



PPSM-64: Termination and Job Abandonment

Responsible Officer:	VP - Human Resources
Responsible Office:	HR - Human Resources
Issuance Date:	7/15/2016
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Scope:	<p>Employees, excluding Officers of the University, who hold career appointments in the following personnel groups:</p> <ul style="list-style-type: none"> • Professional & Support Staff (excluding Sections III.C-E), • Managers & Senior Professionals–Manager 3 and Below and Equivalent (excluding Sections III.B and D), and • Managers & Senior Professionals–Above Manager 3 and Equivalent (excluding Sections III.B-C). <p>Termination of Officers is covered under Personnel Policies for Staff Members II-64 (Termination of Appointment).</p>

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I. POLICY SUMMARY

This policy describes separation from employment due to job abandonment and the process for terminating career employees in the Professional & Support Staff (PSS) and Managers & Senior Professionals (MSP) personnel groups who are not Officers of the University.

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II. DEFINITIONS

Detailed information about common terms used within *Personnel Policies for Staff Members* can be found in [Personnel Policies for Staff Members 2 \(Definition of Terms\)](#) and [Personnel Policies for Staff Members 3 \(Types of Appointment\)](#).

Career Tracks: A classification structure that groups jobs into broad categories (defined as Operational and Technical, Professional, and Supervisory and Management) based on primary functions and scope and level of responsibilities.

Job Abandonment: The failure to report to work as scheduled for five consecutive workdays without notice or approval.

III. POLICY STATEMENT

A. Job Abandonment

An employee who fails to report to work as scheduled for five consecutive workdays without notice or without approval may be considered to have voluntarily resigned from his/her position due to job abandonment. The University will provide the employee with a written notice of intent to separate due to job abandonment. The notice must include the reason(s) for the separation and a statement that the employee has the right to respond either orally or in writing within 8 calendar days. After the employee has responded or after 8 calendar days, whichever comes first, management will review the response, if any, and issue a final decision. This decision is not eligible for review under the complaint resolution policies.

B. Termination: Professional & Support Staff

1. General

Regular status professional and support staff may be terminated from employment because of misconduct or failure to maintain appropriate work performance standards. Normally, termination is preceded by corrective action (see [Personnel Policies for Staff Members 62 \(Corrective Action\)](#)) unless immediate dismissal is warranted.

2. Written Warning

When termination is for failure to maintain appropriate work performance standards, the employee must receive at least one written warning prior to termination unless the unsatisfactory performance warrants immediate dismissal. Termination for misconduct does not require a written warning.

3. Notice and Decision

The employee must receive written notice of the intent to terminate. This notice must include a statement of the reason(s) for the intended action, a copy of any materials upon which the termination is based, and a statement that the employee has the right to respond either orally or in writing within 8 calendar days of the date of the notice of intent to terminate. After the employee has responded or after 8 calendar days, whichever comes first, management must review the response, if any, and inform the employee of the action to be taken.

4. Pay in Lieu of Notice

The employee must receive at least 15 calendar days' notice prior to termination or pay in lieu of notice. The 15 calendar days must be counted from the date of the notice of intent to terminate.

However, if the termination is for misconduct, the employee may be suspended without pay as of the date of the notice of intent to terminate. If the employee provides a timely response to the notice of intent as described in Section III.B.3 of this policy, the employee may be terminated immediately after consideration of that response. If the employee does not provide a timely response to the notice of intent, the employee may be terminated immediately after the eighth day following the date of the notice of intent to terminate.

C. Termination: Managers & Senior Professionals – Manager 3 and Below and Equivalent Positions

1. Applicability

Section III.C of this policy applies as follows:

a. Career Tracks

For positions that have transitioned to the Career Tracks structure, Section III.C of this policy applies to employees in MSP positions classified at Manager 3 and below.

b. Non-Career Tracks

For positions that have not yet transitioned to the Career Tracks structure, Section III.C of this policy applies to employees in the MSP positions listed below until these positions transition to Career Tracks:

- MSP positions in salary grades 1-7;
- MSP positions at UC Irvine Medical Center and UC Santa Barbara; and
- MSP positions at UC San Diego in salary grades A-D.

2. General

Managers and senior professionals as listed in Section C.1 above who hold career appointments may be terminated when, in management's judgment, the needs or resources of the department or the performance or conduct of the employee do not justify the continuation of the employee's appointment.

3. Notice and Decision

When an appointment is to be terminated, the employee must receive written notice of the intent to terminate. This notice must include a statement of the reason(s) for the intended action, a copy of any materials upon which the termination is based, and a statement that the employee has the right to respond either orally or in writing within 8 calendar days of the date of the notice of intent to terminate. After the employee has responded or after 8 calendar days, whichever comes first, management must review the response, if any, and inform the employee of the action to be taken.

