



Administrative Procedure

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Subject: RECONSIDERATION PROCEDURES FOR NON-REPRESENTED EMPLOYEES

1.0. PURPOSE:

To establish a procedure that allows for the reconsideration of personnel actions concerning promotion, retention, evaluation, assignment, reassignment, and hours of work by employees of California State University, Los Angeles, who are members of the Public Employees' Retirement System and are not represented by an exclusive representative under the Higher Education Employer-Employee Relations Act (HEERA).

2.0. ORGANIZATIONS AFFECTED:

All University departments.

3.0. REFERENCES:

- 3.1. Office of the Chancellor Executive Order Number 923, Subject: Reconsideration Procedures for CSU Employees Not Represented by an Exclusive Representative.
- 3.2. The California Code of Regulations, Title 5, Sections 42728 and 43775.
- 3.3. Office of the Chancellor Coded Memorandum HR/SA 2000-10, Subject: Title 5 Regulations for the Management Personnel Plan (MPP).
- 3.4. Education Code, Section 89539.

4.0. POLICY:

It is the policy of the University to encourage discussion and seek resolution of requests presented by covered employees for reconsideration of personnel actions concerning promotion, retention, evaluation, assignment, reassignment and hours of work. This informal procedure shall be the exclusive administrative remedy for such requests and shall not apply to hearings on employee disciplines under Section 89539 of the Education Code.

Approved:

Date:

5.0. DEFINITIONS:

- 5.1. Covered Employee--An employee who is a member of the Public Employees' Retirement System and who is not represented by an exclusive representative under the Higher Education Employer-Employee Relations Act (HEERA).
- 5.2. Day--unless specified otherwise refers to a calendar day. The time in which an act provided by this procedure is to be done is computed by excluding the first day, and including the last, unless the last day is a holiday or other day on which the University is not regularly open for business, and then it also is excluded.
- 5.3. Immediate Supervisor--refers to the appropriate nonbargaining unit supervisor or management person to whom the covered employee is accountable.
- 5.4. College/School /Division Administrator or Vice President--refers to the appropriate administrator unless the employee filing the request for reconsideration reports directly to that administrator. In such case, another administrator will be selected by the President (or designee).
- 5.5. Request for Reconsideration--refers to the reconsideration of personnel actions concerning retention, evaluation, promotion, assignment, reassignment, and hours of work.

6.0. RESPONSIBILITIES:

- 6.1. The Immediate Supervisor will meet with the covered employee to consider requests for reconsideration submitted by the covered employee.
 - 6.1.1. Provide a written recommendation to the Director, Human Resources Management.
- 6.2. The Director, Human Resources Management will:
 - 6.2.1. Serve as the President's designee to receive Second Level Review requests for reconsideration and respond at Levels I and II, in accordance with sections 7.1. and 7.2. of this procedure.
 - 6.2.2. Receive and forward the written request for Second Level Review to the appropriate college/school/division administrator or Vice President.
 - 6.2.3. Receive written recommendations from the appropriate college/school/division administrator or Vice President.
 - 6.2.4. Maintain individual reconsideration files which are separate from the covered employee's official personnel file.

- 6.2.5. Determine if requests for reconsideration and written recommendations are provided in a timely fashion.
- 6.2.6. Review written recommendations and consult with the appropriate administrator(s), as necessary, prior to responding to the covered employee.
- 6.2.7. Respond in writing to the covered employee within the prescribed timelines.

6.3. The College/School/Division Administrator or Vice President will:

- 6.3.1. Discuss requests for reconsideration with the appropriate immediate supervisor and the Director, Human Resources Management (as appropriate).
- 6.3.2. Meet with covered employee submitting reconsideration request.
- 6.3.3. Provide a recommendation to the Director, Human Resources Management for review.

6.4. The President (or designee) will:

- 6.4.1. Meet with covered employee submitting the reconsideration request for Third Level Review and Presidential direct reports.
- 6.4.2. Provide a written response to the covered employee submitting the reconsideration request which is final.
- 6.4.3. Select an alternate administrator, to conduct the reconsideration review, for any covered employee filing a reconsideration request who reports directly to a college/school/division administrator or Vice President.

7.0. PROCEDURES:

7.1. First Level (Informal) Review:

- 7.1.1. Covered employees will present requests for reconsideration to his/her immediate supervisor no later than ten (10) days after the personnel action giving rise to the request for reconsideration, or no more than ten (10) days after the covered employee knew or reasonably should have known of the personnel action giving rise to the request for reconsideration.
- 7.1.2. Immediate supervisors will hold a meeting with the covered employee at a mutually acceptable time and location no later than ten (10) days after receipt of the request for reconsideration.

- 7.1.3. Immediate supervisors will provide a recommendation to the Director, Human Resources Management no later than ten (10) days after the First Level meeting.
- 7.1.4. The Director, Human Resources Management will review the reconsideration recommendation and consult with the appropriate administrator(s), as necessary, prior to responding to the covered employee.
- 7.1.5. Respond in writing to the covered employee no later than twenty-one (21) days after the First Level meeting.

7.2. Second Level Review:

- 7.2.1. If the request for reconsideration is not resolved at the First Level, covered employees may file a request for a Second Level Review with the Director, Human Resources Management, no later than ten (10) days after the First Level response. The covered employee shall state clearly and concisely in writing:
 - a. The specific personnel action for which reconsideration is requested;
 - b. The remedy sought;
 - c. The name and working classification of the covered employee and his/her signature; and,
 - d. The date of submission.

Such a request shall be made in writing and describe the nature of the reconsideration request and the results of the First Level meeting.

7.2.2. The Director, Human Resources Management will:

- 7.2.2.1. Receive and forward to the appropriate college/school/division administrator or Vice President written Second Level requests for reconsideration within five (5) working days.
- 7.2.2.2. Specify recommendation return dates from the appropriate college/school/division administrator or Vice President.
- 7.2.2.3. Review reconsideration recommendations and consult with appropriate administrators, as necessary.

7.2.2.4. Respond in writing to the covered employee no later than twenty-one (21) days after the Second Level meeting.

7.2.3. The College/School/Division Administrator or Vice President will:

7.2.3.1. Hold a meeting with the covered employee at a mutually acceptable time and location no later than ten (10) days after receipt of the request for reconsideration.

7.2.3.2. Provide a recommendation in writing to the Director, Human Resources Management within ten (10) days of the Second Level meeting.

7.3. Third Level Review:

7.3.1. If the request for reconsideration is not resolved at the Second Level, covered employees may file a request for a Third Level Review with the President, no later than ten (10) days after the Second Level response. The covered employee shall state clearly and concisely in writing:

- a. The specific personnel action for which reconsideration is requested;
- b. The remedy sought;
- c. The name and working classification of the covered employee and his/her signature; and,
- d. The date of submission.

Such a request shall be made in writing and describe the nature of the reconsideration request and the results of the Second Level meeting.

7.3.2. The President, or designee, will:

7.3.2.1. Hold a meeting with the covered employee at a mutually acceptable time and location, within twenty-one (21) days.

7.3.2.2. Respond in writing to the covered employee within twenty-one (21) days after the Third Level meeting. The decision of the President shall be final.

7.4. Presidential Direct Reports:

7.4.1. Employees reporting directly to the President shall have one level of review with the President or designee. The decision of the President shall be final.

7.5. If deemed appropriate due to unanticipated scheduling conflicts, (e.g., vacation, illness, etc.), timelines referenced in this procedure may be extended by mutual agreement.

8.0. APPENDICES:

8.1. Timelines