

# Conditions of Employment

This section of the *Staff Handbook* covers the rights and responsibilities of both the employee and the University related to the following topics:

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## ***Recruitment***

Virtually all of the recruitment process takes place within PeopleAdmin, the University's online recruitment system. Those responsible for hiring should see the [Recruitment and Interview Guide for Supervisors](#) and other recruitment resources in the [Managers' Corner](#) area of the HRS web site, then speak to their business manager or Dean if they need further direction.

### ***Position Description***

For existing positions, review the most current Position Description to ensure that it is accurate. Position Descriptions are created, revised and updated within [PeopleAdmin](#). For brand new positions, there is a [sample position description outline](#) on the HRS web site that can be used as a starting point for compiling ideas.

### ***Posting of Positions***

Vacant positions are updated daily on the [UVM Jobs](#) web site and are announced on the Job Hotline (802-656-2248) which is updated on Tuesdays and Fridays.

### ***Initial Posting Period***

Jobs are posted for an initial posting period of seven calendar days. During this initial posting period, only internal applicants may be interviewed by the hiring department; external applicants may not be interviewed until after the initial posting period.

### ***Internal Applicants***

Internal applicants are those regular UVM staff who apply for a job vacancy for the purpose of promotion, lateral transfer, or transfer to a lower pay band position.

### *External Applicants*

External applicants are individuals who are not employed by UVM in regular, non-temporary positions.

### *Internal Posting*

Because internal candidates bring specific University experience, knowledge, and skills to a job, hiring supervisors may decide to request approval from AAEO to post a position internally, meaning that only UVM staff will be considered for the job. When a position is posted internally, it must be stated on the job posting and in any other advertising for the position. If an internal candidate is not selected during the posting period, the recruitment may continue following the regular process.

### *Waiver of Normal Recruitment and Posting (Opportunity Hire)*

A supervisor may wish to fill a position from within the University (in support of internal promotion), hiring someone who has worked in the position previously (either as a UVM employee or as an affiliate), or s/he may wish to review a pool of applicants developed from a previously-posted position. Such requests must be supported by cogent argument and be approved by the Affirmative Action Equal Opportunity (AAEO) office. Generally, such opportunity hires are not granted in order to transfer a temporary wage employee to a regular salaried or hourly position. (Information on processing an opportunity hire in PeopleAdmin is found on the [Managers' Corner](#) area of the HRS web site.)

### *Role of HRS in Recruitment*

Questions concerning recruitments may be addressed to the [HRS Employee Information Center](#) at 802-656-3150.

### *Interviewing*

The act of submitting an application does not guarantee a job interview. The hiring supervisor will typically decide which applicants to interview, and it is the hiring supervisor's responsibility to arrange and conduct the interviews. (For guidance in this process, see the [University's Recruitment and Interview Guide](#) on the HRS web site.)

Individuals involved in the hiring process should carefully avoid making commitments to an applicant in the interview stage. If appropriate to make, specific terms and conditions of employment should be included in the offer letter.

### *Selection of a Candidate*

The hiring supervisor is typically responsible for the final selection of the individual to fill a position.

Under no circumstances should an applicant be offered UVM employment (either orally or in writing) until the appropriate approvals have been processed in PeopleAdmin. For more information, see the [PeopleAdmin](#) page under the [Managers' Corner](#) area of the HRS web site. The document entitled [Hiring Steps for Staff Positions](#) may be particularly helpful.

### *Offer Letter*

When a candidate has been selected, the hiring supervisor prepares and sends a written offer letter to the candidate. This letter ([see the sample](#)) includes the position classification title, annual salary or hourly rate, starting date, fulltime equivalency (FTE), term of

employment, status (exempt or non-exempt under the provisions of the Fair Labor Standards Act), the length of the probationary period, orientation information, and, when restricted funds are involved, a date after which employment cannot be guaranteed. (Restricted funds are defined as those funds which have stipulations from a donor or external agency as to how and where they can be expended.) Any special job requirements should also be stated in the letter. Additional information relevant to the hiring department may be added if desired.

Oral notice of the intention to offer employment may be given and will often be the best method of notifying the successful candidate. Oral notice should always be followed by a written offer letter.

A copy of the offer letter must be sent to Human Resource Services along with the Personnel Action form (and the Salary Distribution form for salaried staff) for inclusion in the new employee's employment record.

It is the responsibility of the hiring supervisor to notify each candidate who was interviewed of the outcome of the recruitment. Written notification should be mailed to all interviewed candidates within seven days of the date the successful candidate accepted the position.

Candidates not interviewed receive system-generated e-mails via PeopleAdmin.

### ***Orientation***

All new fulltime staff in benefits groups A, B and C must attend orientation at the beginning of their employment. Supervisors will register their new employees to attend orientation sessions (typically held on the first and third Monday of each month) by completing a [New Employee Orientation Registration](#) form on the HRS web site.

During orientation, employees are introduced to a considerable amount of information about the University community, as well as to the policies and benefits associated with University employment. This is the time when new employees complete the forms necessary to meet legal employment requirements and to begin their insurance coverage.

