Texas A&M University
Voluntary Separation Program Guidelines

For Staff of the Division of Information Technology
June 2017

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Texas A&M University
VOLUNTARY SEPARATION PROGRAM FOR
STAFF MEMBERS – IT DIVISION

PROGRAM DESCRIPTION
The opportunity for certain staff members to apply for the FY 2017 Staff Voluntary Separation Program, SVSP, is limited. The application period begins on Thursday, June 1, 2017, and ends on Friday, July 17, 2017. Applicants accepted in the program will have to separate from the University no later than October 1, 2017. Accepted staff members 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 online http://employees.tamu.edu/benefits/vsp. Each staff member who separates from the University in accordance with the SVSP will receive payment in accordance with the program. Each participant’s salary and annual appointment will be determined by the budgeted information on June 1, 2017. All payments are subject to deductions required for taxes, or required benefit or obligations existing upon separation for the staff member. The funds available for the SVSP are limited; therefore, it is possible that some applicants will not be accepted to the program.

The SVSP is not an entitlement and any approvals under the SVSP must be consistent with the needs of the University. A fundamental requirement of the SVSP is that any participation in the SVSP must result in a net benefit to the University as determined by division administration, and ultimately is the decision of the Vice President appropriate for the staff position; therefore, not every eligible staff member’s application to participate in the SVSP may be accepted.

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<th>TABLE 1 SVSP Program Authorized</th>
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<td>Accepted staff members will receive 6 months of their budgeted salary as determined by the budgeted information on June 1, 2017</td>
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DIT=Division of Information Technology

THE PROGRAM IS VOLUNTARY
Submitting an application to the SVSP shall be on a voluntary basis for all eligible staff members. You are encouraged to consider the program; however, no one can require you to apply or not apply to the SVSP. The availability of the SVSP does not in any way change your current employment relationship with the 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 staff 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 University.

ELIGIBILITY
The SVSP is available only to eligible staff members. You are an “eligible staff member” if you meet the requirement of 25 years of service to The Texas A&M University System on June 1, 2017 and you are employed in the Texas A&M IT Division. If you are
uncertain if you meet the eligibility requirement you may contact the Division of Human Resources and Organizational Effectiveness (HROE) at VSP@tamu.edu with your question. For this program the University will work with accepted applicants even if they are not providing six months' notice of retirement as stated in University Standard Administrative Procedure 31.07.01.M0.01; however, during any applicable retirement counseling with HROE the staff member may be asked to consider a change in separation date to ensure 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 October 1, 2017.

SVSP APPLICATION PROCEDURE
The application period for the SVSP begins on June 1, 2017, and ends on July 17, 2017. Applications submitted later than midnight on July 17, 2017, will not be considered. To apply for the SVSP, you must apply using the link found at http://employees.tamu.edu/benefits/vsp. Your application will only be considered if your completed online application is submitted to and received by the Division of Human Resources and Organizational Effectiveness no later than midnight July 17, 2017. If you want to apply but do not have access to this web site contact the Division of Human Resources and Organizational Effectiveness at VSP@tamu.edu. 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. No separation date prior to 7 days after submission of a signed Separation Agreement will be considered as part of the SVSP.

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 SVSP payment. While it is the intention of the University to allow as many eligible staff members to participate in the SVSP as possible, the University has a limited amount of funding for this program. Before any staff member's application is considered, the department head or division VP must concur that the cost of addressing the loss of the applicant staff member is sufficiently countered by the budgetary benefits gained. Applications will be prioritized after July 17, 2017 according to the methodology determined by the appropriate Vice President to best support the unit and University.

Receipt of applications will be acknowledged electronically. 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 and submit the withdrawal form at http://employees.tamu.edu/benefits/vsp. 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 July 24, 2017. All accepted staff members must execute their Separation Agreement by no later than 5 p.m. on July 31, 2017 or they are no longer eligible to participate in the program. All accepted staff members who execute their Separation Agreement will have 7 days following their execution to revoke the Separation Agreement.
Agreement (e.g. if you sign the Separation Agreement on July 28th, you will have until August 4th at 5 p.m. to revoke; if you sign on July 31st, you will have until August 7th at 5:00 p.m. etc). 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 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 August 7, 2017. Any applicant accepted and notified on August 7, 2017 will have until 5:00 p.m. August 14, 2017 to execute and submit their separation agreement, and 7 days following execution of the Separation Agreement to revoke the Separation Agreement.

SVSP PAYMENT
Each eligible staff member who has been accepted and does not revoke their executed Separation Agreement will receive one lump-sum payment in accordance with the program. 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 SVSP payment does not count as “earnings” for TRS or ORP purposes and is, therefore, not eligible for TRS or ORP contributions.

INFORMATION REGARDING OTHER BENEFITS
Accrued and unused vacation payments due to a staff member 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://employees.tamu.edu/benefits/retirement/.

