



Policy on Separation for Regular Exempt Employees

(Approved by the President on January 7, 2004)

I. PURPOSE

The purpose of this document is to implement BOR VII - 1.22 Policy on Separation for Regular Exempt Employees and to provide procedures for the separation from employment of regular exempt staff.

II. BACKGROUND

BOR VII – 1.22 Policy on Separation for Regular Exempt Employees sets forth a policy of at-will employment for Exempt staff, provides a schedule of notice dependent upon on years of institutional service, and provides institutions an opportunity to count years of prior USM service for purposes of calculating the required period of notice upon separation.

III. POLICY

- A. As stated in BOR VII – 1.22, employment for regular USM employees in exempt positions is on an at-will basis. This means that, subject to applicable laws and policies, the employment relationship may be terminated at any time by either the employee or the institution, consistent with section III of the policy.
- B. Exception to the Policy
 - 1. Center Directors or Vice Presidents wishing to designate a key executive position as exempt from sections III and IV of BOR VII - 1.22 shall send a written request to the President, citing specific reasons for the request. The request shall be based on the position, not on the incumbent or selected candidate.
 - 2. If the President approves the request, the request shall be forwarded to the Office of the Chancellor for final approval.
 - 3. The candidate must be informed of the designation at the time of appointment.

IV. PERIOD OF NOTICE

- A. Institution Period of Notice: Institutional Service includes paid employment in any UMBI Center or Central Administrative office. Service under a Contingent Category II contract shall be counted under the provisions of BOR VII - 1.40 UMS Policy on Contingent Employment for Nonexempt and Exempt Employees, section IV.B.5.
- B. It is the policy of UMBI that an employee at one USM institution who is offered an Exempt position at UMBI shall, at the satisfactory conclusion of the employee's probationary period, be credited with all years of prior USM service for purposes of calculating the required period of notice upon separation. Any such decision to credit prior service shall be noted in the appointment letter (which must be approved by the UMBI-HR Office).

UMBI Policies and Procedures

- C. Only the CEO or designee (the appropriate Vice President or Center Director) has the authority to terminate the employment of a UMBI employee. Prior to giving notice of termination to an employee, the Appointing Authority or designee must discuss the case with the Assistant Vice President for Human Resources, who will assist in preparing the approved letter of termination to be signed by the CEO or designee.
- D. As part of the discussion between the CEO or designee and Assistant Vice President for Human Resources, the supervisor may recommend that the employee be placed on paid administrative leave for any part or all of the notice period. If approved, this stipulation shall be included in the letter of termination.
- E. Exception to Notice Requirement: The CEO or designee may request an exception to the period of notice as stated in Section III.D. of BOR VII - 1.22 by submitting a written request to the President via the Assistant Vice President for Human Resources. Written approval of the President or designee must be given before the approved termination letter may be presented to the employee.

V. PROBATION AND REJECTION ON PROBATION

A supervisor who determines that an Exempt employee should not pass probation shall discuss the issue with the CEO or designee, who, in turn, shall contact the Assistant Vice President for Human Resources. The Assistant Vice President for Human Resources shall work with the CEO or designee to prepare an approved termination letter.