4. Pay in Lieu of Notice

An employee terminated for reasons other than misconduct must receive 60 calendar days' notice prior to termination or pay in lieu of notice. The 60 calendar days must be counted from the date of the notice of intent to terminate.

However, if the termination is for misconduct, the employee may be suspended without pay as of the date of the notice of intent to terminate. If the employee provides a timely response to the notice of intent as described in Section III.C.3 of this policy, the employee may be terminated immediately after consideration of that response. If the employee does not provide a timely response to the notice of intent, the employee may be terminated immediately after the eighth day after the date of the notice of intent to terminate.

D. Termination: Managers & Senior Professionals – Above Manager 3 and Equivalent Positions

1. Applicability

Section III.D of this policy applies as follows:

a. *Career Tracks*

For positions that have transitioned to the Career Tracks structure, Section III.D of this policy applies to employees in MSP positions classified above Manager 3.

b. *Non-Career Tracks*

For positions that have not yet transitioned to the Career Tracks structure, Section III.D of this policy applies to employees in the MSP positions listed below until these positions transition to Career Tracks:

- MSP positions in salary grades 8 and above, except those MSP positions at UC Irvine Medical Center (covered under Section III.C above); and
- MSP positions at UC San Diego in salary grades E-F.

2. General

Managers and senior professionals as listed in Section D.1 above who hold career appointments serve at the discretion of the Chancellor and may be terminated at will and at any time with or without cause. The at-will status of these employees cannot be altered except by amendment of this Policy.

3. Notice

Managers and senior professionals may receive, at the sole discretion of the Chancellor, up to sixty calendar days' written notice prior to termination or pay in lieu of notice.

E. Termination Assistance: Managers & Senior Professionals

Managers and senior professional employees may be assisted, at the discretion of the Chancellor, as follows:

1. Assignment of the employee to another position, if a position is available, that the employee is qualified to perform and when the assignment is in the University's interest.
2. Career counseling or outplacement services.
3. Reasonable time off with pay to interview for other positions both within and outside the University.

4. Severance

- a. A location may grant severance pay in the amount of one month of pay, or less, for each completed year of continuous University service up to a maximum of six months of pay. In order to receive severance, the employee must enter into a written separation agreement that is approved by the University in accordance with the [Policy on Settlement of Litigation, Claims, and Separation Agreements \(Regents Policy 4105\)](#).
- b. No severance pay will be provided when termination is a result of misconduct, as determined by the Chancellor.
- c. An employee who is reemployed at any University location in any capacity during the paid severance period is required to repay to the University an amount equal to the severance pay received for the time period beginning with the date of hire in the new position to the end of the paid severance period.

In the event the monthly salary in the new position is less than the monthly salary used to calculate the severance pay amount, the employee is required to repay to the University an amount based on the monthly salary of the new position for the time period beginning with the date of hire in the new position to the end of the paid severance period.

A written repayment plan is to be agreed upon between the employee and the University before the employee begins work.

IV. COMPLIANCE / RESPONSIBILITIES

A. Implementation of the Policy

The Vice President–Human Resources is the Responsible Officer for this policy and has the authority to implement the policy. The Responsible Officer may develop procedures or other supplementary information to support the implementation of this policy. Such supporting documentation does not require approval by the President. The Responsible Officer may apply appropriate interpretations to clarify the policy provided that the interpretations do not result in substantive changes to the underlying policy. The Chancellor is authorized to establish and is responsible for local procedures necessary to implement the policy.

In accordance with [Personnel Policies for Staff Members 1 \(General Provisions\)](#), the authorities and responsibilities delegated to the Chancellor in this policy are also delegated to the Executive Vice President–Chief Operating Officer, Vice President–Agriculture and Natural Resources, Principal Officers of the Regents, and the Lawrence Berkeley National Laboratory Director. Also in accordance with PPSM 1, the authorities granted in this policy may be redelegated except as otherwise indicated.

B. Revisions to the Policy

The President is the Policy Approver and has the authority to approve policy revisions upon recommendation by the Vice President–Human Resources.

The Vice President–Human Resources has the authority to initiate revisions to the policy, consistent with approval authorities and applicable *Bylaws* and *Standing Orders* of the Regents.

The Executive Vice President–Chief Operating Officer has the authority to ensure that policies are regularly reviewed, updated, and consistent with other governance policies.

C. Approval of Actions

Actions within this policy must be approved in accordance with local procedures. Chancellors and the Vice President–Human Resources are authorized to determine responsibilities and authorities at secondary administrative levels in order to establish local procedures necessary to implement this policy.

All actions applicable to PPSM-covered staff employees who are not Senior Management Group members that exceed this policy, or that are not expressly provided for under any policy, must be approved by the Vice President–Human Resources.