In advance of Orientation, supervisors should refer new staff to the [New Employees](#) page on the HRS web site so that they have the necessary background and bring the appropriate documents to their orientation session. Generally, new employees are expected to attend orientation before starting work.

**If an employee starts work before attending orientation, s/he is required to fill out an I-9 form on the first day of employment, and the hiring department is responsible to send that form immediately to Human Resource Services. (If not submitted with their I-9, individuals MUST submit legal proof of eligibility to work within three days of beginning employment.)** For more information, see the mini-manual on the HRS web site on [Processing the I-9 Form](#).

Staff in benefits groups D, E and F must contact the [HRS Employee Information Center](#) at 802-656-3150 to complete necessary paperwork and become acquainted with their benefits.

UVM staff are issued a UVM photo ID card at orientation. Visit the [CATcard web site](#) for more information on the ID card.

## *Performance Appraisal*

The performance appraisal is a communication tool designed to support each individual's contributions to the University. It provides a way to measure skills and accomplishments with reasonable accuracy and uniformity and allows for the identification of obstacles to top performance. It should recognize areas for professional growth, but it should not be considered the only communication tool. Open lines of communication throughout the year will keep barriers from arising and help to develop effective working relationships.

General University practice is for each staff member to receive a thoughtful appraisal each year, although individuals may be evaluated more often. An appraisal is a time to look at job performance and work accomplished, but also provides an important opportunity for self-assessment and for setting goals for the coming year.

There are various acceptable methods of appraisal including the use of forms available from Human Resource Services as well as departmental forms that have been approved by HRS. Supervisors seeking advice should call HRS Management Consulting Solutions at 802-656-2241.

Supervisors will discuss individual performance with each employee in a private meeting. Employees will be given a written appraisal form and will be asked to sign the form. The employee's signature does not necessarily signify agreement with the appraisal but rather communicates that s/he has read it.

## *Probationary Period*

Probationary periods are strongly encouraged and may vary, depending on whether an employee is considered exempt or non-exempt under the Fair Labor Standards Act. The length of the probationary period should be included in both the job posting and the offer letter.

During probation, supervisors are encouraged to speak with staff about where they are doing well and where they need improvement in an effort to help each employee be successful in meeting the expectations of the position.

The following is a summary of the guidelines related to probation:

### *Non-Exempt Staff Probation*

A non-exempt staff member must successfully complete a four-month probationary period to become familiar with the duties of the position and to permit the supervisor to assess his/her performance. There are positions at the University where the initial probationary period may be longer than four months, and in some instances a four-month period may be extended to six months as described under "Extension of Probation" below.

#### *Non-Exempt Staff Probation: Length of Service*

During probation, non-exempt staff accrue service credit beginning on their first day of employment (their "service date"). Eligibility for benefits that are dependent on length of service will be determined from the employee's service date.

Medical leave and other forms of approved leave may be used during probation, but the probationary period will be extended one day for each day of leave taken.

Although non-exempt staff earn vacation time during the probationary period, they may generally not use it until after the satisfactory completion of probation. If an employee receives notice of termination during the probationary period, the accrued vacation time will not be paid at the time of separation.

### *Non-Exempt Staff Probation: Termination*

Non-exempt staff who are involuntarily terminated before the successful completion of probation will receive two weeks' notice or two weeks' pay in lieu of notice, as determined by the supervisor. Termination will be final and is not subject to appeal through the [Grievance and Mediation Policy](#). Non-exempt staff may be terminated at any time during the probationary period.

If, however, the employee has been continuously employed by UVM for one year or more and is terminated while serving a probationary period, s/he may appeal the decision in accordance with the Grievance and Peer advisor policy for nonrepresented staff

When staff receive two weeks' notice and work through their notice period, UVM contributions to insurance plans will cease at the end of the two weeks. If two weeks' pay is given in lieu of notice, UVM contributions will cease upon the separation date—the last day worked at UVM in the employee's regular non-temporary position.

### *Non-Exempt Staff Probation: Re-Employment*

If an employee stops working at UVM, either voluntarily or involuntarily, and then later returns to UVM as a non-exempt employee, a new probationary period will be required. If an employee returns to the same position s/he previously held, the supervisor may make an exception to this policy unless the individual was dismissed for just cause or resigned in lieu of dismissal.

### *Non-Exempt Staff Probation: Extension of Probation*

If an employee's performance is not satisfactory at the end of four months of probation, the supervisor, in consultation with his/her Management Consultant in Human Resource Services, may offer to extend the probationary period up to a total of six months. If the employee agrees to the extension, s/he must sign a written statement in advance, prior to the end of the initial probationary period. If the employee does not agree, the supervisor will decide whether or not to retain the employee based on the employee's job performance to date.

### *Exempt Staff Probation*

Exempt staff positions normally require a more complex assortment of skills and abilities and supervisors may require a longer period of time to assess a new employee's performance. The length of the probationary period for exempt staff will be from four months to one year. The fact that a probationary period is required should be specified in the job posting. The precise length of the probationary period should be discussed with the candidates who are interviewed and should be included in the offer letter.

