiality; teaching effectiveness; performance of professional responsibilities; research record; quality of the academic or creative activity engaged in by the faculty member; and length and quality of service to the community and public.

(c) **Notice of Layoff.** Written notice of layoff rights will be provided to an employee as soon as practicable in advance of layoff. Where circumstances permit, faculty members are to be provided with at least one year's notice for employees with three or more years of service and at least six month's notice to those with less service. A notice of layoff shall be sent to the employee by certified mail, return receipt requested, or delivered in person to the employee.

(d) **Recall Rights.** For a period of one year following layoff, an employee who has been laid off, and who is not otherwise employed in an equivalent full-time position, shall be offered reemployment in the same position at the University, should an opportunity for such reemployment arise. Any offer of reemployment must be accepted no later than fifteen days after the date of the offer, such acceptance to take effect no later than the beginning of the academic term immediately following the date the offer was made. In the event such offer of reemployment is not accepted, the employee shall receive no further consideration pursuant to this regulation~~rule~~.

(e) The following Academic Personnel do not have layoff rights:

1. An Academic Personnel employee appointed for less than one academic year or appointed to a visiting appointment;
2. An Academic Personnel employee appointed to a position funded from contracts and grants, auxiliaries or local funds;
3. An Academic Personnel employee whose appointment expires after receiving timely notice or non-reappointment;
4. An Academic Personnel 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.

Specific Authority: BOG Regulation 1.001.1001.74(4) FS.

~~Law Implemented 1001.74(19), 1001.75(3) FS.~~

History--New 7-1-96, Amended 10-7-99, 3-2-03, 7-19-05, _____.