



Handbook of Operating Procedures

Section: 7.3.4
Originally Approved: 10/05/1990
Last Amended: 12/10/2010
Last Reviewed: 12/10/2010
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SEPARATION OF EMPLOYMENT AND REEMPLOYMENT

A. Purpose

The purpose of this policy is to outline the separation of The University of Texas-Pan American employment procedures and to state the University's reemployment policy for regular staff.

B. Persons Affected

This policy applies to all regular staff employees of the University. For Faculty Separation procedures, see [Handbook of Operating Procedures 6.1.3](#).

C. Policy

1. Separation of Employment

- a. An employee may separate employment with the University in one of the following ways:
 - i. Resignation
 - ii. Transfer to another state agency
 - iii. Retirement
 - iv. Layoff
 - v. Discharge
 - vi. Death
- b. An employee planning to voluntarily separate employment with the University is required to give his or her departmental supervisor at least two weeks notice prior to the effective date of the separation. The notice may be for a shorter period if mutually agreed upon in writing by the supervisor and the employee. Upon submission of a separation notice by an employee to his or her departmental supervisor, the supervisor is required to immediately notify Human Resources of the impending separation. Notification by telephone, e-mail, or forwarding of a copy of the separation notice is acceptable.



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- c. The employee and his or her supervisor/department head must comply with proper University separation clearance procedures.
- d. In the event of the death of a current employee, the supervisor/department head will be responsible for notifying Human Resources and for complying with any applicable separation clearance procedures relating to the deceased employee.

2. Reemployment

- a. Former UTPA employees who resigned voluntarily, retired, or were subject to a reduction in force may be considered for reemployment.
- b. Former employees discharged for cause or who resigned in lieu of discharge by the University may only be eligible for reemployment after providing documentation of twelve (12) months continuous employment with another employer. Reemployment of persons discharged by the University must be approved by the Assistant Vice President/Director of Human Resources.
- c. Additional considerations used in determining reemployment eligibility in C.2.b. above include:
 - i. Documentation of reason(s) for discharge or planned discharge from UTPA.
 - ii. Work history while employed at UTPA.
 - iii. Satisfactory work history with another employer of twelve (12) months since leaving UTPA as documented by letter of reference from that employer.
 - iv. Responsibilities of last position with UTPA.
 - v. Type of position being applied for.

D. Definitions

- 1. *Exempt Staff Employees.* Regular staff employees who are exempt from the overtime provisions of the Fair Labor Standards Act.
- 2. *Fair Labor Standards Act (FLSA).* The federal law (29U.S.C. §§201-219) that establishes overtime standards for employees.
- 3. *Involuntary Separation.* Includes layoff, discharge, and death.



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4. *Nonexempt Staff Employees.* Regular staff employees who are covered by the overtime provisions of the Fair Labor Standards Act.
5. *Regular staff employee.* A non-faculty employee hired for a period of at least 4 ½ months and for at least 50% full time equivalency (FTE).
6. *Voluntary Separation.* Includes resignation, retirement, and transfer to another state agency.

E. Responsibilities

1. The Assistant Vice President/Director of Human Resources will be responsible for determining whether a former employee discharged as indicated in C.2.b. may be reemployed at UTPA.
2. The supervisor/department head are responsible for:
 - a. completion of established separation clearance procedures;
 - b. ensuring that all applicable accrued leave balances (other than vacation leave and sick leave balances) are accounted for in determining the final separation date and are accurately reflected in the employee's last timecard;
 - c. ensuring that all timecards are submitted and approved through the final separation date;
 - d. ensuring that separating employees comply with University separation clearance procedures; and
 - e. securing all UTPA property from the employee on or before the last day of work.
3. The employee who is separating employment is responsible for:
 - a. complying with established separation clearance procedures;
 - b. contacting Human Resources to arrange for exit interviews;
 - c. ensuring that all applicable accrued leave balances (other than vacation leave and sick leave balances) are accounted for through the final separation date as stated on



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- the separation clearance form and final timecard. (State compensatory time is lost if not reflected on last timecard as approved by supervisor.); and
- d. ensuring that all timecards have been submitted and approved.

