

Voluntary Separation Incentive Program Summary

The opportunity for **tenure track faculty, clinical faculty and academic personnel with extended term appointments (hereinafter “eligible employee”)** to apply for the FY 2017 Voluntary Separation Incentive Program (VSIP) is limited. The application period begins on Thursday, December 1, 2016, and ends on Wednesday, February 1, 2017. Applicants approved for the program will have to separate from the University between May 15, 2017 and August 22, 2017 (if Academic Year employee) or August 31, 2017 (if Fiscal Year employee). Approved employees will be required to sign a Separation Agreement with a release of claims, described later in this document. Additional information, including a template of the Separation Agreement can be reviewed on-line at www.uwyo.edu/acadaffairs/VSIP/.

Each eligible employee with an *academic year* appointment who separates from the University in accordance with the VSIP will receive a one-time payment of their 9-month budgeted salary as of September 1, 2016, not to exceed \$150,000. Participants may receive supplemental pay for J-term and 2017 summer session (providing the separation date falls after the conclusion of summer session), but supplemental salary is not included in the one-time payment.

For eligible employees who have *fiscal year* appointments, the one-time payment will consist of 9/12ths of their budgeted salary, not to exceed \$150,000.

All payments are subject to deductions required for taxes, or required benefits or obligations existing upon separation for the eligible employee. The funds available for the VSIP are limited; therefore, it is possible that some applicants will not be approved for the program.

This VSIP is not an entitlement. A fundamental requirement of this program is that any participation in the program must meet the needs of the University as determined by departmental and college administration, and ultimately is the decision of the Provost and Vice President of Academic Affairs. Not every eligible employee’s application to participate in the program may be accepted.

Participation in the VSIP is voluntary. Submitting an application to the VSIP is voluntary for all eligible employees. Eligible employees are encouraged to consider the program; however, no one is required or not required to apply. Application to the VSIP will not in any way change the current employment relationship with the University.

Eligibility

Eligible participants will be limited to those academic personnel whose positions are provided for in the University’s agency 067 budget who: (1) currently hold tenure track and clinical faculty positions or extended term positions, and (2) have been employed in benefitted positions at the University of Wyoming for at least 20 years as of August 22, 2017 (for Academic Year employees) or August 31, 2017 (for Fiscal Year employees). Years of employment do not have to be consecutive.

- If you are uncertain if you meet the eligibility requirements, contact the Office of Academic Affairs at 766-4286 or VSIP@uwyo.edu.
- If your separation date is also your retirement date, contact Eric Goldenstein, Associate Director, Benefits, at 766-2437 or epgold@uwyo.edu for retirement counseling.

Application Procedure

The application period for the VSIP begins on December 1, 2016, and ends on February 1, 2017. Applications submitted later than midnight on February 1, 2017, will not be considered. To apply for the VSIP, you must complete the application form found at www.uwyo.edu/acadaffairs/VSIP/ and submit it, along with a comprehensive vitae, as email attachments to VSIP@uwyo.edu. Please add your *last name_first name* to the file name before submitting the application form and vitae (e.g., Doe_Jane_VSIP_application_form.docx). Receipt of applications will be acknowledged electronically.

Applicants approved for the VSIP must separate from the University between May 15, 2017 and August 22, 2017 (if Academic Year employee) or August 31, 2017 (if Fiscal Year employee). An attempt will be made to honor the requested date of separation; however, the date may have to be modified to accommodate the unit's needs. Upon request by a dean, the Provost may grant exceptions to separation dates.

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 VSIP payment. While it is the intention of the University to allow as many eligible members to participate in the VSIP as possible, the University has a limited amount of funding for this program.

Applications will be prioritized according to the methodology determined by the Provost to best support the College and University. Upon receipt of your application form, the Office of Academic Affairs will request a comprehensive list of your grants and contracts from the Office of Research and Economic Development. The Provost and your Dean, if applicable, may also request additional information to determine if your application will be approved.

You may withdraw your application form at any time *before* you submit the executed Separation Agreement described below. To withdraw your application, you must complete the Voluntary Separation Incentive Program Application Withdrawal Form found at www.uwyo.edu/acadaffairs/VSIP/ and submit it to VSIP@uwyo.edu.

Notification. Applicants will be notified whether or not their application has been approved by no later than March 27, 2017.