Although supervisors are strongly encouraged to require a probationary period for all positions, occasionally exempt staff may be hired without a probationary requirement.

### *Exempt Staff Probation: Length of Service*

During probation, exempt staff accrue service credit beginning on their first day of employment (their "service date"). Eligibility for benefits that are dependent on length of service will be determined from the employee's service date.

Eligibility for benefits and leaves will not be affected by the requirement to serve a probationary period, but will be the same as for exempt staff who are not on probation.

A supervisor may extend the probationary period for an exempt employee who must take a lengthy leave of absence during his/her probation period. Generally, the probation period is extended by the length of the leave.

#### *Exempt Staff Probation: Termination*

Exempt staff who are involuntarily terminated before the successful completion of probation will receive four weeks' notice or four weeks' pay in lieu of notice, as determined by the supervisor. Termination will be final and is not subject to appeal through the [Grievance and Mediation Policy](#). Exempt staff may be terminated at any time during the probationary period with or without cause.

If, however, the employee has been continuously employed by UVM for one year or more and is terminated while serving a probationary period, s/he may appeal the decision in accordance with the [Grievance and Mediation Policy](#) by contacting the **Staff Grievance Coordinator** through the [HRS Employee Information Center](#) at 802-656-3150.

When staff receive four weeks' notice and work through their notice period, UVM contributions to insurance plans will cease at the end of the four weeks. If four weeks' pay is given in lieu of notice, UVM contributions will cease upon the separation date—the last day worked at UVM.

#### *Exempt Staff Probation: Re-Employment*

If an employee stops working at UVM, either voluntarily or involuntarily, and then later returns to UVM as an exempt employee, s/he may be required to serve a new probationary period. If the employee returns to the position s/he previously held, the supervisor may make an exception to this policy unless the individual was dismissed for just cause or resigned in lieu of dismissal.

#### *Transfers During the Probationary Period*

The UVM transfer policy applies to both exempt and non-exempt positions. Generally, staff may not transfer to another department during the first four to six months of employment. See the information below under "No Transfer Period" for details.

**Note:** The extension of the No Transfer Period from four to six months does not mean that probation is also extended.

#### *Probationary Period for Employees Transferring to a New Position*

When staff transfer to another UVM position, they may be required to serve a new probationary period as a condition of employment if:

- ✓ the job posting for the position states that any UVM employee seeking a transfer may be required to complete probation; or
- ✓ after reviewing the employee's performance documentation and disciplinary history in the HRS employment record and conducting an interview, the hiring supervisor believes there may be a question about the employee's suitability for the job. In that case, the terms of probation must be stated in any verbal job offer as well as in the employment notification letter.

*For additional information, refer to the Job Transfers section below.*

## Career Development

The University of Vermont supports the individual career development of each staff member. There are many avenues for professional growth including participation in degree and non-degree educational programs, service committees, and promotional/transfer opportunities. Current staff members are personally responsible for equipping themselves to meet the qualifications of any new position which they might seek.

## Job Transfers

A transfer from one job to another may be requested either by an individual or by the University. The following guidelines explain the procedures and expectations related to such transfers.

### *Voluntary Transfer*

In essence, a voluntary transfer involves the request of a UVM employee to be considered for a vacant position, whether within the same department or in another department. There are three types of voluntary transfer:

- ∨ lateral: transfer to a position within the same pay band
- ∨ promotional: transfer to a position within a higher pay band
- ∨ demotional: transfer to a position within a lower pay band

### *Transfer Application Process*

Eligible staff may apply for transfer to a vacant UVM position by submitting an application through the [UVM jobs](#) site. Selection of successful candidates (the responsibility of the supervisor) will be based on the assessment of the candidates' skills, abilities and qualifications. Consideration will be given to UVM service and supervisors' recommendations. When an individual is offered a position in another UVM department, s/he must give the original department a minimum of two weeks' notice of departure, unless the transferring and hiring departments agree to a different timeline.

A hiring supervisor may not refuse to consider an internal candidate based solely on the fact that the candidate has accumulated UVM medical and/or vacation leave.

### *Determination of Pay for Voluntary Transfer*

**Promotion:** In the event of a promotion, the appropriate salary increase will be jointly determined by HRS and the new supervisor. As a general rule, however, a salary or wage increase of at least 5%—but not less than the minimum salary for the pay band of the new position—will be effective immediately upon the assumption of new duties. In determining an appropriate salary, individual conditions including salaries within the job market and internal salary relationships will be taken into consideration.

**Lateral Transfer:** A lateral transfer may be accompanied by a salary or wage change, depending on internal salary relationships in the hiring unit. When an employee voluntarily seeks a lateral transfer to a position in a lower pay band, there is generally a corresponding decrease in salary or wages, as jointly determined by HRS and the new supervisor. As a general rule, the new salary or wage will be set at the level on the new pay band (e.g., low, middle or high) that represents the equivalent level on the old pay band. In determining salary, individual circumstances, such as internal salary relationships and salaries within the

job market, will be considered. Generally, the new salary or wage will not exceed the maximum of the pay band for the new position.

