VII – 1.23 - POLICY ON SEPARATION OF A NONEXEMPT STAFF EMPLOYEE

(Approved by the USM Board of Regents on October 9, 2015.)

I. PURPOSE AND APPLICABILITY

This Policy establishes a process for the separation of a Regular status Nonexempt Staff employee.

II. RESIGNATION

A Nonexempt employee wishing to resign in good standing shall give his/her Unit Head at least two weeks written notice of resignation.

III. TERMINATION FOR CAUSE

A. Any Regular status Nonexempt Staff employee who has completed a probationary period may be permanently removed from his/her position only for cause as follows:
   1. upon written charges, and
   2. after an opportunity to be heard in his/her own defense,
   3. but in no case on account of his/her religious or political opinions or affiliations or for refusing to contribute to a political fund or render political services.

B. Causes for removal may include, but are not limited to:

   1. Incompetence or inefficiency in the performance of his/her duty.
   2. Wanton carelessness or negligence in the performance of his/her duty
   3. Use of unwarrantable or excessive force in his/her treatment of public charges, fellow employees, or other persons.
   4. A permanent or chronic physical or mental ailment or defect that incapacitates the employee for the proper performance of his/her duties.
   5. Violation of any lawful official regulation or order or failure to obey any lawful and reasonable direction given by his/her superior officer when such violation or failure to obey amounts to insubordination or serious breach of discipline which may reasonably be expected to result in a lower morale in the organization or to result in loss or injury to the University or the public.
   6. Wantonly offensive behavior in his/her conduct toward fellow employees, users of University facilities or the general public.
   7. Violation of any provisions of the state ethics law.
   8. Engaging in a private business or in a trade or occupation where the duties of his/her position as prescribed by law or regulation requires his/her entire time for their performance.
   9. Dishonest or fraudulent actions regarding examinations and acts of coercion against other employees.
   10. Conviction of a criminal offense or of a misdemeanor involving moral turpitude.

11. Through gross negligence or willful conduct, causing significant damage to public property or waste of public supplies.
12. Using, threatening to use, or attempting to use political influence or the influence of any State employee or officer in securing promotion, transfer, leave of absence, or increased pay.
13. Willfully making a false official statement or report.
14. Conduct such as to bring the USM service into public disrepute.

IV. PROCESS FOR FILING CHARGES FOR REMOVAL

A. Suspension Pending Charges for Removal

1. A Department Head, chairperson or other authorized official may suspend with or without pay any employee, pending the filing of charges for his/her removal with the Institution Chief Human Resources Officer (CHRO) or designee.
2. Such notice of suspension must be in writing, stating the reasons for the suspension and advising the employee that the suspension may be appealed.
3. If immediate personal delivery is not possible, such notice shall be delivered to the employee's last known address via a delivery method that ensures verification of receipt of delivery.
4. In addition, the employee is to be advised that formal charges for removal will be forwarded to the CHRO. Further, a copy of the charges for removal will be forwarded to the employee within a short period, and information regarding his/her rights will accompany the formal charges.
5. In the event an employee is suspended without pay and the charges are not received by the CHRO within ten (10) working days, the department must place the employee on leave with pay until such charges are received by the CHRO.
6. Rights of appeal to a suspension pending removal are outlined in BOR VII-8.00, Section VI.B.
7. A NONEXEMPT EMLOYEE MAY BE SUSPENDED FOR WHOLE OR PARTIAL DAYS.

B. Filing Charges for Removal

1. A Department Head or Chairperson may file charges for removal of a Nonexempt Staff employee with the Institution CHRO. The charges shall state the cause(s) for removal and the specific acts which constitute cause for removal.
2. One copy of the charges for removal shall be presented to the employee against whom the charges are brought. If immediate personal delivery is not possible, such notice shall be delivered to the employee's last known address via a delivery method that ensures verification of receipt of delivery.
3. Such notice shall advise the employee that s/he may, within five (5) working days of the date of delivery as indicated by the evidence of delivery, request an opportunity to be heard in his/her own defense.
4. Rights of appeal to the filing of charges for removal are outlined in BOR VII-8.00, Section VI.C.

IMPLEMENTATION PROCEDURE

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.

Replacement for:
UM Personnel Policies and Rules for Classified Employees, Section VIII, Pages 5-7and Page XIII-1.