

PROPOSED

Florida Atlantic University

Regulation 5.008 Notice of Separation ~~Notice~~.

(1) ~~Separation by the University~~ Applicability

(a) A Notice of Separation may only be issued to a regular ~~This Regulation applies to~~ non-tenured or non-permanent status Faculty, and ~~all~~ Administrative, Managerial and Professional employees who are not subject to a collective bargaining agreement.

(b) A Notice of Separation may be issued with or without cause for any reason, and without right of appeal or grievance.

~~Service in pay plans other than those described in (1)(a) above, or with any entity other than Florida Atlantic University, does not count toward length of employment for purposes of this Regulation.~~

~~(c) Employees in the following categories are not covered by this Regulation and are not entitled to the defined separation notice, however employees in the following categories, except those appointed with multi-year contracts, will receive 30 days notice. In addition, service in the following categories does not count toward length of employment for purposes of this Regulation:~~

- ~~1. Employees holding acting or temporary appointments.~~
- ~~2. Employees holding visiting appointments.~~
- ~~3. Employees who are appointed for less than one academic year.~~
- ~~4. Employees who are appointed to multi-year contracts.~~
- ~~5. Employees who are in positions funded through contracts and grants (not overhead funds).~~
- ~~6. Employees who are issued a letter of offer which states, in substance, that their employment will cease on the date indicated and no further notice of cessation of employment is required.~~

(2) ~~Separation~~ Notice Periods

(a) Service in pay plans or positions other than those described above, or with any entity other than Florida Atlantic University, does not count toward length of employment or hiring date for purposes of this Regulation.

(b) Employees issued a Notice of Separation shall receive the following advance notice periods prior to separation ~~Employees covered by this Regulation, who are being notified of separation from the University, shall be given a written notice with the following advance notice periods:~~

1. Employees hired prior to August 29, 2001:
 - ~~a. With two or more years of covered employment:~~ twelve months-

2. Employees hired on or after August 29, 2001, but prior to November 15, 2005:
 - a. ~~In their initial year of covered employment: one month~~
 - b. ~~In their second year of covered employment: three months~~
 - c. ~~With two or more years of covered employment: six months~~
3. Employees hired on or after November 15, 2005:
 - a. In their initial year of covered employment: one month
 - b. In their second year of covered employment: two months
 - c. With two or more years of covered employment: three months

(bc) Employment shall ~~terminate without right of appeal or grievance after cease at the end of~~ the advance notice period.

(3) Terms and Conditions of ~~Separation Notification~~During Notice Period

(a) The employee's current rate of pay shall remain unchanged through the end of the advance notice period. The employee shall not receive any pay increases during the advance notice period.

(b) The University's right to reassign the employee to other duties and responsibilities remains in effect during the notification period. The University's right to terminate the employee for just cause, layoff or furlough remains in effect during the advance notice period.

(c) ~~The~~ President, Provost or Vice President may offer the employee a ~~severance~~-payout in lieu of continuing to work through the end of the notice period.

(4) Notice of Separation Requirements ~~of Separation Notice~~

(a) ~~All n~~Notices of ~~s~~Separation ~~for employees covered by this Regulation~~ shall be issued approved by the President, Provost, Senior Vice President, Vice President or ~~President's~~ designee to whom the employee reports.

(b) ~~All n~~Notices of ~~s~~Separation shall specify the dates of the notice period.

Specific Authority: Article IX of the Florida Constitution, Florida Board of Governors Resolution dated January 7, 2003, 1001.706 FS., 1001.74(5) FS, History–New 7-6-81, Formerly 6C5-5.10, Amended 11-11-87, 8-29-01, 11-9-05, 3-15-06, 3-18-09.