

**UCOP Human Resources Procedure 64 – TERMINATION AND JOB ABANDONMENT OF CAREER EMPLOYEES (PROFESSIONAL & SUPPORT STAFF AND MANAGERS & SENIOR PROFESSIONALS)**

- I. POLICY REFERENCES**
- UC-PPSM 23, Performance Appraisal
  - UC-PPSM 62, Corrective Action
  - UC-PPSM 64, Termination of Career Employees – Professional and Support Staff and Managers & Senior Professionals
  - UC-PPSM 70, Complaint Resolution

**II. GENERAL**

**A. Job Abandonment**

An employee who fails to report to work as scheduled for five consecutive workdays without notice or without approval may be considered to have voluntarily resigned from his/her position due to job abandonment. The University will provide the employee with a written notice of intent to separate due to job abandonment. The notice must include the reason(s) for the separation and a statement that the employee has the right to respond either orally or in writing within 8 calendar days. After the employee has responded or after 8 calendar days, whichever comes first, management will review the response, if any, and issue a final decision. This decision is not eligible for review under the complaint resolution policies.

**B. Termination: Professional & Support Staff**

**1. General**

Regular (career) status professional and support staff may be terminated from employment because of continuing unacceptable performance deficiencies and workplace misconduct. Normally, termination is preceded by corrective action (UC-PPSM 62, Corrective Action) unless the unacceptable performance or workplace misconduct warrants immediate termination.

**2. Written Warning**

When termination is for failure to maintain appropriate work performance standards, the employee must receive at least one written warning prior to termination unless the unsatisfactory performance warrants immediate dismissal. Termination for misconduct does not require a written warning.

**3. Notice and Decision**

The employee must receive written notice of the intent to terminate. This notice must include a statement of the reason(s) for the intended action, a copy of any materials upon which the termination is based, and a statement that the employee has the right to respond either orally or in writing within 8 calendar days of the date of the notice of intent to terminate. After the employee has responded or after 8 calendar days, whichever comes first, management will review the response, if any, and inform the employee of the action to be taken.

**4. Pay in Lieu of Notice**

The employee must receive at least 15 calendar days' notice prior to termination or pay in lieu of notice. The 15 calendar days will be counted from the date of the notice of intent to terminate.

However, if the termination is for misconduct, the employee may be suspended without pay as of the date of the notice of intent to terminate. If the employee provides a timely response to the notice of intent, the employee may be terminated immediately after consideration of that response. If the employee does not provide a timely response to the notice of intent, the employee may be terminated immediately after the eighth (8<sup>th</sup>) day following the date of the intent to terminate.

These procedures do not apply to employees holding Probationary, Limited, Casual/Restricted, or Floater Appointments.

**C. Termination: Managers & Senior Professionals – Manager 3 and Below**

*(This section applies to employees in MSP positions classified as Manager 3 and below, unless the employee has been grandfathered under the termination provisions that applied to their pre-Career Tracks classification)*

**1. General**

Managers and senior professionals as listed in Section C (above) who hold career appointments may be terminated from employment when, in management's judgment, the needs or resources of the department or the performance or conduct of the employee do not justify the continuation of the employee's appointment.

**2. Notice and Decision**

When an appointment is to be terminated, the employee must receive written notice of the intent to terminate. This notice must include a statement of the reason(s) for the intended action, a copy of any materials upon which the termination is based, and a statement that the employee has the right to respond either orally or in writing within 8 calendar days of the date of the notice of intent to terminate. After the employee has responded or after 8 calendar days, whichever comes first, management will review the response, if any, and inform the employee of the action to be taken.

**3. Notice Period or Pay in Lieu of Notice**

An employee terminated for reasons other than misconduct will receive 60 calendars' notice prior to termination or pay in lieu of notice. The 60 calendar days will be counted from the date of the notice of intent to terminate.

