



## COLLEGE of CENTRAL FLORIDA

### ADMINISTRATIVE PROCEDURE

#### Title: Suspension, Termination, & Resignation

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Implementing Procedure For Policy # 6.11

Date Approved/Revised:  
5/11/04, 10/20/04, 5/30/07

Division: Human Resources

Pursuant to the Florida Board of Education Rules and the Florida Statutes, the purpose of this procedure is to establish guidelines for: (1) suspension of employees; (2) resignation of employees; and (3) termination of employees.

#### **Instructional and Administrative Employees and Other Employees with Contracts**

“Contract Employees” include employees categorized as full-time instructional faculty non-instructional faculty (librarians, counselors), and administrators.

#### **Suspension**

Suspension if charges for termination are pending: Whenever charges for termination are made against an employee, the President shall have the right to suspend the employee with or without pay until the next meeting of the District Board of Trustees, but in no case shall the employee be suspended without pay longer than thirty (30) days without action by the District Board of Trustees. If the Board, at its meeting, finds probable cause for termination, the Board may suspend the employee with or without pay until a final determination is made by the Board pursuant to Policy 6.11.

Suspension unrelated to charges for termination: The President shall have the right to suspend an employee wholly or partially without pay or with pay for a period not to exceed thirty (30) days as part of the disciplinary procedures promulgated pursuant to policy.

#### **Termination**

If the President determines that contractual employee should be dismissed during the contract year, then he/she will cause a petition, conforming to the requirements of Model Rules of Procedure, Fla. Admin. Code Chapter 28, specifying the charges and notifying the employee of his or her hearing rights, to be delivered to the District Board of Trustees (Trustees) and a copy served upon the employee by certified mail, return receipt requested. The President may suspend the employee with or without pay pending the Trustees’ action or a hearing but, if the charges are not sustained, the employee shall immediately be reinstated and his or her back salary shall be paid. If an employee wishes to contest the charges, the employee must, within twenty-one (21) calendar days after receipt of the written petition, submit a written request for a hearing to the Trustees. Such hearings shall be conducted at the employee’s election in accordance with one of the following procedures:

1. A direct hearing conducted by the District Board of Trustees within sixty (60) calendar days after its receipt of the written request. The hearing shall be conducted in accordance with the provisions of Chapter 120, Fla. Stat. (2005). A majority vote of the membership of the District Board of Trustees shall be required to sustain the President's recommendation. The determination of the District Board of Trustees shall be final as to the sufficiency or insufficiency of the grounds for termination of employment or;
2. A hearing may be conducted by an Administrative Law Judge assigned by the Division of Administrative Hearings of the Department of Management Services. The hearing shall be conducted within sixty (60) calendar days after its receipt of the written petition in accordance with Chapter 120, Fla. Stat. (2005). The recommendation of the Administrative Law Judge shall be made to the District Board of Trustees. A majority vote of the membership of the District Board of Trustees shall be required to sustain or change the Administrative Law Judge's recommendation. The determination of the District Board of Trustees shall be final as to the sufficiency or insufficiency of the grounds for termination of employment.
3. The District Board of Trustees shall be required to sustain or change the administrative law judge's recommendation. The determination of the District Board of Trustees shall be final as to the sufficiency or insufficiency of the grounds for termination of employment.
4. Any such decision adverse to the employee may be appealed by the employee pursuant to Section 120.68, Fla. Stat. (2005) provided such appeal is filed within thirty (30) days after the decision of the District Board of Trustees.

### **Resignation**

A contract employee who elects to voluntarily terminate employment shall provide 20 working days written notice of his or her intention to resign to his or her supervisor. A standard resignation form is available on the College Intranet. Upon receipt of a notice to resign, the employee's supervisor shall notify Human Resources of the employee's intent to resign.

### **Career Service and Professional Employees and other employees without contracts**

"Non-contractual employees" include employees categorized as regular full-time, professional/ career, other personnel services (including, but not limited to, part-time employees, temporary employees, student assistants, and other classifications not specifically defined in Board Policy 6.01.

### **Suspension**

The supervisor seeking to suspend an employee shall contact Human Resources which shall assist the supervisor in assessing the need to suspend. The supervisor must have the consent of the appropriate Vice President, Provost, or Director and approval of the President. The supervisor shall notify the employee in writing of the intent to suspend. The writing shall include the following: reasons for the suspension, length of the suspension, and whether the suspension is with or without pay depending on the severity of the employee's action. The notification shall become part of the employee's personnel file.

### **Termination**

The supervisor of a non-contractual employee shall contact Human Resources which will assist in assessing the need to terminate. The supervisor must have consent of the appropriate Vice President, Provost, or Director and the President. An employee may or may not be permitted by the President or the President's designee to resign by submitting a letter of resignation prior to termination.

The President or the President's designee will deliver a written letter of termination to the employee with a representative of the Human Resources Department present. At that time, the representative of the Human Resources Department will collect any College property.

Reasons for suspending or terminating non-contract employees include, but are not limited to, the following:

1. Temporary employment where regular employee returns from leave
2. End of work load or assignment
3. Position discontinued
4. Consolidation, reorganization or reduction of the College program which necessitates a decrease in the number of employees or change in job description or qualifications
5. Lack of funds and /or students
6. Mandatory retirement
7. Unsatisfactory performance or conduct
8. Theft or inappropriate removal or possession of property
9. Falsification of records, files, or any College documents
10. Illegal use of alcohol or drugs
11. Illegal possession, distribution, sale, transfer, or use of alcohol or drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment
12. Fighting or threatening violence in the workplace
13. Boisterous or disruptive activity in the workplace
14. Negligence or improper conduct leading to damage of employer-owned or customer- owned property
15. Insubordination or other disrespectful conduct
16. Violation of safety or health rules
17. Smoking in prohibited areas
18. Sexual or other unlawful or unwelcome harassment
19. Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace
20. Excessive absenteeism or any absence without notice; or excessive tardiness.
21. Unauthorized absence from work station during the workday
22. Unauthorized use of telephones, mail system, or other employer-owned equipment
23. Unauthorized disclosure of business "secrets" or confidential information
24. Violation of College policies and procedures
25. Refusal to perform job duties
26. Sleeping on the job
27. Cash shortage of funds for which the employee has responsibility

**Resignation**

A non-contractual employee who elects to voluntarily terminate employment shall provide ten (10) working days written notice of his or her intention to resign to his or her immediate superior. A standard resignation form is available on the College Intranet. Upon receipt of a notice to resign, the employee's supervisor shall notify Human Resources of the employee's intent to resign.

The President accepts resignations and reports resignations to the District Board of Trustees at its next regular meeting.

Prior to departure, the employee shall participate in an exit interview to discuss the reasons for resignation and the effect of resignation on benefits. At the conclusion of the interview, keys and other College property in the employee's possession shall be returned to the College.

Once given, a resignation may not be rescinded after the twenty-four hours or District Board of Trustee action, whichever occurs first.

Vice President, Administration & Finance		Date:
Approved by President		Date: