

FY2018 College of Geosciences Voluntary Separation Program

Program Description

The opportunity for tenured full faculty members to apply for a FY2018 Voluntary Separation Program, VSP, is limited. The application period begins on Friday, March 23, 2018 and ends May 1, 2018. Applicants accepted in the program will have to separate from the University no later than May 31, 2019. (Appointment to a non-tenured position is negotiable if the faculty member desires and the department needs such an appointment after the faculty member separates from their tenured position.) Faculty members with accepted applications will be required to sign a Separation Agreement with a release of claims, described later in this document. This information can be reviewed on-line at:

<https://geobusiness.tamu.edu/policies/faculty/2018-VSP-Geosciences.pdf>

Each faculty member who separates from the University in accordance with this VSP will receive payment for 12 months of support within 45 days from the last date of employment. Each participant's salary will be determined by her or his budgeted appointment on September 1, 2017. All payments are subject to deductions required for taxes, or required benefit or obligations existing upon separation for the faculty member. The funds available for the VSP are limited; therefore, it is possible that some applicants will not be accepted to the program.

The VSP is not an entitlement and any approvals under the VSP must be consistent with the needs of the College; therefore, not every eligible faculty member's application to participate in the VSP may be accepted.

The program is voluntary

Submitting an application to the VSP shall be on a voluntary basis for all eligible faculty members. You are encouraged to consider the program; however, no one can require you to apply or not apply to the VSP. Application to the VSP does not in any way change your current employment relationship with the College or University. It is important to understand that if you are eligible and decline to participate, you will not be treated any differently than any other similarly situated faculty member with respect to future terms and conditions of employment. If you apply for the program and are not accepted, you will not be required to separate from the College or University.

Eligibility

The VSP is available only to eligible tenured full faculty members. An "eligible tenured full faculty member" is a full-time faculty member who has been in the current faculty rank as full professor within the College and University since September 1, 2017. If you are uncertain if you meet the eligibility requirement you may contact the Dean's Office at bbayer@tamu.edu with your question. If the faculty member's separation date is also a retirement, they should make initial contact with Human Resources approximately six months before their date of separation for retirement counseling. If the requested date of separation is sooner than six months, they should contact Human Resources as soon as possible. During any applicable retirement counseling with HR, the faculty member may be asked to consider a change in separation date to ensure that no gap in payment of retirement benefit occurs. The state will not pay any benefits retroactively. None of these considerations can result in a separation date beyond May 31, 2019.

Application Procedure

The application period for the VSP begins on March 23, 2018, and ends on May 1, 2018. Applications submitted later than midnight on May 1, 2018, will not be considered. To apply for the VSP, you must submit a written letter expressing your intention to voluntarily separate and the projected date of separation. Your application will be considered if your letter is submitted and received by the Dean's Office (Barbara Bayer) no later than midnight May 1, 2018.

An attempt will be made to honor your requested date of separation; however, in limited circumstances, the date may have to be modified in order to accommodate your unit's needs. The date you separate from employment with the University is your voluntary separation date. In any event, your voluntary separation date must be no later than May 31, 2019.

If you complete and submit the application form, you are indicating that you desire to voluntarily separate employment with the University in exchange for the VSP payment. While it is the intention of the College to allow as many eligible faculty members to participate in the VSP as possible, the College has a limited amount of funding for this program. Before any faculty member's application is considered, the department head and dean must concur that the departure of the applicant faculty member can be mitigated.

Receipt of applications will be acknowledged by email. You may withdraw your request form at any time before you submit the executed Separation Agreement described below. To withdraw your request for consideration, you must complete and submit a request by email to bbayer@tamu.edu providing your request in writing to withdraw your request from consideration. The timing requirements for the Separation Agreement are discussed below.

Applicants will be notified whether or not their application has been accepted by no later than May 4, 2018. All accepted faculty must execute and submit their Separation Agreement by no later than 5 p.m. on May 11, 2018, or they are no longer eligible to participate in the program. All accepted faculty members who execute their separation agreement will have 7 days following their execution of the Separation Agreement to revoke the Separation Agreement (e.g., if you submit the signed Separation Agreement on May 5, 2018, you have until May 12th at 5 p.m. to revoke; if you submit the signed Separation Agreement on May 11th, you have until May 18th at 5 p.m. to revoke).

It is possible that not all who are accepted to the program will choose to execute their Separation Agreement, which would provide an opportunity to include other eligible but initially not included applicants. Thus, it is possible that some applicants would be notified that they are accepted to the program on May 12, 2018. Any applicant accepted and notified on May 12, 2018, will have until no later than 5 p.m. May 19, 2018, to execute and submit their Separation Agreement, and 7 days following the execution of the Separation Agreement to revoke the Separation Agreement.

VSP Payment

Each eligible faculty member who has been accepted and does not revoke their executed Separation Agreement will receive one lump-sum payment for 12 months of support. Each participant's salary will be determined by their budgeted appointment on September 1, 2017. The payment will be made within forty-five (45) days of the employee's voluntary separation date. All federal and state taxes and other deductions will be withheld as required by law. The VSP payment does not count as "earnings" for TRS or ORP purposes and is, therefore, not eligible for TRS or ORP contributions.

Potential post-separation activities

The College may agree to additional provisions such as potential involvement in post separation research or instructional activities or access to lab, office or studio space. Such provisions, if any, may be set forth in a manner similar to a Memorandum of Agreement upon Retirement from a Tenured Faculty Appointment and Appointment to Post-Retirement Services at Academic Institutions, as applicable, in accordance with University SAP 31.07.01.M0.01, which should be submitted with the Separation Agreement and approved accordingly. In these agreements the title of the faculty member in this VSP program could become

Research Professor or Senior Professor. Questions concerning such appointments post implementation of the Voluntary Separation from a tenured faculty position should be addressed to Barbara Bayer.

Information regarding other benefits

Accrued and unused vacation payments due to an employee at the time of separation from the University shall be paid in accordance with Texas law. Any other pay and benefits (health, dental, etc.) will terminate or cease upon separation in accordance with the terms of Texas law, as well as the Policies, Regulations and Rules of the System and the University. For more information, please refer to: <http://tamus.edu/business/benefits-administration/>.

Forfeiture of tenure

Tenured faculty members relinquish their indefinite tenure status upon their voluntary separation date.

Information to be furnished

Upon request, faculty members shall furnish any documentation and/or information the College considers necessary to administer the VSP.

Separation agreement with waiver and release

Upon notification of acceptance into the VSP program, the faculty member accepted will be provided with the Separation Agreement prepared for signature. For all accepted faculty members who receive a Separation Agreement prior to or on May 4, 2018, the signed Separation Agreement must be hand-delivered to the Dean's Office (202 O&M Building, College Station, TX, 77843), no later than 5 p.m. on May 11, 2018. Accepted applications will be automatically withdrawn if their signed Separation Agreements are not received by 5 p.m. May 11, 2018. For all accepted faculty members who receive a Separation Agreement on May 12, 2018, the signed Separation Agreement must be hand-delivered to the Dean's Office (202 O&M Building, College Station, TX, 77843), no later than 5 p.m. May 19, 2018. Accepted applications will be automatically withdrawn if their signed Separation Agreements are not received (or postmarked) by 5 p.m. May 19, 2018.

Recommendation of Attorney Review

Eligible faculty members are advised to contact an attorney at their own expense to discuss the VSP and to review the Separation Agreement prior to executing the agreement.

No assignment of VSP payments

Under no circumstances may a VSP payment be subject to assignment, garnishment, lien or other encumbrances, and any attempt to cause any such payments to be so subjected shall not be recognized, except to such extent as may be required by law.

Recovery of VSP Payments made by mistake

Faculty members shall return to the University any VSP payment or other consideration, or portion thereof, made by a mistake of fact or law or paid contrary to terms of the VSP.