However, if the termination is for misconduct, the employee may be suspended without pay as of the date of the notice of intent to terminate. If the employee provides a timely response to the notice of intent, the employee may be terminated immediately after consideration of that response. If the employee does not provide a timely response to the notice of intent, the employee may be terminated immediately after the eighth (8<sup>th</sup>) day following the date of the intent to terminate.

**D. Official Review**

**1. Official Reviewer**

The notice shall also clearly identify the person to whom the employee should direct his or her response, the Official Reviewer (also known as a "Skelly Officer"). The Official Reviewer, the person to whom the employee response is to be directed, should be at least one administrative level higher within the direct organizational structure than the person who issues the notice of intent. The function of the Official Reviewer is to give the employee an opportunity to respond and to minimize the risk that the notice of intent to impose termination was wrongly issued.

All written notices of proposed actions shall be hand-delivered, with receipt acknowledged via signature on a copy of the notice for UCOP HR files. When personal delivery is not possible, the notice may be sent by U.S. Postal Service or other qualified delivery service with the delivery tracked and confirmed. A copy of the supporting documentation supporting the notice of intent should also be provided to the UCOP Human Resources.

**2. Employee Representation**

Employees who receive a notice of intent may be assisted by a representative of his or her choosing, except that a supervisory or confidential employee may not represent a non-supervisory or non-confidential employee, respectively, a non-supervisory or non-confidential employee may not represent a supervisory or confidential employee, respectively.

### **3. Action Taken**

After the employee has responded, or after eight (8) calendar days, whichever comes first, the Official Reviewer shall review the response in consultation with the division or department head, as appropriate, if any, and shall notify the employee in writing of the action to be taken in consultation with the Manager, UCOP Human Resources.

If termination action as referenced above is to be imposed, the employee shall be advised of her/his right to review under UC-PPSM 70, Complaint Resolution. A copy of the final notice will be placed in the employee's personnel file and a copy sent to the Manager.

### **E. Termination: Managers & Senior Professionals – Above Manager 3 and Equivalent Positions** *(This section applies to employees in MSP positions classified above Manager 3)*

#### **1. General**

Managers and senior professionals as listed in Section D (above) who hold career appointments serve at the discretion of the Chancellor (COO) and may be terminated at will and at any time with or without cause. The at-will status of these employees cannot be altered except by amendment of this Policy.

#### **2. Notice**

Managers and senior professionals may receive, at the sole discretion of the Chancellor, up to sixty calendar days' written notice prior to termination or pay in lieu of notice.

### **F. Termination Assistance: Managers & Senior Professionals**

Managers and Senior Professional employees may be assisted, at the discretion of the Chancellor, as follows:

1. Assignment of the employee to another position, if a position is available, the employee is qualified to perform, and when the assignment is in the University's interest.
2. Career counseling or outplacement services.
3. Reasonable time off with pay to interview for other positions both within and outside the University.
4. Severance
  - a. A location may grant severance pay in the amount of one month of pay, or less, for each completed year of continuous University service up to a maximum of six months. In order to receive severance, the employee must enter into a written separation agreement that is approved by the University in accordance with the *Policy on Settlement of Litigation, Claims, and Separation Agreements* (Regents Policy 4105).
  - b. No severance pay will be provided when termination is a result of misconduct, as determined by the Chancellor.
  - c. An employee who is reemployed at any University location in any capacity during the paid severance period is required to repay to the University an amount equal to the severance pay received for the time period beginning with the date of hire in the new position to the end of the paid severance period.

In the event the monthly salary in the new position is less than the monthly salary used to calculate the severance pay amount, the employee is required to repay to the University an amount based on the monthly salary of the new position for the time period beginning with the date of hire in the new position to the end of the paid severance period.

A written repayment plan is to be agreed upon between the employee and the University before the employee begins work.

## **III. RESPONSIBILITY**

Division or Department Heads (or Supervisor) may initiate an investigation necessary to determine the appropriateness of termination in the case of workplace misconduct in consultation with the Manager, UCOP Human Resources, and issue to an employee, when necessary, the required notice of "intent to terminate."