



**Separations of Employment #1710.280**

<b>INITIAL EFFECTIVE DATE:</b>  July 2005	<b>LAST REVISION DATE:</b>  April 29, 2021	<b>RESPONSIBLE UNIVERSITY DIVISION/DEPARTMENT</b>  Division of Human Resources Employee & Labor Relations
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**POLICY STATEMENT**

University employees are considered “at will.” Employment at will is presumed to be voluntary and indefinite for both the employee and the University. The employee-employer relationship may be terminated at any time with or without cause.

Separations from University employment may include the following:

Termination - Occurs when an employee is permanently separated from University employment with or without cause. Termination may be preceded by corrective action. Unsatisfactory performance or misconduct may warrant immediate dismissal.

Nonreappointment - termination of a non-tenured faculty member without cause.

Resignation - Occurs when an employee initiates a termination by notifying the immediate supervisor of his/her intention to resign.

Job Abandonment - Occurs when an employee is absent without approved leave for three (3) or more consecutive scheduled workdays. Such action represents an abandonment of position, and the employee will be automatically terminated. If the employee’s absence is for reasons beyond the control of the employee and the employee notifies the University as soon as practicable, the University will review the circumstances surrounding the absence on an individual basis to determine if it is to be considered abandonment of position.

Layoffs - For terminations of employment due to layoff of a non-bargaining unit employee please refer to the “Layoffs” Policy.

Notice for Non-Bargaining Unit Employees:

Employees will be given a notice period of 14 days if the separation from employment is due to layoff.

If the separation from employment is due to termination without cause, the employee shall

be given a notice period of four (4) weeks after one year of employment, plus two (2) weeks for every year thereafter, up to a maximum of twelve (12) weeks.

The notice period for terminations of employment without cause for employees who were in the Administrative and Professional (A&P) pay classification prior to July 1, 2005 and had a minimum of 10 consecutive years of full-time employment with the University as of June 30, 2005, will be in accordance with Rule 6C8-4.018.

Terminations based on discriminatory reasons are prohibited.

Employees will give two weeks written notice of resignation. A resignation may not be rescinded by the employee without concurrence by the University.

Applies to Non-Tenured Faculty:

Non-Tenured faculty members, except those described in (a), (b) and (c) below are entitled to the following written notice of nonreappointment.

- If the faculty member has less than three (3) years of continuous University service, a notice period of one semester;
- If the faculty member has three (3) or more years of continuous University service, a notice period of two semesters.

The notice provisions do not provide rights to:

- a) Summer appointments;
- b) Faculty members who are funded from contracts, grants and/or sponsored research funds as they are governed by the terms and conditions of employment of their contract or grant; or
- c) Faculty members who are appointed as visitors or who are appointed to multi-year appointments.

Applies to Tenured Faculty Employees:

A tenured faculty employee may be terminated for just cause. Just cause is defined as incompetence or misconduct. Such faculty employee shall be given written notice at least six (6) months in advance of the effective date of such termination, except that in cases where the Provost or his/her representative determines that a faculty employee's actions adversely affect the functioning of the University or jeopardizes the safety or welfare of any employee, or student, the Provost or his/her representative may give less than six (6) months' notice.



Applies to all Employees and Non-Tenured Faculty:

- Upon notice of termination or nonreappointment without cause, the University shall decide at its sole option, whether to:
- Allow the employee to continue to work at the University during the notification period in the same position or in a different position;
- Place the employee on leave with pay during the notification period
- Pay the amount due to the employee in salary during the notification period as a lump sum payment and cease employment of the employee immediately; or
- Take a course of action that is a combination of any of the above.

**SCOPE**

This policy applies to all faculty and staff. In-unit employees should also review their respective CBA with the University.

**REASON FOR POLICY**

To administer a uniform process for employee separations.

**DEFINITIONS**

TERM	DEFINITIONS
Employee	For purposes of this policy, "employee" means all University employees except law enforcement personnel employed by the University Public Safety Department (not including the Director of Public Safety) who have passed their probationary period, registered nurses and nurse practitioners employed by University Health Services (not including the Clinic Directors) who have passed their probationary period, and tenured faculty.

**ROLES AND RESPONSIBILITIES**

Faculty or Employee resigning from their position should provide at least two weeks' written notice to their immediate supervisor. The supervisor should accept the resignation, in writing, and forward the resignation to Employee & Labor Relations immediately upon acceptance of the resignation to avoid overpayment to the employee.

Supervisors who decide to separate employees for reasons such as performance or layoffs must contact Employee & Labor Relations at 305-348-4186 before taking any actions.



The supervisor must contact Employee & Labor Relations immediately if their employee has not reported to work or has been in contact for more than three days.

#### RELATED RESOURCES

Exit Reviews Policy 1710.125  
Layoffs Policy 1710.170

#### CONTACTS

Division of Human Resources  
Employee & Labor Relations, PC 236  
Miami, FL 33199  
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email: ELR@fiu.edu

#### HISTORY

**Initial Effective Date:** July 2005

**Review Dates** (*review performed, no updates*): N/A

**Revision Dates** (*updates made to document*): April 2021 transferred this policy to new format with no changes to context. Additional information has been added for clarity on processes.