INFORMATION TO BE FURNISHED
Upon request, staff members shall furnish any documentation and/or information the University considers necessary to administer the SVSP.

SEPARATION AGREEMENT WITH WAIVER AND RELEASE
Upon notification of acceptance into the SVSP program the staff member will be provided with the Separation Agreement prepared for signature. For all accepted staff members who receive a Separation Agreement prior to or on July 24, 2017 the signed Separation Agreement must be submitted electronically in the online process, or hand-delivered or mailed via the US Postal Service to the Division of Human Resources and Organizational Effectiveness (750 Agronomy Road, Suite 1201, College Station, TX 77843-1255) no later than 5 p.m. July 31, 2017. Accepted applications will be automatically withdrawn if their signed Separation Agreements are not received online or in person (or postmarked) by 5 p.m. July 31, 2017. For all accepted staff members who receive a Separation Agreement on August 7, 2017 the signed Separation Agreement must be either submitted electronically in the online process, or hand-delivered or mailed via the US Postal Service to the Division of Human Resources and
Organizational Effectiveness (750 Agronomy Road, Suite 1201, College Station, TX 77843-1255) no later than 5 p.m. August 14, 2017. Accepted applications will be automatically withdrawn if their signed Separation Agreements are not received (or postmarked) by 5 p.m. August 14, 2017.

RECOMMENDATION OF ATTORNEY REVIEW
Eligible staff members are advised to contact an attorney at their own expense to discuss the SVSP and to review the Separation Agreement prior to executing the agreement.

NO ASSIGNMENT OF SVSP PAYMENTS
Under no circumstances may a SVSP 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 SVSP PAYMENTS MADE BY MISTAKE
Staff members shall return to the University any SVSP payment or other consideration, or portion thereof, made by a mistake of fact or law or paid contrary to terms of the SVSP.

REPRESENTATIONS CONTRARY TO THE SVSP
No employee, officer, director or agent of the University has the authority to alter, vary or modify the terms of the SVSP, except by means of an authorized written amendment to the SVSP signed by the Vice President for Human Resources and Organizational Effectiveness. No verbal or written representations contrary to the terms of the SVSP and its written amendments shall be binding upon the University.

NO EMPLOYMENT RIGHTS OR CONTRACT
The SVSP shall not confer employment rights upon any person. Nothing contained in the SVSP 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 SVSP to remain employed by the University and nothing in the SVSP shall restrict the right of the University to terminate the employment of any eligible employee.

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

APPLICABLE LAW
The SVSP 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 SVSP 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 SVSP 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.

AMENDMENT OF THE SVSP
The SVSP may be terminated or amended in any respect at any time at the discretion of the Vice President for Human Resources and Organizational Effectiveness. Notwithstanding the foregoing, no amendment of the SVSP may reduce the SVSP payment or other consideration previously provided under the SVSP.

END OF THE PROGRAM
The SVSP will terminate when all payments described herein have been provided.

QUESTIONS REGARDING THE SVSP
This program is being administered by the Division of Human Resources and Organizational Effectiveness (VSP@tamu.edu). Retirement guidelines are found at http://employees.tamu.edu/benefits/retirement/. The Vice President for Human Resources and Organizational Effectiveness shall have the discretionary authority to determine eligibility for the SVSP payment and other consideration and to construe the terms of the SVSP, including the making of factual determinations. The decisions of Vice President for Human Resources and Organizational Effectiveness shall be final and conclusive with respect to all questions concerning the administration of the SVSP. Questions or concerns regarding this program should be directed to VSP@tamu.edu, 979-862-1718.

DISPUTES REGARDING THE APPLICATION OF THE SVSP
If for any reason you dispute or disagree with the application of the SVSP to your situation, please contact the Vice President for Human Resources and Organizational Effectiveness in writing by hand-delivery or US Postal at 750 Agronomy Road, Suite 1201, College Station, TX 77843-1255.

The Vice President for Human Resources and Organizational Effectiveness 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.
SVSP TIMELINE SUMMARY

- **June 1, 2017**, Program formally announced
- **June 1-July 17, 2017** Eligible staff members may voluntarily apply for the program
- **July 24, 2017** Accepted staff members to the program will be notified no later than the 24th.
- **July 31, 2017** All staff members accepted to the program by July 24th must execute their Separation Agreement by no later than July 31st, and may revoke the executed agreement if they desire to by no later than 7 days beyond the date of execution of the Separation Agreement.
- **August 7, 2017** If any accepted staff members did not choose to execute their Separation Agreement, other staff members may be notified of acceptance to the program.
- **August 14, 2017** Any staff member given notice of acceptance to the SVSP on August 7th, 2017 must submit their executed Separation Agreement by no later than August 14th, and they have 7 days beyond the execution of their agreement to revoke the Separation Agreement.
- **October 1, 2017** Last possible voluntary separation day.