Representations contrary to the VSP

No employee, officer, director or agent of the University has the authority to alter, vary or modify the terms of the VSP, except the Dean of the College of Geosciences. Any such alteration, variation or modification

must be in writing.

No employment rights or contract

The VSP shall not confer employment rights upon any person. Nothing contained in the VSP will be construed as a contract of any kind between the College or any related entity and any person. No person shall be entitled by virtue of the VSP to remain employed by the University and nothing in the VSP shall restrict the right of the University to terminate the employment of any eligible employee.

Termination for cause following acceptance into the Geosciences VSP program and prior to the agreed Separation Date may result in forfeiture of all rights, including Separation Payments, under the VSP program.

Applicable Law

The VSP shall be governed and construed in accordance with the laws of the State of Texas, without reference to its conflicts of law provisions.

Severability

If any provision of the VSP is found, held or deemed by a court of competent jurisdiction to be void, unlawful or unenforceable under any applicable statute or other controlling law, all of the remaining provisions of the VSP shall continue in full force and effect.

Nondiscrimination Statement

The University will not engage in discrimination or harassment against any person because of race, color, religion, sex, national origin, ancestry, age, marital status, disability, genetic information, status as a protected veteran, sexual orientation, or gender identity, and will comply with all federal and state nondiscrimination, equal opportunity and affirmative action laws, orders and regulations. This nondiscrimination policy applies to admissions, employment, access to and treatment in the University's programs and activities.

End of the Program

The VSP will terminate when all payments described herein have been provided.

Questions Regarding the VSP

This program is being administered by the College of Geosciences. Retirement guidelines are found at <http://employees.tamu.edu/benefits/retirement/>. The Dean of Geosciences shall have the discretionary authority to determine eligibility for the VSP payment and other consideration and to construe the terms of the VSP, including the making of factual determinations. The decisions of the Dean of Geosciences shall be final and conclusive with respect to all questions concerning the administration of the VSP. Questions or concerns regarding this program should be directed to bbayer@tamu.edu, 979-862-1146.

Disputes regarding the application of the VSP

If for any reason you dispute or disagree with the application of the VSP to your situation, please contact the Dean of the College of Geosciences in writing by hand-delivery at 202 O&M Building, TAMU, College Station, TX, 77843.

The Dean of Geosciences will accept only written disputes that are hand-delivered or postmarked within

thirty (30) calendar days from the date of the occurrence of the matter giving rise to dispute or disagreement, or within thirty (30) calendar days after the disputant, through the use of reasonable diligence, could have obtained knowledge of the occurrence of the matter giving rise to the dispute or disagreement. Written disputes or disagreements sent by facsimile, electronic mail, or campus mail will not be accepted.

VSP Timeline Summary

- **Friday, March 23, 2018:** Program formally announced
- **Monday, March 26, 2018:** Information available online.
- **Friday, March 23, 2018 – Monday, May 1, 2018:** Eligible faculty members may voluntarily apply for the program.
- **Monday, May 4, 2018:** Accepted faculty members to the program will be notified no later than May 4, 2018.
- **Monday, May 11, 2018:** All faculty members accepted to the program by May 4, 2018 must execute their Separation Agreement by no later than May 11, 2018, and may revoke the executed agreement if they desire to by no later than 7 days beyond the date of execution of the Agreement.
- **Tuesday, May 12, 2018:** If any accepted faculty members did not choose to execute their Separation Agreement, other faculty members may be notified of acceptance to the program.
- **Tuesday, May 19, 2018:** Any faculty member given notice of acceptance to the VSP on May 12, 2018 must execute their Separation Agreement by no later than May 19, 2018, and may revoke the executed agreement if they desire to by no later than 7 days beyond the date of execution of the Agreement.
- **May 31, 2018:** First possible voluntary separation day for VSP, unless the dean has granted an exception on behalf of the faculty member.
- **May 31, 2019:** Last possible voluntary separation day.