**Demotional Transfer:** When an employee voluntarily seeks a position in a lower pay band, there is generally a corresponding decrease in the salary or wages that is jointly determined by HRS and the new supervisor. As a general rule, the new salary or wage will be set at the level on the new pay band (e.g., low, middle or high) that represents the equivalent level on the old pay band. In determining salary, individual circumstances, such as internal salary relationships and salaries within the job market will be considered. Generally, the new salary or wage will not exceed the maximum of the pay band for the new position.

If an employee transfers to a position in the same or lower pay band to avoid termination or disciplinary action, or as a result of reorganization or loss of funding, the employee will be considered to have transferred voluntarily, and his/her salary will be determined as in the case of a Lateral or Demotional Transfer (see above).

If an employee transfers to a lower level position to avoid termination caused by University Financial Difficulty, the employee will be considered to have transferred voluntarily, and his/her salary will be determined as provided under Demotional Transfer (see above).

If an employee transfers to a position in the same or lower pay band because of organizational changes for reasons other than the inability to perform duties or University Financial Difficulty, salary will be determined as provided under Lateral Transfer (see above). Generally, there will be no salary or wage change. In no instance, however, will a salary be paid which is above the maximum or below the minimum of the pay band of the new position.

### *Temporary Transfer*

A transfer is considered temporary when there is a reasonable expectation that the employee will return to the position from which s/he was transferred. This may be due to a convenience for the University, or for lack of work in the employee's regular position or home department, or because of operational needs in other areas of the University.

When an employee is temporarily transferred to a higher pay band position, the following guidelines apply:

- ✓ If it is the supervisor's intention that the transfer will be for three weeks or less, no adjustment in the salary or hourly rate will be made.
- ✓ If the transfer will be for longer than three weeks, a temporary salary or hourly rate increase should be made, effective the first day of the transfer. The increase will be determined by agreement between HRS and the supervisor.
- ✓ In no instance will the salary or hourly rate paid be below the minimum of the salary or hourly rate of the position to which the employee is temporarily transferred.

If a temporary transfer to a higher pay band position remains in effect longer than anticipated and exceeds three weeks, the employee's pay will be adjusted retroactively to the first day of the transfer. The increase will be determined by agreement between HRS and the supervisor.

If an employee is temporarily transferred to a position in the same pay band or lower, the salary or hourly rate will not be reduced. (See also the paragraph below under the heading "Temporary Change in Assignment of Responsibilities.")

### *No-Transfer Period*

Time, effort, and expense go into recruiting and training each UVM employee. For this reason, neither exempt nor non-exempt staff may transfer before completing four months of employment in their current position, though an exception may be granted for a transfer within the employee's current department.

If a department is experiencing unusual turnover or recruiting problems, the department may require that a new employee stay in the job for up to six months before becoming eligible for transfer. Such a requirement should be included in the job posting and the oral notice of the intention to offer employment, and must be included in the written offer letter.

During the No-Transfer Period, if an employee has less than four months of service in his/her current position, s/he may transfer to a vacant position in the same department with the approval of the department head. If the duties of the two jobs are different, and if after reviewing the employee's employment record and conducting an interview there is a question as to the employee's suitability for the job, the department head may require the employee to go through a new probationary period. Such a requirement should be included in the job posting and the oral notice of the intention to offer employment, and must be included in the written offer letter.

### *Temporary Change in Assignment of Responsibilities*

When an employee is temporarily assigned responsibilities in a regular job that requires a level of education, experience, or skill which is above the normal requirement of the job, a temporary adjustment may be made to the employee's salary or hourly rate under the following conditions:

- ✓ The new responsibilities must be part of the job requirements for more than three weeks
- ✓ The responsibilities must have been specifically assigned as temporary duties during a defined period of time or for a specific set of circumstances
- ✓ Retroactive adjustments for duties previously performed are not normally allowed

An adjustment to salary or hourly rate will be jointly determined by Human Resource Services and the supervisor. If HRS determines that the temporarily-assigned responsibilities do not justify a temporary change in pay, no change in compensation will take place.

There will be no title change during the period of a temporary change in the assignment of responsibilities.

If the change in assignment of responsibilities becomes a permanent condition, the policy and procedures for reclassification of positions applies.

### *Length of Service*

**Length of service** refers to the period of continuous employment in a regular UVM staff position at 50% or more FTE, including any previous employment which would result in an adjusted service date.

Length of service is the only basis on which vacation, medical leave, and personal leave are determined. Authorized absences, such as vacation, medical leave, short-term military leave, jury duty, family and medical leave, personal leave, or other forms of authorized leave, do not constitute a break in continuous employment. A break in employment occurs when an employee is removed, either voluntarily or involuntarily, from active UVM employment records.

University insurance plans including the Retirement Savings plan may stipulate their own waiting periods based on FTE and length of service. (See specific plan documents for information on waiting periods.)

