

### **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, 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 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 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;
2. The specific charges or reasons for the action;
3. A list of documents on which the charges or other reasons are based;
4. A statement that the employee may, within 7 calendar days of receipt of 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, address, and telephone number of the person to whom the request for a conference shall be directed;
5. A statement that the requested conference must be held prior to the proposed effective date of the action, at a time and place determined by the university, normally during regular business hours, and that the employee is permitted to bring a representative to advise and assist;
6. 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 response;

7. A copy or summary of the predetermination procedures; and
8. 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.

(c) Predetermination Conference – If a conference is requested by the employee, it must 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, 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, 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, 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 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). 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.*