

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: March 21, 2023

REGULATION TITLE:

USPS Predetermination Procedures for Employees with Regular Status

REGULATION NO.:

UCF-3.033

SUMMARY OF REGULATION AMENDMENT: This regulation sets out the procedures to implement disciplinary suspension or termination of USPS employees. The proposed amendments serve to update the predetermination procedures. Specifically: what must be included in the written notice to the employee; how the predetermination conference should be conducted; and how a decision will be communicated to the employee. Other proposed amendments clarify that the university will move forward with the proposed action if the employee does not respond or fails to attend the predetermination conference; and correct a cross-citation related to administrative leave.

AUTHORITY: BOG Regulation 1.001

NAME OF PERSONS WHO INITIATED PROPOSED REGULATION AMENDMENT:

Maureen Binder, Associate Vice President and Chief HR Officer

COMMENTS CONCERNING THE PROPOSED REGULATION AMENDMENT SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation you are commenting on.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION AMENDMENT IS:

Regulations Administrator
4365 Andromeda Loop N.
Millican Hall, Suite 360
Orlando, FL 32816-0015
Phone: (407) 823-2482
e-mail: regulations@ucf.edu

FULL TEXT OF THE PROPOSED REGULATION AMENDMENT:

UCF-3.033 USPS Predetermination Procedures for Employees with Regular Status.

(1) This regulation sets forth the predetermination procedures for University of Central Florida University Support Personnel System (USPS) employees with regular status.

- (a) Written Notice – Prior to discharge ~~for disciplinary reasons, or~~ suspension without pay for disciplinary reasons ~~, demotion for disciplinary reasons, or reduction in pay for disciplinary reasons~~ of regular status employees, the university shall notify the employee as follows:

1. The employee shall be given written notice of the proposed action at least 14 calendar days prior to the date the action is to be taken.
 2. If the employee is available, the notice shall be ~~hand~~-delivered to the employee in a meeting (in person or remotely) with a witness present to and the employee shall acknowledge receipt. Otherwise, the notice shall be mailed to the employee by certified mail, return receipt requested. The notice shall be considered received by the employee even if refused or ignored.
- (b) Contents of Predetermination Notice – The notice shall be signed by the Chief Human Resources Officer or designee and shall include the following:
- ~~1. The effective date of the university's proposed final action;~~
 12. The specific charges or reasons for the action;
 23. Attachment(s) of the A-list of document(s) on which the charges or other reasons are based;
 34. A statement that the employee may, within 7 calendar days of receipt of the notice, respond in writing as to whether or not they will be attending the predetermination conference defined in the notice; submit a request in writing for a predetermination conference at which time the employee may make an oral or written statement, or both, to the university to refute or explain the charges or reasons for the action; and the name, email address, and telephone number of the person to whom the confirmation request for a conference shall be directed;
 45. A statement that the requested predetermination conference is an opportunity for the employee to make an oral or written statement (or both) to the university to refute or explain the charges or reason(s) for the conduct, for the university to consider before implementing the proposed disciplinary action; must be held prior to the proposed effective date of the action, at the date, time, and place of the predetermination conference, which is determined by the university, normally during regular business hours; and that the employee is permitted to bring a representative to advise and assist;
 56. A statement that the University of Central Florida desires to reduce the risk of error in taking the action against the employee and to avoid ~~damaging the employee's reputation by~~ untrue or erroneous charges, and therefore, the university is interested in receiving and considering the employee's response;
 67. A copy or summary of the predetermination procedures; and
 78. Notice that an employee may resign with an understanding that they will be listed as ineligible for rehire if the proposed action is a discharge due to disciplinary reasons. "Ineligible for rehire" indicates that the employee will not be allowed to work in any department or position at the university.
- (c) Predetermination Conference – If the employee confirms their attendance for the predetermination conference, a conference is requested by the employee, it the conference must will be conducted by the Chief Human Resources Officer or designee to make the final decision as follows:
1. The person(s) conducting the conference shall convene the conference at

the time and place set by the university, shall identify all participants, and shall explain the purpose of the conference. The purpose of the conference is to hear the employee's response to the charges in order to protect the employee from erroneous or arbitrary adverse action, to afford the university an opportunity to reevaluate its position after reviewing the information presented by the employee, and to thereafter affirm or alter the disciplinary action as ~~determined as~~ a result of the conference. In the case of proposed discipline arising out of a decision maker's finding that Title IX Sexual Harassment has occurred, the conference shall not operate as a further appeal opportunity of the Title IX hearing beyond the appeal provided by the University's Title IX Grievance Policy, UCF Policy 2-012. If an appeal is filed under Policy 2-012, the conference will be held in abeyance until the appeal is resolved. Whether or not an appeal under Policy 2-012 is filed, an employee disciplined pursuant to Policy 2-012 will, during the conference, be limited to contesting the severity of the sanctions determined by the decision maker and/or imposed by the University.

2. The conference shall be informal and shall not be in the nature of an evidentiary hearing. The employee is permitted to bring a representative to assist or advise them, but discovery, cross-examination, and similar legal procedures are not permissible.
3. The employee shall be permitted to submit relevant information, orally or in writing (or both), ~~or both~~, including through witnesses. The privilege is reserved to the University of Central Florida to give such information the weight it deems proper. ~~If the employee chooses to attend the conference but make no response, the University of Central Florida will proceed on the basis of the information it has or can obtain without such a response.~~
4. ~~After the conference is conducted, the employee shall be notified, as soon as practicable, that the proposed final action will be effective on a specific date, that the proposed final action has been revised, or that no action will occur.~~

- (d) Decision – After the conference, the employee shall be notified, as soon as practicable, of the determined final action on the proposed discipline, which may be upheld, revised, or dismissed. Any notice of final action resulting in discipline shall state the effective date(s). ~~if the university determines that it will proceed with the discharge for disciplinary reasons, suspension without pay for disciplinary reasons, demotion for disciplinary reasons, or reduction in pay for disciplinary reasons, t~~The employee shall be notified of the decision in writing by personal delivery, by electronic mail, or by certified mail, return receipt requested.
- (e) ~~If no conference is requested~~the employee does not confirm their attendance to the conference, or confirms their attendance but does not attend, the University of Central Florida will proceed with the proposed action as stated in the predetermination notice.
- (f) During the period between the first notice and the effective date of the action, the

university will do one of the following: retain the employee in his or her usual duties, temporarily assign the employee to other duties, ~~place the employee on annual leave~~, or place the employee on administrative leave.

- (g) Administrative leave pending action. The Chief Human Resources Officer or designee may immediately place an employee on administrative leave ~~in~~ as set forth in University Regulation UCF-3.040(~~17~~16). The Chief Human Resources Officer or designee shall determine whether the administrative leave shall be with or without pay.

(2) Grievances

- (a) In-unit USPS employees may grieve decisions under this regulation utilizing the grievance procedure found in the applicable collective bargaining agreement.
- (b) Non-unit USPS employees may grieve decisions under this regulation utilizing the grievance procedure found in University Regulation UCF-3.0133.

Authority: BOG Regulation 1.001. History—New 9-13-04, Amended 10-18-05; Formerly 6C7-3.033, Amended 6-25-09, 4-30-12, 10-22-20, _____-23.