Administrative Procedure

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Subject: RECONSIDERATION PROCEDURES FOR MANAGEMENT PERSONNEL PLAN EMPLOYEES

1.0. PURPOSE:

To establish a procedure that allows for the review and reconsideration of personnel actions concerning promotion, retention, evaluation, demotion, assignment, and/or reassignment, for employees of California State University, Los Angeles, (Cal State LA) who are members of the Management Personnel Plan (MPP) as defined in Title 5, Section 42720 of the California Code of Regulations (CCR) 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. CSU Executive Order Number 1106, Subject: Reconsideration Procedures for Management Personnel Plan Employees.

3.2. The California Code of Regulations, Title 5, Sections 42728 and 43775.

3.3. CSU 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 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.

5.0. DEFINITIONS:

5.1. Covered Employee - An employee who is a member of the Management Personnel Plan (MPP) as defined in Title 5, Section 42720 of the California Code of Regulations (CCR) and who is not represented by an exclusive representative under the Higher Education Employer-Employee Relations Act (HEERA).

Approved: _____ **Date:** _____

5.2. Day - Unless specified otherwise, refers to a calendar day. The timeframe 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 - The appropriate non-bargaining unit supervisor or management person to whom the covered employee is accountable.

5.4. College/School /Division Administrator or Vice President - 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 - The reconsideration of personnel actions concerning retention, evaluation, promotion, demotion, assignment, and/or reassignment

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 Associate Vice President, Human Resources Management (AVP, HRM).

6.2. The AVP, HRM will:

6.2.1. Respond at the First Level, in accordance with sections 7.1. of this procedure.

6.2.2. Receive written recommendations from the Immediate Supervisor.

6.2.3. Maintain individual reconsideration files which are separate from the covered employee's official personnel file.

6.2.4. Determine if requests for reconsideration and written recommendations were provided in a timely fashion.

6.2.5. Review written recommendations and consult with the appropriate administrator(s), as necessary, prior to responding to the covered employee.

6.2.6. Respond in writing to the covered employee within the prescribed timeframe.

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

6.3.1. Discuss requests for reconsideration with the immediate supervisor and the AVP, HRM (as appropriate).

6.4. The President (or designee) will:

6.4.1. Meet with covered employee submitting the reconsideration request for Second Level Review and Presidential direct reports.

6.4.2. Prepare a final written response to the covered employee submitting the reconsideration request and forward a copy of the response to the AVP, HRM.

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 Review:

7.1.1. Covered employees will present written requests for reconsideration to his/her immediate supervisor with a copy to the AVP, HRM 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. For matters concerning non-retention or demotion, the covered employee may request to meet with a HRM representative (MPP) in lieu of their immediate supervisor.

7.1.2. Immediate supervisor or the HRM representative (MPP), as appropriate, 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 written request for reconsideration.

7.1.3. If applicable the immediate supervisor will provide a written recommendation to the AVP, HRM no later than ten (10) days after the First Level meeting.

7.1.4. The AVP, HRM will:

7.1.4.1. Review the reconsideration recommendation from the immediate supervisor and/or consult with the appropriate administrator(s), as necessary, prior to responding to the covered employee.

7.1.4.2. 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 President or designee, no later than ten (10) days after the First Level response. Such a request shall be made in writing and describe the nature of the reconsideration request and the results of the First Level meeting. The covered employee shall state clearly and concisely in writing:

a. The specific personnel action for which reconsideration is requested;

b. The remedy sought.

7.2.2. The AVP, HRM will:

7.2.2.1. Receive and file a copy of the Second Level Review response.

7.2.2.2. Provide consultation as necessary.

7.2.3. The President, or designee will:

7.2.3.1. Hold a meeting with the covered employee at a mutually acceptable time and location no later than twenty-one (21) days after receipt of the request for reconsideration.

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

7.2.3.3 Provide a copy of the decision to the AVP, HRM.

7.4. Presidential Direct Reports:

7.4.1. Employees reporting directly to the President may meet with the President's designee for the Second Level review. The decision of the President's designee shall be final.

7.5. Scheduling Conflicts:

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

8.0. APPENDICES:

N/A