

**NOTICE OF PROPOSED REGULATION AMENDMENT**

Date: August 28, 2020

**REGULATION TITLE:**

**REGULATION NO.:**

Separations from Employment, Layoff and Furlough

1.017

**SUMMARY:** The University proposes to amend Regulation 1.017 to update references regarding probationary periods for exempt workers and to explicitly authorize the University to implement furloughs. Together with this revised regulation, the University is developing a supporting policy and other documentation to operationalize this regulation and set forth the University’s process for implementing furloughs.

**AUTHORITY:** BOG Regulation dated January 7, 2003.

**COMMENTS CONCERNING THE PROPOSED REGULATION AMENDMENT SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW.** The comments must identify the regulation you are commenting on.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION AMENDMENT IS:** Stephanie M. Fisher, Legal Assistant II, 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 AMENDMENT:** Jodi D. Gentry, Vice President, Human Resources.

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

REGULATIONS OF  
THE UNIVERSITY OF FLORIDA

~~6C1-1.017~~ Separations from Employment, ~~and~~ Layoff and Furlough.

(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 ~~6C1-3.046~~, ~~6C1-3.047~~ and ~~6C1-7.048~~.

(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) President or designee shall designate a layoff unit 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.

(c) 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. 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.

(d) The applicable collective bargaining agreement will be followed for Academic Personnel that are In-Unit.

(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. Written notice of layoff rights will be provided to an employee at least forty-five (45) calendar days in advance of layoff.

(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 Resources~~ ~~Services~~ will review each layoff request to ensure appropriate selection occurs.

(c) 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 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 an employee refuses an offer of reemployment on recall any further recall rights are forfeited.

(d) 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) The applicable collective bargaining agreement will be followed for sworn law enforcement officers covered by a collective bargaining agreement.

(4) 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 months' 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.

(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.

(5) Furloughs. A furlough is a mandatory unpaid partial or full leave of absence from work. The University may implement furloughs consistent with the process and provisions of the University's Furlough Policy set forth at [to be inserted upon final completion of policy].

Specific Authority: BOG Resolution dated January 7, 2003.

History--New 7-1-96, Amended 10-7-99, 3-2-03, 7-19-05, 6-12-09 (BOT approval),

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