

ARTICLE 17

UNAUTHORIZED LEAVES OF ABSENCE

Automatic Resignation

- 17.1 The President shall have the right to terminate an employee who is absent for five (5) consecutive workdays without securing authorized leave from the President. Such a termination shall be considered to be an automatic resignation 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 termination shall be effective five (5) consecutive days from the last day the employee worked.
- 17.2 The President shall notify the employee that the University will be terminating the employee by automatic resignation under this Article unless the employee requests an administrative review regarding their absence within seven (7) calendar days following such notification.
- 17.3 If the employee responds to the President within seven (7) calendar days following notification, or such extended time as the President may agree to, the employee will be provided with the opportunity to respond, either orally or in writing, to a campus reviewing officer designated by the President. A University representative may present evidence at any review meeting. No automatic resignation shall be final until a decision is made by the reviewing officer. This decision 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. an evaluation of whether the employee has presented 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 the reasons for its use; and
 - d. whether the employee should be or is being terminated by automatic resignation.
- 17.4 Any employee who is terminated by the President under this provision may, within ten (10) days after receipt of the termination decision, file a written notice with the President indicating intent to request a hearing of the matter by the State Personnel Board as provided in Section 89539 of the Education Code. A request for a hearing by the State Personnel Board must be filed with the State Personnel Board.
- 17.5 Any employee who is reinstated 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.

17.6 This Article shall supersede Section 89541 of the California Education Code.