Separation Agreement. All approved employees must execute and submit their Separation Agreement by no later than 5 p.m. on April 3, 2017, or they are no longer eligible to participate in the program. All approved employees 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 April 3, you have until April 10 at 5 p.m. Instructions on how to submit the Separation Agreement are given below under **“SEPARATION AGREEMENT WITH WAIVER AND RELEASE.”**

It is possible that not all who are approved for 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 approved for the program no later than April 5, 2017. Any applicant approved and notified on April 5, 2017, will have until no later than 5 p.m. April 12, 2016, to execute and submit their Separation Agreement, and 7 days following the execution of the Separation Agreement to revoke the Separation Agreement.

VSIP Payment

Each eligible employee who has been approved and does not revoke their executed Separation Agreement will receive a one-time payment of their 9-month budgeted salary as of September 1, 2016, not to exceed \$150,000. For eligible employees who have fiscal year appointments, the one-time payment will consist of 9/12ths of their budgeted salary, not to exceed \$150,000.

The payment will be made with the employee’s final check. If an employee elects lump sum the final check will be after the last working day and no later than the end of the month; if the employee elects *terminal leave* the final check will be after the end of the leave and no later than the end of the month. All federal and state taxes and other deductions will be withheld as required by law. The VSIP payment does not count as “earnings” for Wyoming Retirement System (“WRS”) or TIAA purposes and is, therefore, not eligible for WRS or TIAA contributions. However, any accrued vacation or sick leave that is taken as terminal leave will count as “earnings” for WRS or TIAA purposes.

Potential post-separation activities

The University may agree to additional provisions such as potential involvement in post separation research or instructional activities or access to lab, office or studio space. Requests for additional provisions post-implementation of the Voluntary Separation should be submitted to the Dean/Supervisor. Final approval must be granted by the Provost and Vice President for Academic Affairs.

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 University regulations.

For any accrued and unused sick leave, as part of the VSIP, the employee will be allowed to choose one of three options: (1) converting up to 960 hours of accrued sick leave to a UW-paid contribution for group health insurance up to a maximum of 36 months; (2) receiving a one-time payment for ½ of the current sick leave balance as of the employee’s last working day up to a maximum of 480 hours; or (3) terminal leave for ½ of the current sick leave balance as of the

employee's last working day up to a maximum of 480 hours. As approved by the Board of Trustees on November 18, 2016, this option is an exception to the requirements outlined in UW Regulation 4-2.VI.B-C for the sole purpose of this Voluntary Separation Incentive Program.

For more information, please contact Eric Goldenstein, Associate Director, Benefits, at 766-2437 or epgold@uwyo.edu or refer to: www.uwyo.edu/hr/employee-benefits/.

Forfeiture of tenure or extended term status

Tenured faculty members relinquish their indefinite tenure status upon their voluntary separation date. Extended term personnel relinquish their extended term status upon their voluntary separation date.

Information to be furnished

Upon request, eligible employees shall furnish any documentation and/or information the University considers necessary to administer the VSIP.

Separation agreement with waiver and release

Upon notification of acceptance into the VSIP program, the approved employee will be provided with the Separation Agreement prepared for signature. For all approved employees who receive a Separation Agreement prior to or on March 27, 2017, the signed Separation Agreement must be either hand-delivered or mailed to the Office of Academic Affairs (Dept. 3302, 1000 E. University Ave., Laramie, WY 82071), no later than 5 p.m. April 3, 2017. Approved applications will be automatically withdrawn if their signed Separation Agreements are not received (or postmarked) by 5 p.m. April 3, 2017.

For all approved employees who receive a Separation Agreement on April 5, 2017, the signed Separation Agreement must be either hand-delivered or mailed to the Office of Academic Affairs (Dept. 3302, 1000 E. University Ave., Laramie, WY 82071), no later than 5 p.m. April 12, 2017. Approved applications will be automatically withdrawn if their signed Separation Agreements are not received (or postmarked) by 5 p.m. April 12, 2017.

Recommendation of Attorney Review

Eligible employees are advised to contact an attorney at their own expense to discuss the VSIP, including but not limited to any tax consequences, and to review the Separation Agreement prior to executing the agreement.