### *Re-Employment*

If an individual with three or more years' previous UVM service in a regular, non-temporary staff position with an FTE of 50% or more returns to UVM employment in a regular, non-temporary staff position of at least 50% FTE within two years, that individual will be reinstated with an adjusted service date and all benefits waiting periods will be waived. (This protocol does not apply to retired staff or staff who were terminated for just cause.)

*For example, if an employee was originally hired on October 1, 2000 and terminated on December 1, 2006, after six years and two months' service, then returned to UVM on January 1, 2008 (within two years of termination), the six years and two months will be added to the new length of service and the employee's service date will be adjusted to November 1, 2001.*

If an individual is re-employed in a higher or lower position within two years, s/he may receive a salary rate which takes into account the resulting promotion or demotion. All such rates must be established by the hiring supervisor in consultation with Human Resource Services.

If an individual is re-employed by UVM in the same level position within two years, s/he may receive a rate of pay equal to the previous rate before termination, plus any increases that may have occurred after separation.

### *Distribution of Effort for Exempt Staff*

The University recognizes that there may be competing demands on the time and energy of an exempt staff member (for example, an administrator who also teaches). In situations like these, employees should be especially sensitive to ethical questions concerning the distribution of effort if an individual's various duties and responsibilities might create the potential for a funding or contracting agency to question the amount of effort devoted to a particular activity.

Employees have a responsibility to see that a demonstrable relationship exists between their work assignments or responsibilities and the effort expended. (Those holding a 100% FTE position at UVM are expected to devote full-time effort and commitment to that position.) In assessing an employee's relationship with an outside effort or entity, all activities and assignments (whether sponsored by an external agency or not) must be considered, as well as the salary and salary distribution for any work activities external to the employee's home department. The same ethical and effort-reporting considerations apply to employees who may be granted paid release time for outside professional activities and services, including any supplemental compensation that may be involved. Exempt employees must obtain written permission from their supervisor and the appropriate Vice President or Provost in order to obtain paid release time for outside professional activities.

### *Conflict of Interest*

Employees must avoid the use of information or procedures that may involve an actual or apparent conflict of interest between UVM responsibilities and any outside connections. See the University's [Conflict of Interest Policy](#) for details. Questions or concerns about possible conflicts of interest should be addressed to the Office of Audit Services at 802-656-3086 or to the [Ethics Reporting and Compliance Helpline](#).

### *Rest Periods*

The University typically provides fulltime non-exempt staff with two 15-minute rest periods per day. One should occur in the middle of the first half of the work day, and the other in the middle of the second half of the work day.

Regular rest periods may not be feasible in certain areas of the University, based on the nature of the environment and the kind of work being done there. In these areas, there may or may not be a break, based on the operational needs of the department.

Rest periods cannot be accumulated for future time off. Abuse or over-extension of rest periods may result in disciplinary action. Unless specifically approved by the supervisor, rest periods must be spent near the work area.

Staff who are exempt under the Fair Labor Standards Act do not receive defined rest periods.

### *Reporting Absences*

If an employee must miss work because of illness, accident, or personal emergency, the immediate supervisor must be informed before the beginning of, or as early as possible during the scheduled workday of each day to be missed. Although staff are expected to make direct contact with their supervisor, reports of absences can be made before or after normal work hours, or on weekends to the supervisor's voicemail if the supervisor cannot be reached. Employees must make an effort to talk with someone in their work area in order to give an estimate of how long they will be out, the reason for the absence, and the expected date of return. If an employee is absent three consecutive workdays without notifying his/her supervisor of the reason for the absence, the employee may be considered to have resigned due to job abandonment.

### *Employment of Relatives*

Members of an employee's immediate family and other relatives may be employed by any UVM department in any capacity. Normally however, relatives—including student workers—may not be placed in any situation where one family member exercises direct supervision over another. If such a direct supervisory relationship is considered to be an advantage to UVM, the employment of the relative in question must be approved by the University Board of Trustees. To obtain this approval, the hiring supervisor must submit a letter through normal administrative channels to the appropriate Vice President/Provost requesting permission to hire the relative in question. The request should contain the names of the related parties, their family relationship, the extent of the job supervision, job title and nature of the work to be performed, including an explanation of the advantage to UVM. The Vice President/Provost will review this request and, if approved, send it to the Trustees for final approval. If the request is denied, the supervisor will be notified.

(For a definition of "immediate family member," see the Staff Handbook chapter on "Leaves and Time Off" under "Bereavement.")

### *Progressive Discipline*

All UVM staff will be disciplined according to the principles of progressive discipline. Progressive discipline is administered in an attempt to help individuals overcome behavior or performance deficiencies which have caused problems on the job. The goal is to help an employee change behaviors that interfere with the ability to work productively and effectively meet the expectations of the position.

Disciplinary action must be fair, not discriminatory. The same standards should be applied to all staff who do similar jobs and all disciplinary action must be undertaken with the goal to develop and retain employees when possible.

Progressive discipline must meet the criteria of sound managerial practice. It should be administered thoughtfully and should follow University guidelines. Any action taken must be documented, must align with the University's grievance procedures and must be able to withstand a legal challenge. It is strongly advised that supervisors work with their unit's HR representative if one is available, and/or with their HRS Management Consultant prior to initiating any disciplinary action.

