

ARTICLE 5

RECONSIDERATION PROCEDURE

Definitions

- 5.1 Request for Reconsideration - The terms "request for reconsideration" or "request" as used in this Article refer to a request filed by an employee for reconsideration of an alleged violation, misapplication, or misinterpretation of a specific written CSU policy governing working conditions or work rules.
- 5.2 Employee - The term "employee" as used in this Article refers to a:
- a. permanent employee
 - b. probationary employee
 - c. temporary employee
- who alleges that he/she has been directly wronged by a violation of a specific written CSU policy governing working conditions or work rules.
- 5.3 Appropriate Administrator - The term "appropriate administrator" as used in this Article refers to the immediate non-bargaining unit supervisory or management person to whom the employee is normally accountable or who has been designated to respond to the request for reconsideration.
- 5.4 Representative - The term "representative" as used in this Article refers to an employee or an individual within the bargaining unit or representative of the Union who, at the employee's request, may be present at all Levels through Level III.
- 5.5 Respond and File - The terms "respond" and "file" as used in this Agreement refer to personal delivery or deposit in the U.S. mail. If mail delivery is used, it shall include a proof of service by mail which shall establish the date of response or filing. If personal delivery is used, the calendar date of delivery shall establish the date of response or filing. (See Appendix H for Proof of Service form.)

Reconsideration Procedure for Campus Policy/Work Rule

- 5.6 A request for reconsideration filed by an employee alleging a violation, misapplication, or misinterpretation of a specific written campus policy governing working conditions or work rules shall be processed pursuant to provisions 5.7 - 5.15.

Informal Level

- 5.7 An employee shall have the right to present an informal request for reconsideration and to have such request considered in good faith by an appropriate administrator.
- 5.8 An employee, whenever possible, shall attempt to resolve an alleged policy violation with the appropriate administrator. A resolution of the alleged policy violation shall not be precedent-setting.
- 5.9 If the issue is not resolved through informal discussions, the employee may file a Level I formal request for reconsideration with the appropriate administrator no later than twenty-one (21) days after the event giving rise to the request, or no later than twenty-one (21) days after the employee knew or reasonably should have known of the event giving rise to the request.

Level I - Formal

- 5.10 The formal request for reconsideration shall state clearly and concisely on a form, an example of which appears as Appendix F:
- a. the specific written CSU policy or rule alleged to have been violated, misapplied, or misinterpreted;
 - b. a detailed description of the reasons for the request, including names, dates, places and times necessary for a reasonable understanding;
 - c. the remedy sought;
 - d. the name, classification, address, telephone number, and signature of the employee;
 - e. the name, address, and telephone number of the representative, if any; and
 - f. the date of submission at each level.

- 5.11 An appropriate administrator shall hold a meeting with the employee at a mutually acceptable time and location. At this meeting, pertinent information may be presented, orally or in writing, to the appropriate administrator. The appropriate administrator shall respond to the employee in writing no later than twenty-one (21) days after the Level I meeting.
- 5.12 In the event the reconsideration request is not settled at Level I, the employee may file with the President, no later than fourteen (14) days after the Level I response, a Level II request for reconsideration. The employee shall include in the request a written statement indicating the reason that any proposed settlement at Level I was unsatisfactory.

Level II - Presidential Review

- 5.13 The President may hold a meeting with the employee at a mutually acceptable time and location. At this meeting, pertinent information may be presented, orally or in writing, to the President. The President shall respond to the employee in writing no later than twenty-one (21) days after the filing of the Level II request or twenty-one (21) days after a Level II meeting, if such a meeting occurs.
- 5.14 No amendments and/or modifications to the request shall be made by the employee after the Level II filing date.
- 5.15 The Level II response shall be a final decision.

Reconsideration Procedure for Systemwide Policy/Work Rule

- 5.16 A request for reconsideration filed by an employee alleging a violation, misapplication, or misinterpretation of a specific written systemwide policy governing working conditions or work rules shall be processed pursuant to provisions 5.7 - 5.15 above.
- 5.17 In the event such a request for reconsideration is not settled at Level II, the employee may file a Level III request for reconsideration with the Office of the Chancellor no later than fourteen (14) days after the Level II response.

Level III - Chancellor's Office

- 5.18 A designated individual in the Office of the Chancellor may hold a meeting with the employee at a mutually acceptable time and location. The designated individual in the Office of the Chancellor shall respond to the employee in writing no later than twenty-one (21) days after the filing of the Level III request, or twenty-one (21) days after a Level III meeting if such a meeting is held. This response shall be a final decision.

General Provisions

- 5.19 Failure of the employee to comply with the time limitations of this Article shall render the request null and void and bar subsequent filing of the request.
- 5.20 Failure by the appropriate administrator, or the President, to respond in a timely manner under this Article shall permit the request to be filed at the next level.
- 5.21 Prior to filing a request, the employee and representative, if any, shall each be provided with one (1) hour release time for preparation and reasonable time for presentation of the request for reconsideration at the Informal Level.
- 5.22 After the request has been filed, a representative and the employee shall be provided reasonable release time for the purpose of preparation and presentation of the request.
- 5.23 Both parties agree that files pertaining to a request for reconsideration shall be confidential.
- 5.24 The parties, by mutual agreement, may consolidate requests on similar issues at any level.
- 5.25 A decision by an employee to submit a request for reconsideration pursuant to the terms of this Article shall constitute a waiver of all other remedies and access to procedures provided for anywhere else in this Agreement.
- 5.26 Time limits set forth in this Article may be extended by mutual agreement.
- 5.27 An employee may withdraw a Request for Reconsideration at any time. The employee shall not file any subsequent request on the same alleged incident.

- 5.28 The procedure (Article 10, Grievance Procedure, or Article 5, Reconsideration Procedure) utilized by the employee at the Level I filing of the grievance procedure or the Level II filing of the reconsideration procedure shall indicate a final and binding selection of procedures. Prior to the Level II reconsideration request filing, the employee may convert to the alternative procedure without interruption of time limits or sequence of levels.
- 5.29 Except as provided in the paragraph above, an employee may not utilize both Article 10, Grievance Procedure, and Article 5, Reconsideration Procedure, to adjust the allegations arising from a single set of circumstances.
- 5.30 An employee may present Requests for Reconsideration and have such requests adjusted without the intervention of the Union provided that the Employer will not agree to a resolution of the request until the Union has received a copy of the request and the proposed resolution and has been given the opportunity to file a response.
- 5.31 An employee shall not suffer reprisals for participation in the processing of a Request for Reconsideration filed pursuant to this Article.
- 5.32 When the employee alleges a violation, misapplication or misinterpretation of a CSU policy which prohibits sexual harassment and/or discrimination on the basis of race, , religion, ancestry, color, sex, sexual orientation, gender identity, gender expression, genetic information, sexual orientation, marital status, age (40 and over), disability, veteran status, marital status, pregnancy, medical condition, and/or national origin, the employee shall file their complaint exclusively pursuant to the procedures in Article 21 (Non-discrimination).