

# UMCES Policy VII-1.22

## **UMCES Policies**

### **VII-1.22-UMCES Policy on Separation for Regular Exempt Employees**

#### **I. Purpose and Applicability**

A. The purpose of this policy is to establish separation procedures for regular Exempt UMCES employees.

B. EXCEPTION: Regular UMCES employees in the following Exempt positions are excluded specifically from sections III and IV of this policy:

1. UMCES President and Vice Presidents
2. Laboratory Directors and the Director of Sea Grant College

#### **II. General**

Employment for regular UMCES employees in exempt positions is on an at-will basis. This means that, subject to applicable laws and policies, either the employee or the University, consistent with Section III of this policy, may terminate the employment relationship at any time.

#### **III. Period of Notice**

A. Employee Period of Notice: An employee who wishes to end his or her employment with the University should give at least 30 calendar days written notice.

B. Institution Period of Notice: An employee may be involuntarily separated and shall be provided with a defined period of notice. Service for determining length of notice period is based on UMCES service rather than USM service, and shall include prior institutional service provided there were no breaks in service longer than three years.

C. An Exempt employee hired from another USM institution may, at the discretion of the President of UMCES, or designee (appropriate Vice President, Laboratory Director or Director of Sea Grant College) be credited with prior USM service for purposes of calculating the required period of notice upon separation. Any such decision to credit prior service at another USM institution shall be noted in the employee's personnel file at the time of appointment and become effective after satisfactory completion of the probation period. The period of notice shall be based on Institutional Service Period as follows:

1. Less than one year, One month
2. One year but less than four years, Three months
3. Four years but less than seven years, Six months
4. Seven years but less than ten years, Nine months
5. Ten years or more, Twelve months

D. At the option of the President of UMCES or designee, an employee who has been notified of a period of notice separation, may be placed in an administrative leave with pay status for any part or all of the period of notice. In this case, the employee shall not earn other paid leave (annual, sick, holiday personal) during the period of administrative leave. Alternatively, the President of UMCES or designee may assign alternate duties and responsibilities to an employee who has been notified of a period of notice separation for any part or all of the period of notice.

E. Exception to Notice Requirement – With the approval of the President of UMCES or designee, and after consultation with the Director of Human Resources the period of notice defined in III.B. above is not required if the employee is to be terminated for any of the following reasons: moral turpitude, incompetence, willful neglect of duty, illegal actions, gross misconduct, severe safety violations, failure to accept reassignment, or medical condition causing inability to perform essential job duties with reasonable accommodations required by law.

F. Failure to provide notice as set forth in this section may be grieved.

#### IV. Probation and Rejection on Probation

A. Each UMCES employee who voluntarily applies for and accepts an Exempt position is in a probationary status during the first year of appointment to that exempt position. A new hire into an Exempt position shall serve a one-year probationary period. Employees shall earn and be able to use sick, annual, personal and holiday leave during the probation period.

B. If an incumbent has completed a probationary period for a Nonexempt position and the position is changed to exempt, the incumbent will be considered to have completed the probationary period for the Exempt staff position.

C. If an incumbent is serving a probationary period for a Nonexempt position and the position is changed to Exempt, the incumbent will be required to serve the balance of a probationary period to equal one year.

D. If an incumbent has completed at least one year in a faculty position and the position is changed to the Exempt category, the incumbent will be considered to have completed the probationary period for the Exempt position. If an incumbent has completed less than one year in a faculty position and the position is changed to the Exempt category, the incumbent will be required to serve the balance of a probationary period to equal one year.

E. During the probationary period, the appropriate supervisor, in conjunction with the appropriate Vice President, Laboratory Director or Director of Sea Grant College may, reject an employee. The employee to be rejected shall be given at least a thirty (30) calendar days written notice of the rejection or, at the discretion of the responsible supervisor shall be placed on administrative leave as described in section III.C. The notice is to be provided to the employee no later than thirty- (30) calendar days prior to the expiration of the probation period. The notification period requirement does not apply if the rejection is the result of a breach of discipline or of such gross incompetence as to jeopardize essential services. An employee may grieve the rejection on probation for the purpose of showing that the rejection is procedurally deficient or in violation of law.

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