A detailed guide to progressive discipline, including exceptions and ramifications, is contained in the supervisor's handbook, *Progressive Discipline*, available to supervisors through HRS Management Consulting Solutions (232 Waterman, 802-656-2241). The publication is available to staff in the Staff Council Office and at the Reference Desk of the Bailey-Howe Library. Staff who have questions about the progressive discipline process should contact the HRS Employee Information Center at 802-656-3150 and ask to speak with an Employee Advisor.

### ***Termination of Employment***

When employment is terminated, either voluntarily or involuntarily, employees must return all UVM keys, identification cards, credit cards, parking permits, laptop computers and other UVM property that may still be in their possession and pay all outstanding University fees or charges by the end of the last work day. At the time of termination, or shortly thereafter, employees may be asked to complete an exit interview conducted by their unit or by HRS.

#### ***Voluntary Termination***

When an employee leaves a position voluntarily, s/he is encouraged to give as much notice as possible—but in no case less than two weeks.

UVM contributions to benefits will not continue after the separation date (the last day worked), unless the employee is paid for unused accrued vacation at the time of termination. Medical and dental insurance will extend one calendar day beyond the separation date for each day of vacation paid, up to a maximum of 30 calendar days.

#### ***Employees with a Specific Termination Date***

The termination of an employee hired with a specific termination date (as stated in the employment notification letter) who is not on restricted funds is subject to the same benefits provisions as listed in the paragraph above under "voluntary termination," except that there is no requirement for notice either on the part of the staff member or the University.

#### ***Re-Employment Following Termination***

If an individual with three or more years' previous UVM service in a regular, non-temporary staff position with an FTE of 50% or more returns to UVM employment in a regular, non-temporary staff position of at least 50% FTE within two years, that individual will be reinstated with an adjusted service date and all benefits waiting periods will be waived. (This protocol does not apply to retired staff or staff who were terminated for just cause.)

### *Involuntary Termination During University Financial Difficulty*

During periods of University Financial Difficulty as declared by the University President, staff who are not on restricted funds may be temporarily or permanently terminated or have their FTE reduced. Selection is based on quality of job performance, experience in and ability to perform the remaining work, and length of service. Regular staff will receive preference over probationary and temporary staff for continued employment.

An employee who is terminated during University Financial Difficulty must be notified at least two weeks in advance or receive two weeks' pay in lieu of notice, as determined by his/her supervisor. Employees may not appeal such termination through the University's normal grievance procedure. However, selection for termination may be appealed directly to the appropriate Dean, Vice President or Provost (or his/her designated representative), who will review the circumstances of termination to determine whether the matter was handled in accordance with UVM policy. Once the review is completed, the Dean, Vice President or Provost will respond to the appeal, and that determination will be final.

### *Benefits for Those Involuntarily Terminated During University Financial Difficulty*

UVM contributions to benefits will cease after the separation date (the last day worked), unless an employee is paid for accumulated vacation at the time of termination. Medical and dental insurance will extend one calendar day beyond the separation date for each day of vacation paid, up to a maximum of 30 calendar days.

Staff terminated from positions due to University Financial Difficulty will be provided extended access to the Employee Assistance Program within the EAP's guidelines for a period extending one year beyond the separation date.

### *Re-Employment of Those Involuntarily Terminated During University Financial Difficulty*

Individuals whose staff jobs have been eliminated may request that HRS highlight their application materials for an internal referral to an open position for which they are qualified, based on their experience and their proven ability to perform the duties of the position. This service will be provided for one year or until the individual secures employment, whichever comes first.

Regardless of length of service, staff who are involuntarily terminated due to University Financial Difficulty and then re-employed by UVM within two years in a position that is 50% or more FTE will be reinstated in all benefit programs in which they were previously enrolled, without any additional waiting period. Their new service date will be adjusted to include the previous time of service.

If an employee is re-employed by UVM in the same level position within two years, s/he may receive a rate of pay equal to the rate before termination, plus any increases that may have occurred since the time of termination.

If the employee is re-employed in a higher or lower level position within two years, s/he may receive a salary rate which takes into account the resulting promotion or demotion. All such rates must be established by the hiring department in consultation with HRS.

### *Involuntary Termination for Employees on Restricted Funds*

Staff paid from restricted funds have no employment guarantee beyond the availability of the restricted monies from which they are paid. Normally, at the time of hire, the employee will be informed of the date that funding for the position will end and employment will terminate. Occasionally, however, funding may be depleted or discontinued prematurely. Positions supported by restricted funds must be eliminated whenever those funds cease to be available.

Staff in positions eliminated due to loss of restricted funds will receive a minimum of four weeks' notice of separation of employment (or pay in lieu of notice) if they have less than two years of service or six weeks' notice (or pay in lieu of notice) if they have two or more years of service.