Recovery of VSIP Payments made by mistake

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

Representations contrary to the VSIP

No employee, officer, director or agent of the University has the authority to alter, vary or modify the terms of the VSIP, except the President and the Provost and Vice President for Academic Affairs. Any such alteration, variation or modification must be in writing.

No employment rights or contract

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

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

Applicable Law

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

Severability

If any provision of the VSIP 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 VSIP shall continue in full force and effect.

Nondiscrimination Statement

The University is committed to equal opportunity for all persons in all facets of the University's operations and is an Equal Opportunity/Affirmative Action employer. The University will provide all applicants for admissions, employment and all University employees with equal opportunity without regard to race, gender, religion, color, national origin, disability, age, protected veteran status, sexual orientation, genetic information, gender identity, creed, ancestry, political belief, any other applicable protected category, or participation in any protected activity. The University ensures non-discriminatory practices in all matters relating to its education programs and activities and extends the same non-discriminatory practices to recruiting, hiring, training, compensation, benefits, promotions, demotions, transfers, and all other terms and conditions of employment.

Previous retirement

Eligible employees who have previously retired from UW and were hired afterwards to an eligible position at UW will have low priority for acceptance into this VSIP program. If an eligible employee who has previously retired from UW is accepted into the VSIP program, any accrued sick leave that can be used pursuant to the paragraph above titled “**Information regarding other benefits**” will be limited to sick leave that has accrued since the most recent re-hire date.

End of the Program

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

Questions Regarding the VSIP

This program is being administered by the Office of Academic Affairs with the support of General Counsel and Human Resources. Retirement guidelines can be found at <http://www.uwyo.edu/hr/employee-benefits/retirement/>. The Provost and Vice President for Academic Affairs shall have the discretionary authority to determine eligibility for the VSIP payment and other consideration and to construe the terms of the VSIP, including the making of factual determinations. The decisions of the Provost and Vice President for Academic Affairs shall be final and conclusive with respect to all questions concerning the administration of the VSIP.

Questions or concerns about the VSIP should be directed to Tami Benham Deal, Associate Vice President of Academic Personnel, at 766-4286 or VSIP@uwyo.edu.

Questions or concerns about benefits or payments should be directed to Eric Goldenstein, Associate Director, Benefits, at 766-2437 or epgold@uwyo.edu

Disputes regarding the application of the VSIP

If for any reason you dispute or disagree with the application of the VSIP to your situation, please contact the Provost and Vice President for Academic Affairs. The Provost and Vice President for Academic Affairs 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.

The Provost and Vice President for Academic Affairs will review the written dispute and provide a written decision within thirty (30) calendar days from the date of receipt of the written dispute. The Provost’s decision is final; there is no additional review or appeal available.

VSIP Timeline Summary

- **Thursday, December 1, 2016:** Program formally announced and information available online.
- **Thursday, December 1 – Wednesday, February 1, 2017:** Eligible employees may voluntarily apply for the program.
- **Wednesday, February 15, 2017:** Deans (or supervisors if the eligible employee holds an administrative appointment and reports to a vice president or the president) will review all applications in their colleges (or units) and will submit a ranked list of applicants they want to accept into the VSIP to the Provost by February 15, 2017.
- **Monday, March 27, 2017:** Approved employees to the program will be notified no later than March 27, 2017.
- **Monday, April 3, 2017:** All eligible employees approved for the program by March 27, 2017, must execute their Separation Agreement by no later than April 3, 2017, and may revoke the executed agreement if they desire to by no later than 7 days beyond the date of execution of the Agreement.
- **Wednesday, April 5, 2017:** If any approved employee did not choose to execute their Separation Agreement, other eligible employees may be notified of acceptance to the program.
- **Wednesday, April 12, 2017:** Any eligible employee given notice of acceptance to the VSIP on April 5, 2017, must execute their Separation Agreement by no later than April 12, 2017, and may revoke the executed agreement if they desire to by no later than 7 days beyond the date of execution of the Agreement.
- **Monday, May 15, 2017:** First possible voluntary separation date for VSIP, unless upon request by a dean, the Provost has granted an exception.
- **Tuesday, August 22, 2017:** Last possible voluntary separation date for Academic Year employees (9 month).
- **Thursday, August 31, 2017:** Last possible voluntary separation date for Fiscal Year employees (12 month).