

BOARD OF REGENTS
BRIEFING PAPER

Agenda Item Title: Resignations/Leave Policy

BACKGROUND & POLICY CONTEXT OF ISSUE:

Currently there are no specific policies or procedures for resignations and job abandonment, except that the Board approved a policy in June 2006 that unauthorized leave is unpaid.

This policy will set the process for an employee to submit a resignation, and for the employer to accept the resignation.

In the first reading of this policy at the Board's October 2006 meeting, it was explained to the Board that the conclusion has been reached, in working with faculty, presidents and other college administrators, that the current Board policy on unauthorized leave, together with the existing Title 2, Chapter 6 process for disciplinary action, is sufficient to address termination of employees who take unauthorized leave. Consequently, the job abandonment policy has been revised to simply cross reference the Board's existing policies on leave.

SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

The Board of Regents approve a policy that delineates how a resignation should be submitted and how it should be accepted. Also requesting that the Board approve a reference in Title 2, Chapter 5 to the Board's existing leave policies.

IMPETUS (WHY NOW?):

A policy on resignations will provide certainty regarding the procedure for both System employees and employers. Job abandonment will be addressed through a reference to the Board's existing leave policies.

BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

- A policy that establishes the process for resignations is helpful to both the employee and employer.
- A resignation policy will assist the system should litigation be brought.

POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

After concerns were voiced that the abandonment policy could be manipulated to terminate an employee without procedural process, that portion of the policy has been amended to simply refer to the Board's existing policies on leave.

ALTERNATIVE(S) TO WHAT IS BEING REQUESTED/RECOMMENDED:

Go back to the previously submitted job abandonment policy from the October 2006 meeting, or some variation of that policy.

COMPLIANCE WITH BOARD POLICY:

Consistent With Current Board Policy: Title # ____ Chapter # ____ Section # ____
 Amends Current Board Policy: Title # 2 Chapter # 5 Section # 5.15(new)
 Other: _____
 Fiscal Impact: Yes ____ No ____
Explain: _____

TITLE 2 - NEVADA SYSTEM OF HIGHER EDUCATION CODE

CHAPTER 5

PERSONNEL POLICY FOR FACULTY

Section 5.15{NEW} Resignations/Leave

1. Resignations.

- a. All resignations by a member of the academic or administrative faculty should be in writing and should be submitted to the appointing authority at least 30 calendar days in advance of its effective date. The resignation must be accepted in writing by the appointing authority (or designee).*
- b. If a resignation is tendered verbally or is conveyed to an employee other than the appointing authority, the resignation must still be accepted in writing by the appointing authority (or designee).*
- c. A resignation should indicate an effective date. If the resignation does not specify an effective date, the resignation shall be effective on the fourth working day after acceptance and this date must be reflected in the written acceptance.*
- d. Once an employee's resignation is accepted by the appointing authority, the employee shall have three working days after such acceptance to revoke the resignation. Thereafter, the employee may not revoke the resignation, regardless of the effective date set forth in it. A revocation of a resignation must be in writing and must be delivered to the appointing authority within the foregoing time period to be effective.*
- e. The decision of an appointing authority not to accept a request to rescind a resignation more than three working days after its written acceptance is not subject to grievance or appeal processes.*

2. Leave

Leave may only be taken in accordance with the policies in Title 4, Chapter 3. Unauthorized leave is charged as leave without pay pursuant to Title 4, Chapter 3, Section 39, and may subject the employee to disciplinary action under Title 2, Chapter 6.