Generally, the selection of a position to be eliminated will be determined by the fact that funding of the position will end. There may be cases, however, when it is not clear which position(s) must be eliminated. In such instances, staff whose employment is to be terminated will be selected according to their relevant experience, the quality of their job performance and their ability to perform the remaining work. In situations where individuals are generally considered equal in these areas, length of service may be taken into account.

The elimination of a position due to the cessation of restricted funds will not be subject to appeal through the [Grievance and Mediation Policy](#). If employment is being terminated before the date stated in the employee's offer letter (letter of hire), or if there is some question as to which position(s) must be terminated as a result of a reduction in funding (other than cessation of funding), the matter may be addressed by appealing selection for termination directly to the appropriate Dean, Vice President or Provost (or his/her designated representative). In such cases, the circumstances of the termination will be reviewed to determine whether the matter was handled in accordance with UVM policy. Upon completion of the review, the Dean, Vice President or Provost will respond to the appeal and that determination will be final.

### *Benefits After Termination of Employees on Restricted Funds*

UVM contributions to benefits will not continue after the separation date (the last day worked), unless the employee is paid for accumulated vacation at the time of termination. Medical and dental insurance will extend one calendar day beyond the separation date for each day of vacation paid, up to a maximum of 30 calendar days.

Staff terminated from positions due to loss of restricted funds will be provided extended access to the Employee Assistance Program within the EAP's guidelines for a period extending one year beyond the separation date.

### *Re-Employment After Termination of Employees on Restricted Funds*

Individuals whose staff jobs have been eliminated may request that HRS highlight their application materials for an internal referral to an open position for which they are qualified, based on their experience and their proven ability to perform the duties of the position. This service will be provided for one year or until the individual secures employment, whichever comes first.

If an individual with previous UVM service in a regular, non-temporary staff position with an FTE of 50% or more returns to UVM employment in a regular, non-temporary staff position of at least 50% FTE within two years, that individual will be reinstated with an adjusted service date and all benefits waiting periods will be waived. (This protocol does not apply to retired staff or staff who were terminated for just cause.)

### *Involuntary Termination Due to Reorganization and Other Similar Circumstances*

When it is necessary to terminate the employment of staff because of reorganization or other, similar circumstances (for reasons other than unsatisfactory performance during probation, just cause, University Financial Difficulty, or the reduction/cessation of restricted funding), the following provisions will apply:

Whenever possible, selection for termination will occur according to the quality of job performance, experience in and ability to perform the remaining work, and length of service. Regular staff will receive preference for continued employment over probationary and temporary staff.

Notice of termination or payment in lieu of notice (to be determined by the supervisor) should be given according to the following schedule (which is also followed when an employee's FTE is reduced):

- ✓ Staff with less than two years of service, who have completed probation, will receive a minimum of one month's notice of termination
- ✓ Staff with at least two years of service but less than six will be given a minimum of three months' notice of termination
- ✓ Staff with six or more years of service will be given a minimum of six months' notice of termination

### *Benefits After Notice of Termination Due to Reorganization*

UVM contributions to benefits will not continue after the separation date (the last day worked), unless the employee is paid for accumulated vacation at the time of termination. Medical and dental insurance will extend one calendar day beyond the separation date for each day of vacation paid, up to a maximum of 30 calendar days.

### *Re-Employment Following Termination Due to Reorganization*

Individuals whose staff jobs have been eliminated may request that HRS highlight their application materials for an internal referral to an open position for which they are qualified, based on their experience and their proven ability to perform the duties of the position. This service will be provided for one year or until the individual secures employment, whichever comes first.

If an individual with previous UVM service in a regular, non-temporary staff position with an FTE of 50% or more returns to UVM employment in a regular, non-temporary staff position of at least 50% FTE within two years, that individual will be reinstated with an adjusted service date and all benefits waiting periods will be waived. (This protocol does not apply to retired staff or staff who were terminated for just cause.)

### *Employees Not on Restricted Funds Who Were Hired with a Specific Termination Date*

The termination of an employee who is not on restricted funds and who was hired with a specific termination date (as stated in the offer letter) is subject to the same provisions as voluntary termination, except that there is no requirement for notice either on the part of the staff member or the University.

### *Involuntary Termination for Just Cause*

Employment may be terminated for a variety of reasons which are considered "just cause." These include but are not limited to: poor job performance, improper attitude, misuse of

medical leave, habitual lateness, illegal possession or use of alcohol or drugs in the work place, theft, misappropriation of funds, misuse of University purchasing cards, fighting, possession of dangerous weapons, misconduct, violation of UVM policies, unauthorized access or use of computerized information or files, or for other serious incidents. It is vital that supervisors work with their unit's HR Representative, if one is available, and/or with their HRS Management Consultant prior to dismissing an employee for just cause.

**Non-exempt staff** who are terminated for just cause will usually receive either two weeks' notice or two weeks' pay in lieu of notice, to be determined by their supervisor. If notice is given verbally, the supervisor must follow that with written confirmation of the dismissal, giving the reason for the termination and the date of the last day of employment. (If the cause for the termination is sufficiently serious, or is a grave violation of UVM policy, employment may be terminated without either two weeks' notice or two weeks' pay. It is expected that the department will typically consult with Human Resource Services before this action is taken.)

