

RULES OF  
DEPARTMENT OF EDUCATION  
DIVISION OF UNIVERSITIES  
UNIVERSITY OF FLORIDA

(Substantial rewording of Rule 6C1-1.017 follows. See Florida Administrative Code for present text.)

6C1-1.017 University of Florida; Separations from Employment and Layoff

(1) Separations from employment shall be administered consistent with the following provisions: ~~(1) The University of Florida shall comply with the Rules of the State University System relating to layoff as contained within Part VII of Chapter 6C-5.955, F.A.C.~~

(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 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) 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. 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.

(d) 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 the 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.

~~(2) — The President will designate layoff units at the University of Florida within the following three general layoff areas as determined by administrative reporting rather than funding:~~

~~(a) — Health Affairs;~~

~~(b) — Institute of Food and Agricultural Sciences (“IFAS”), and~~

~~(c) — Educational and General area.~~

~~In designating the makeup of a layoff unit, the President or the President's designee will consider the special qualifications and relevant experience required for specific positions both within and outside the layoff unit.~~

(3) Layoff Provisions for USPS 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) 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 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 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.

(f) Recall Rights. Recall rights 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.

(g) The following USPS employees do not have layoff rights:

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

(3) For USPS and A&P employees:

(a) Notice of Layoff. Written notice of layoff rights will be provided to an employee forty five (45) calendar days in advance of layoff. A notice of layoff shall be sent to the employee by certified mail, return receipt requested, or delivered in person to the employee.

~~(b) — Assessment of Position Matches. University Personnel Services will make an initial assessment of the layoff candidate's rights and determine appropriate position matches. A recommendation will be made by the administrator of the designated layoff area to University Personnel Services as to the appropriate and necessary special qualifications required of positions in the layoff area into which an employee is placed upon layoff. Resumes, position descriptions, and other appropriate information will be utilized to determine proper matches. The experience and credentials of the layoff candidate and of the incumbents of any position identified for placement will be evaluated. University Personnel Services' assessment 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. The assessment of the candidate's rights and match for a position will be communicated to the appropriate department.~~

~~(c) — Consideration for Vacant Positions. University Personnel Services will identify relevant vacancies to the layoff area administrator and refer appropriate candidates to the departmental hiring authority. Employees in pending layoff status shall be considered for placement in vacancies first within their layoff unit, then within the general layoff area, and finally, such employees shall be considered for vacancies in appropriate positions outside the general layoff area. Where vacancies exist both within and outside the layoff unit, the priority placement obligation will be with the vacancy in the layoff unit. University Personnel Services will coordinate interviews of employees for appropriate vacant positions.~~

~~(d) — Consideration for Non Vacant USPS Positions. If an appropriate vacant position is not identified then University Personnel Services will identify appropriate non-vacant~~

~~positions, which shall be solely within the general layoff area in which the layoff unit is located, in the following order:~~

~~1. — USPS positions held by employees with probationary status in the job classification; and,~~

~~2. — USPS positions held by employees with fewer total retention points than the employee in pending layoff status.~~

~~University Personnel Services will coordinate interviews of employees for appropriate non-vacant positions.~~

(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 provide 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.

(6)-(4) Layoff Provisions for Academic Personnel: ~~faculty members~~

(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 non-tenured (or non-permanent status)-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 non-tenured (or non-permanent status) 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 ~~the President's~~ 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; ~~compatibility with colleagues;~~ 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 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 1001.74(4)240.227(1) FS.

Law Implemented 1001.74(19), 1001.75(3)240.227(5), (19) FS.

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