F. Procedures

1. Notice

- a. For voluntary separations, employees shall submit a Letter of Resignation to his or her departmental supervisor at least two weeks prior to the effective date of resignation/retirement/transfer to another state agency. A separating employee and supervisor may mutually agree in writing to a shorter notice prior to the effective date of separation. In addition to the effective date, the letter should cite the reason(s) for resignation. Failure to provide the appropriate notice will be a consideration in future reemployment with the University.
- b. The supervisor should promptly confirm acceptance of the Letter of Resignation in writing to the employee.
- c. Upon receiving notice of the employee's separation, the supervisor/department head must immediately prepare and submit a completed Separation of Employment Notice to Human Resources along with copies of the Letter of Resignation and acceptance.

2. Timecard

- a. Employees should complete their last timecard prior to departure.
- b. Employees should accurately account for all applicable accrued leave balances (other than vacation leave and sick leave balances) in determining their final separation date.
- c. Timecards are to be promptly submitted and approved through the final separation date.

3. Continuation of Benefits

- a. Continuation of benefits may be extended under certain circumstances such as retirement or as required by federal and state law.



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- b. Employees should be referred to Human Resources where they will be apprised of particular entitlements upon separation.
4. Separation Clearance Checklist
 - a. Except as stated in Subsection F.4.c. below, all separating employees, regardless of the method or reason for separation, are required to complete a separation clearance checklist. The separation clearance checklist process ensures that all University systems access, keys, property, and outstanding debts owed to the University are cleared prior to the employee's departure from the University and that all payments owed to the employee are processed accurately and timely.
 - b. If an employee departs without completing the separation clearance checklist procedure, the University may choose to take all appropriate steps required to ensure the return of all University property and/or the collection of any debts owed to the University at the time of the employee's departure.
 - c. In the event of the death of a current employee, Human Resources must be notified immediately by the employee's supervisor/department head. The employee's supervisor/department head must complete the separation clearance checklist for the deceased employee.
 - d. If an employee has multiple assignments in different departments, a separate separation clearance checklist must be completed for each employing department.
 - e. The checklist is available through the Human Resources forms website: http://portal.utpa.edu/utpa_main/dba_home/ba_forms#HR_index.
 5. Final Paycheck
 - a. The employee's final paycheck will normally be available on payday provided that all timecards are timely completed.
 - b. If an employee separates employment after the payroll for the month has finalized, it may be necessary (if the employee does not have enough paid leave to cover the month, for example) to void the original payment and to recompute his or her salary on the next salaried payroll.
 6. Forfeiture of Unused Sick Leave and State Compensatory Time



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- a. Any unused sick leave balances are forfeited to the State upon separation of the employee except as provided in [Handbook of Operating Procedures Section 7.6.4, Sick Leave](#).
 - b. Any unused balances of state compensatory (straight) time will be forfeited. This applies to exempt and nonexempt staff employees.
7. Settlements of Unused Overtime, Holiday Compensatory Time, and Vacation Leave Balances
- a. Any unused vacation leave balance will be paid as a settlement after the employee has separated.
 - b. Any balances of holiday compensatory time which have not lapsed must be considered in determining the actual separation date for the employee. If permitting the separating employee to take earned holiday compensatory time prior to the actual separation date would be disruptive to normal teaching, research, or other critical functions, the employee may be paid for the holiday compensatory time balance from departmental resources with the approval of the appropriate dean/director and divisional vice president.
 - c. Any balances of approved FLSA compensatory (overtime) time must be considered in determining the actual separation date for the employee. If granting FLSA compensatory time off to the separating employee is impractical, payment will be made at the rate equal to one and one-half (1½) times the employee's regular rate of pay for each hour of overtime worked. A request for payment from departmental resources must be made to and authorized by the appropriate dean/director and divisional vice president.
 - d. Processing of settlement checks may require as much as six weeks after the end of the month in which the employee separates.

G. Review

The Divisional Head for this policy is the Vice President for Business Affairs and this policy shall be reviewed every five years or sooner if necessary by the following stakeholders:

1. Assistant Vice President/Director of Human Resources – Senior Reviewer
2. Director of Payroll and Tax Compliance
3. Staff Senate Chair