**Exempt staff** who are terminated for just cause will usually receive either four weeks' notice or four weeks' pay in lieu of notice, to be determined by their supervisor. If notice is given verbally, the supervisor must follow that with written confirmation of the dismissal, giving the reason for the termination and the date of the last day of employment. (If the cause for the termination is sufficiently serious, or is a grave violation of UVM policy, employment may be terminated without either four weeks' notice or four weeks' pay. It is expected that the department will typically consult with Human Resource Services before this action is taken.)

UVM contributions to benefits will not continue after the separation date (the last day worked), unless the employee is paid for accumulated vacation at the time of termination. Medical and dental insurance will extend one calendar day beyond the separation date for each day of vacation paid, up to a maximum of 30 calendar days.

Staff who have successfully completed probation and are terminated for just cause may appeal the decision as outlined in the [Grievance and Mediation Policy](#). Those who are terminated for just cause prior to the successful completion of the probationary period are not eligible to appeal under the [Grievance and Mediation Policy](#). (Exception: A staff member on probation may grieve termination if the staff member has completed probation in a prior position and there has been no interruption in service.)

Staff terminated for just cause have no re-employment rights and may, as a condition of their dismissal, be ineligible to apply for future University employment.

### ***Employee Records***

Employees are expected to update their home and mailing addresses, phone numbers and emergency contact information in PeopleSoft whenever there is a change in their personal information.

Employee service records are kept on file by Human Resource Services. Both the Personnel Action Form (which contains salary and job information) and the Data Form (which contains personal information such as the employee's education, home address and other material) are also kept in the home department and/or in the appropriate Dean's or Director's office.

Changes to Federal tax status may be made using the Self Service tab in the [PeopleSoft Human Resources](#) system. To change State tax status, employees must complete a new State W-4 VT tax form and submit it to the HRS Employee Information Center in Waterman 228.

Many other changes that may affect employee benefits (such as marital status, number and nature of dependents, change of insurance beneficiary, etc.) require the completion of [forms](#) that are located on the HRS web site. It is the responsibility of the employee to submit new forms whenever such changes occur.

### *Access to and Disclosure of One's Employment Record*

Employees have the right to examine their employment files, including any separate medical documentation file, at reasonable times during normal business hours and shall have the right to request and receive a copy of any item in the files. (Employees must present their UVM ID in order to be given access.) UVM employment files will not be disclosed to third parties except as permitted or required by law, unless the employee gives written authorization. Employees should be aware however that their performance and disciplinary history may be shared with any recruiting UVM supervisor who requests these documents when recruiting for a job for which the employee has applied.

### *University Closings*

The decision to close The University of Vermont for all or part of a workday is made by the President of the University. Reasons for closing include but are not limited to: the loss of water, loss of power, or a severe weather condition. In the event of a closing, the UVM website is updated with news of the closing, the CatAlert system is initiated and the University asks local radio and television stations to announce the closing. Individuals may also call the University's Emergency Operations Information line at 656-0000 to hear updated messages.

*A University closing should not be confused with policies regarding "call back with less than 24 hours of notice." (See the heading under the Compensation section of the Staff Handbook.)*

If the University is closed for an emergency situation, compensation will be made according to the following guidelines:

1. Exempt and non-exempt staff scheduled to work during the closedown period are paid for the hours scheduled, but not worked. This is not the case for temporary staff. See number 8 below.
2. Exempt staff who are required to work during a closedown receive compensatory time off at the rate of 1.5 times the hours worked.
3. Non-exempt staff who report to work for their regularly-scheduled shift and are not sent home shall be paid at a rate of 2.5 times their normal, non-overtime pay. Non-exempt staff who are not required to report to work, who do not report to work or who report to work and are sent home shall be paid at the normal rate for their regularly-scheduled shift that day.
4. Those who are asked to volunteer for work or who respond to a request for volunteers during a closedown but who are not required to do so are paid 2.5 times normal, non-overtime pay for the scheduled hours worked, regardless of any regularly-scheduled shifts.
5. Those who are on any form of approved leave, such as personal leave, vacation, medical leave or compensatory time, will not receive additional compensation or time off for the closedown period. Those who are on leave will be charged for a full day of leave for each day UVM is closed.

6. Those who are scheduled to work and who come in late or fail to report for work prior to the closing will be charged for unpaid personal leave, vacation time, personal time or compensatory time off.
7. Those who are not scheduled to work during the closedown will not be compensated for this period.
8. Temporary and work-study staff paid on wages are to be paid on a regular straight time basis only for time worked. They do not receive vacation time, sick leave, or any form of compensation for time not worked. They are not compensated for time not worked during a University closing.
9. Mileage to and from work during a University closing will not be reimbursed.
10. UVM staff who live and work off-campus and are not affected by a closing will be expected to report to their off-campus workplace.

If any portion (e.g., area, building, etc.) of the campus is closed, the above list of guidelines will apply to that portion of the campus which is closed.