



OLD DOMINION UNIVERSITY

University Policy

Policy #6061

VIRGINIA HEALTH SCIENCES SEPARATION POLICY FOR CLINICAL EMPLOYEES (INTERIM POLICY)

Responsible Oversight Executive: Executive Vice President for Health Sciences

Date of Current Revision or Creation: July 1, 2024

A. PURPOSE

Healthcare practitioners have a duty to ensure continuity of care for the patients in their care. The purpose of this policy is to ensure that Clinical Employees, as defined below, provide sufficient notice for EVMS Medical Group to plan and execute an appropriate transition of care.

B. AUTHORITY

[Virginia Code Section 23.1-1301, as amended](#), grants authority to the Board of Visitors to make rules and policies concerning institution. Section 7.01(a)(6) of the [Board of Visitors Bylaws](#) grants authority to the President to implement the policies and procedures of the Board relating to University operations.

[18VAC85-20-28. Practitioner-patient communication; termination of relationship.](#)

C. DEFINITIONS

Administrative and Professional (AP) Medical Faculty – Employees who have administrative or professional duties directly related to the management or administration of, or patient care services in, a clinical care setting on behalf of EVMS Medical Group.

Clinical Employee - AP Medical Faculty, TR Medical Faculty, and Classified Medical Staff.

Classified Medical Staff - A salaried employee whose terms and conditions of employment are subject to [the Virginia Personnel Act, Code of Virginia Section 2.2-2900 et seq., as amended](#), and who is employed in a classified position to perform administrative or patient care services in a clinical setting on behalf of EVMS Medical Group.

Teaching and Research (TR) Medical Faculty - Employees who hold academic rank and whose work assignments primarily involve instruction, research, or scholarly activity for trainees in a clinical setting and/or the management or administration of, or patient care services in, a clinical setting and who have a faculty appointment in a department of the school of medicine.

D. SCOPE

This policy applies to full-time and part-time Clinical Employees.

E. POLICY STATEMENT

It is the policy of the University to maintain a uniform procedure for Clinical Employees who separate from the clinical enterprise of Virginia Health Sciences.

F. PROCEDURES

1. Voluntary Resignation. Voluntary resignation is when a Clinical Employee decides, for any reason, to terminate employment with a clinical department at Virginia Health Sciences. Clinical Employees who resign voluntarily are considered in “good standing” and eligible for rehire, provided that they give written notice to their immediate supervisor with a copy to the Department of Human Resources, prior to the last day actually worked as follows:
 - a. *TR Medical Faculty* – at least six months’ notice. Exceptions may be made regarding eligibility for rehire when clinical faculty provide less than six months’ notice due to circumstances beyond their control. All requests for exceptions will be made on a case-by-case basis and must be approved by the Department Chair and the Associate Vice President of Human Resources for Health Sciences or designee.
 - b. *AP Medical Faculty* – at least six weeks’ notice.
 - c. *Classified Medical Staff* - as required by Department of Human Resources Management Policy #1.70 Termination/Separation from State Service.

Upon being notified of a Clinical Employee’s intention to resign, the hiring supervisor shall request the written resignation. On the bottom of the document, the hiring supervisor should note the date the resignation was received, sign his/her name acknowledging receipt, and submit the document to the Department of Human Resources immediately. Hiring supervisors are also advised to contact the Department of Human Resources, the Payroll Office, and the Department of Information Technology Services immediately once they are aware of a Clinical Employee’s intention to resign.

2. Involuntary Termination. Involuntary termination occurs when a Clinical Employee is terminated in accordance with the Virginia Health Sciences Disciplinary Action Policy. Such employees are normally ineligible for rehire. Clinical Employees who provide notice in accordance with Section F(1), but who fail to meet performance standards, including failure to complete patient charts, during the notice period may also be subject to involuntary termination. In such event, the Clinical Employee will not be eligible for leave payout and will be ineligible for rehire.
3. Medical Discharge. Medical discharge occurs when an employee on FMLA has exhausted all of his/her leave time but is unable to receive clearance from his/her physician to return to work. Such employees are normally eligible for rehire.
4. Leave Payout. The University provides leave payouts to Clinical Employees who are eligible in accordance with University policy. Any Clinical Employee who is otherwise eligible for a leave payout and who is jointly funded from one or more sources where ODU is reimbursed a portion of the Clinical Employee's salary may not continue employment with the other funding source. The following individuals are not eligible for leave payout:

- a. Employees with the AP Medical Restricted Faculty classification are not eligible for leave payout.
- b. Clinical Employees who are discharged, involuntarily terminated or otherwise terminated for cause.
- c. Clinical Employees who resign, but do not provide sufficient notice as outlined in Section F(1).
- d. Clinical Employees who have provided sufficient notice in accordance with this Policy, but who fail to meet performance standards during the notice period may be subject to involuntary termination.
- e. Clinical Employees who have provided sufficient notice under Section II (A), but who have used paid leave (including time off that may have been pre-approved) within the last three weeks of the notice period (for any Clinical Employee whose required notice is 3 weeks or greater) or within the last two weeks (for any Clinical Employee required to provide a two-week notice). Holidays do not count as a part of the resignation period. The notice period will begin the following business day for any notice provided after 12 noon on a given day.

Any commitment made to an employee who is ineligible for severance pay will not be approved for payment.

5. Supplemental Compensation. Certain types of supplemental compensation have a service component. Clinical Employees who have received a service-based supplemental compensation payment and who a) fail to provide sufficient notice under Section F(1) of this policy; or b) who are terminated under Section F(2) of this policy within six months of receiving such payment, shall be required to return the supplemental compensation payment.
6. Separation Clearance Process. Supervisors must notify Virginia Health Sciences Human Resources upon notification of an employee's separation (at the time they provide notice of resignation or are involuntarily terminated for any reason) and follow University Policy 606 Separation Process for Faculty and Staff at the time they separate.

G. RECORDS RETENTION

Applicable records must be retained and then destroyed in accordance with the [Commonwealth's Records Retention Schedules](#).

H. RESPONSIBLE OFFICER

Associate Vice President of Human Resources for Health Sciences

I. RELATED INFORMATION

DHRM Policy 1.45 - [Commonwealth's Probationary Period Policy](#)
[Board of Visitors Policy 1470 - Faculty Grievance Policy](#)
[University Policy 6060 – Separation Process for Faculty and Staff](#)
[University Policy 6602 – Classified Employees Grievance Policy & Procedure](#)
University Policy 6604 - Virginia Health Sciences Grievance Policy
[Grievance Policy for Administrative and Professional Faculty in the AP Guidebook](#)

