

PM 07-01
01/02/07
President James E. Lyons, Sr.

**Reconsideration Procedure for CSUDH Employees
Not Represented by Exclusive Representatives
Supersedes PM 84-15, 12/12/84**

I. Purpose:

To implement Chancellor's Executive Order no. 923 and to establish a procedure which provides eligible California State University, Dominguez Hills employees with a process for the consideration and orderly disposition of requests for reconsideration.

II. Applicability:

This procedure shall be utilized by an employee of California State University, Dominguez Hills who is a member of the Public Employees' Retirement system or the State Teachers' Retirement system, and who is not represented by an exclusive representative under the Higher Education Employer-Employee Relations Act (HEERA), and who requests reconsideration of personnel actions concerning promotion, retention, evaluation, assignment, reassignment and hours of work. This procedure may not be utilized to appeal other personnel actions, a salary decision by the president, or any personnel action for which a separate appeal or hearing procedure is provided.

III. References:

Executive Order 923 on Reconsideration Procedures for Eligible California State University Employees.

Sections 42728 and 43775 of Title 5 of the California Administrative Code.

IV. Definitions:

- (A) "Immediate Supervisor" – A HEERA supervisor or manager to whom the employee is normally accountable who serves as first level reviewing officer.
- (B) "President" – President of the University or his/her designee.
- (C) "Days" – Days shall mean calendar days, except as provided in Section V (C) below.

V. General Provisions:

(A) This procedure provides two levels of review, except for persons reporting directly to the President. Employees reporting directly to the President will have only one level of review, and the decision of the President concerning requests for reconsideration shall be final.

(B) If at any time during this procedure it is determined that (a) the employee is not entitled to use this procedure, or (b) the matter complained of is outside the scope of this procedure, the employee shall be so informed in writing and the proceedings shall be terminated.

(C) Failure of an employee to comply with the time limits of this procedure shall render the employee's request for reconsideration null and void and bar any subsequent reconsideration of the employee's request. Failure by the immediate supervisor to timely respond under this procedure shall permit the employee to submit a request for reconsideration at the second level, if applicable. Time limits set forth in this procedure may be extended by mutual agreement. In computing any period of time from a specific event, the day upon which such event occurred shall be excluded and the last day upon which any action is required to be taken shall be included. When the last day for any action required by this procedure falls on a Saturday, Sunday or University holiday, the time limit shall be extended to the next University work day.

(D) All requests for reconsideration and all proceedings pursuant to this procedure shall be confidential.

(E) California State University, Dominguez Hills will not take any reprisals against an employee because of the employee's utilization of this procedure. Complaints regarding allegation of reprisals should be submitted to the President.

(F) An employee may, in writing, withdraw a request for reconsideration at any time. Thereafter, the employee may not file any subsequent request for reconsideration on the same matter.

VI. Levels of Review:

(A) First Level Review, Immediate Supervisor:

An employee may initiate a request for reconsideration by asking, in writing, for an appointment with the immediate supervisor. Such a request must be made within 30 days of the date the employee knew or should have known of the

decision or personnel action giving rise to the request. The immediate supervisor shall meet with the employee to discuss the matter within 14 days of the receipt of the written request for the meeting. Within 14 days of the first meeting, the First Level Review Officer will render a written decision. Copies will be sent to the employee, the President, and the **Assistant Vice President of Human Resources or the Assistant Vice President of Faculty Affairs.**

(B) Second Level Review, President:

In the event the matter is not resolved by the decision at the first level, the employee may in writing, within 15 days after he/she received, or should have received, the level one decision, request a second level meeting and review with the President. Said request must state the nature of the reconsideration request and the results of the first meeting. The President shall meet with the employee within 14 days to discuss the request for reconsideration. In the event the request for reconsideration involves the interpretation of system wide policy or involves matters of system wide concern, the President or designee is encouraged to seek advice and consult with appropriate Chancellor's Office Staff. The President's decision will be rendered within 21 days of the meeting. The decision of the President shall be final.