D. Compliance with the Policy

The following roles are designated at each location to implement compliance monitoring responsibility for this policy:

The Top Business Officer and/or the Executive Officer at each location will designate the local management office to be responsible for the ongoing reporting of policy compliance.

The Executive Officer is accountable for monitoring and enforcing compliance mechanisms and ensuring that monitoring procedures and reporting capabilities are established.

The Vice President–Human Resources is accountable for reviewing the administration of this policy. The Director–HR Compliance may periodically monitor compliance to this policy.

E. Noncompliance with the Policy

Noncompliance with the policy is handled in accordance with [Personnel Policies for Staff Members 61, 62, 63, and 64](#), pertaining to disciplinary and separation matters.

V. REQUIRED PROCEDURES

Not applicable.

VI. RELATED INFORMATION

- [Personnel Policies for Staff Members II-64 \(Termination of Appointment\)](#) (referenced in the **Scope** section of this policy)
- [Personnel Policies for Staff Members 2 \(Definition of Terms\)](#) (referenced in Section II of this policy)

- [Personnel Policies for Staff Members 3 \(Types of Appointment\)](#) (referenced in Section II of this policy)
- [Personnel Policies for Staff Members 62 \(Corrective Action\)](#) (referenced in Sections III.B.1 and IV.E of this policy)
- [Policy on Settlement of Litigation, Claims, and Separation Agreements \(Regents Policy 4105\)](#) (referenced in Section III.E.4.a of this policy)
- [Personnel Policies for Staff Members 1 \(General Provisions\)](#) (referenced in Section IV.A of this policy)
- [Personnel Policies for Staff Members 61 \(Release During the Probationary Period and From Limited, Casual/Restricted, and Floater Appointments\)](#) (referenced in Section IV.E of this policy)
- [Personnel Policies for Staff Members 63 \(Investigatory Leave\)](#) (referenced in Section IV.E of this policy)
- [Personnel Policies for Staff Members 64 \(Termination and Job Abandonment\)](#) (referenced in Section IV.E of this policy)

VII. FREQUENTLY ASKED QUESTIONS

1. Are MSP employees required to receive corrective action before they are terminated?

No, there is no requirement to provide MSP employees with corrective action before they are terminated.

2. Are MSP employees at all levels eligible to receive termination assistance as described in Section III.E?

Yes, MSP employees at all levels are eligible to receive termination assistance as described in Section III.E, except that MSP employees who are terminated for misconduct are not eligible to receive severance. Whether an MSP employee receives any termination assistance, and what any such termination assistance would be, is decided by the Chancellor or the Chancellor's designee.

3. Are PSS employees eligible to receive termination assistance?

No, PSS employees are not eligible to receive termination assistance. Refer to [Personnel Policies for Staff Members 60](#) for assistance that may be available for separations due to indefinite layoff or reduction in time.

4. The policy refers to misconduct. What are some examples of misconduct?

Misconduct covers a wide array of behaviors and actions. It can range from offenses that have a minor impact on the workplace to those of an extremely serious nature. Below are some examples of actions or behaviors that could constitute misconduct; however, because it is not possible to list every example, this list is meant to be illustrative rather than exhaustive. Whether an employee's

specific behavior or action could be considered to be misconduct is determined at the discretion of management.

- Insubordination
- Unethical behavior
- Violation of federal or state law, or University policy or procedures
- Acts or threats of violence
- Acts that endanger others in the workplace
- Conduct that warrants removing an employee from the workplace
- Falsification of credentials
- Supplying false information for purposes of obtaining University employment, transfer, or promotion
- Falsification or improper alteration of records, including timekeeping records
- Inappropriate disruption of the workplace

VIII. REVISION HISTORY

Policy changes effective as of XX, 2016:

- Incorporation into this policy of *Personnel Policies for Staff Members (PPSM) 65 (Termination of Career Employees - Managers & Senior Professionals, Salary Grades I through VII)* and *PPSM 67 (Termination of Career Employees - Managers and Senior Professionals, Salary Grades VIII and IX)*.
- Added job abandonment (Section III.A).
- Added references to non-Roman numeral salary grades and classifications in use for MSP employees.

As a result of the issuance of this policy, the following policies are rescinded as of the effective date of this policy and are no longer applicable:

- *Personnel Policies for Staff Members 64 (Termination of Career Employees – Professional and Support Staff)*, dated January 1, 2001
- *Personnel Policies for Staff Members 65 (Termination of Career Employees – Managers and Senior Professionals, Salary Grades I through VII)*, dated November 6, 2009
- *Personnel Policies for Staff Members 67 (Termination of Career Employees – Managers and Senior Professionals, Salary Grades VIII and IX)*, dated November 1, 2009

This policy was reformatted into the standard University of California policy template effective July 1, 2012.