

## ARTICLE 13

### RESIGNATIONS

#### Automatic Resignation

- 13.1 An employee who is absent for five (5) consecutive workdays without securing authorized leave from the President shall be considered to have automatically resigned from CSU employment as of the last day worked. All unauthorized absences, whether voluntary or involuntary, shall apply to the five (5) consecutive workday limitation. The five (5) day period referred to above shall commence at the beginning of the first shift of such absence and shall be deemed to have been completed at the end of the employee's scheduled work hours on the fifth (5<sup>th</sup>) consecutive day of unauthorized absence.
- 13.2 The President shall notify the employee that the University will be separating them by automatic resignation under this Article unless the employee requests an administrative review regarding their absence within seven (7) work days following such notification. No automatic resignation shall be final until the seven (7) work day period has passed and either a decision is made by the reviewing officer or the employee has failed to request a review. Notification shall be in person or by certified mail to the employee's last known address, and may additionally be provided by fax, email or regular mail.
- 13.3 If the employee responds to the notification from the President by requesting an administrative review within seven (7) work days of such notification, the employee will be provided with the opportunity to respond, either orally or in writing, to a campus reviewing officer designated by the President. Either party may present evidence at any review meeting. The reviewing officer's decision, which shall be rendered within fourteen (14) days of the administrative review, shall state:
- a. whether the employee was absent for five (5) consecutive workdays;
  - b. whether the employee had proper authorized leave to be absent;
  - c. whether the employee has presented a sufficient excuse to warrant continuation of employment, supported by facts which provide justification of the absence or continuation of employment. If an action other than automatic resignation is proposed, it shall be stated along with reasons for its use; and
  - d. whether the employee should be separated by automatic resignation.

- 13.4 Any employee who is reinstated by the President under this provision shall not be paid salary for the period of unauthorized absence unless it is determined that such absence may be appropriately charged to accrued leave. The employee shall adhere to all other reinstatement requirements set forth in writing by the President.
- 13.5 This Article shall not supersede Section 89541 of the California Education Code or any substitute or successor provision of that code section. Provisions 13.1 through 13.4 shall not limit an employee's right to a State Personnel Board appeal.

#### Voluntary Resignation

- 13.6 An employee who resigns from their position shall be terminated as of the effective date of the resignation.
- 13.7 No later than thirty (30) days after a termination pursuant to Provision 13.6 above, the employee or former employee may request to rescind their resignation. Such requests shall be made in writing to the President.
- The President shall respond to such requests indicating denial, acceptance, or qualified acceptance within fourteen (14) days. The President's response shall be final unless it is reversed by the State Personnel Board pursuant to Provision 13.8 below and shall not be subject to Article 7, Grievance Procedure.
- 13.8 Provisions 13.6 and 13.7 (Resignation) of this Article shall not supersede Section 89542 of the California Education Code, or any substitute or successor provision of that code section. Provisions 13.6 and 13.7 shall not limit an employee's right to a State Personnel Board appeal.