

**VII-1.22 - POLICY ON SEPARATION FOR REGULAR EXEMPT STAFF EMPLOYEES**

Approved by the Board of Regents on December 3, 1999, EFFECTIVE January 2 and January 12, 2000; Amended, June 27, 2014; Amended October 9, 2015)

**I. PURPOSE AND APPLICABILITY**

- A. The purpose of this policy is to establish a separation process for regular Exempt Staff employees in the University System of Maryland (USM).
- B. EXCEPTION: Regular USM employees in the following Exempt positions are excluded specifically from sections III and IV of this policy:
  - 1. Officers: Vice Chancellors, Vice Presidents, Provosts and Academic Deans.
  - 2. Associate and Assistant Vice Chancellors, Associate and Assistant Vice Presidents, Associate and Assistant Provosts, Associate and Assistant Academic Deans.
  - 3. Subject to approval of the Chancellor, the President may designate other key executive positions for this exemption. Appointees to such positions shall be notified of such designation at the time of appointment. (Refer to implementation policy of the Exempt Pay Program for treatment of current incumbents.)

**II. GENERAL**

- A. 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 this policy.
- B. All actions taken under this policy and institutional procedures shall be reviewed by the institution's Chief Human Resources Officer in advance of the action being taken.
- C. An employee who wishes to end his or her employment with the Institution should give at least 14 calendar days written notice.

**III. TERMINATION BY PERIOD OF NOTICE**

- A. Determination of Period of Notice

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An employee may be involuntarily separated and shall be provided with a defined period of notice.

1. Service for determining length of notice period is based on institutional service rather than USM service, and shall include prior institutional service provided there were no breaks in service longer than three years.
2. An Exempt employee at one USM institution who is offered an Exempt position at another USM institution may, at the discretion of the offering institution, 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 shall be effective after satisfactory completion of the probation period.

### B. Length of Period of Notice

The period of notice shall be as follows:

<b>Years of Institutional Service</b>	<b>Period of Notice</b>
Less than one year	One month
One year but less than four years	Three months
Four years but less than seven years	Six months
Seven years but less than ten years	Nine months
Ten years or more	Twelve months

### C. Employee Status During Period of Notice

1. The President or designee may:
  - a. 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 or at a level of part-time service of at least 25%; or
  - b. Continue the employee in his or her regular position during the period of notice separation.
2. At the option of the institution President 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.

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- a. In this case, consistent with federal tax law requirements, the employee can no longer be deemed an employee of the institution, effective as of the beginning of the administrative leave period, and shall not be eligible for employee benefits (such as health and retirement benefits) or earn other paid leave (annual, sick, holiday, personal) during the period of administrative leave.
- b. Under such circumstances, the institution will provide appropriate alternative compensation to the employee to compensate for the loss of salary or benefits that the employee would otherwise have been eligible during the notice termination period. The institution will develop an appropriate compensation arrangement for the employee to be terminated that meets the goals of this Section, in consultation with the employee and the Office of the Attorney General.

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

### IV. TERMINATION FOR CAUSE

With the approval of the President or designee, 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:

- A. Moral Turpitude
- B. Incompetency
- C. Willful Neglect of Duty
- D. Illegal Actions
- E. Gross Misconduct
- F. Severe Safety Violations
- G. Failure to Accept Reassignment
- H. Medical Condition Causing Inability to Perform Essential Job Duties with Reasonable Accommodations Required by Law

### IMPLEMENTATION PROCEDURES:

Each President shall identify his/her designee(s) as appropriate for this policy, develop procedures as necessary to implement this policy, communicate this policy and applicable procedures to his/her institutional community, and post it on its institutional website.