1.0 PURPOSE AND BACKGROUND:

To establish a process for the consideration and orderly disposition of requests for reconsideration from employees of California State University, Bakersfield who are not represented by an exclusive representative.

2.0 REFERENCE AND AUTHORITY:

2.1 Executive Order No. 923 – Reconsideration Procedures for California State University Employees Not Represented by an Exclusive Representative.

2.2 Sections 42728 and 43775 of Title 5 of the California Code of Regulations.

3.0 POLICY:

This procedure may be utilized by a CSUB employee who is a member of the Public Employees’ Retirement System or the State Teachers’ Retirement System, who is not represented by an exclusive representative under the Higher Education Employer-Employee Relations Act (HEERA), and who requests reconsideration of personnel actions exclusively concerning promotion, retention, evaluation, assignment, reassignment and hours of work. It is the policy of California State University, Bakersfield to encourage discussion and seek resolution of such requests.

This policy may not be utilized to appeal a salary decision by the President, other personnel actions, or any personnel action for which a separate appeal or hearing procedure is provided.

4.0 DEFINITIONS:

4.1 Appropriate Administrator – An employee serving in a position designated as management or supervisory according to criteria outlined in the Higher Education Employee Relations Act.

4.2 Day – The term “day” as used in this procedure shall mean calendar day, except as provided in Section 7.1 (c) below.
4.3 **Employee** – An employee of California State University, Bakersfield who is a member of the Public Employees’ Retirement System or the State Teacher’s Retirement System and who is not represented by an exclusive representative under the Higher Education Employer—Employee Relations Act (HEERA).

4.4 **Immediate Supervisor** – The first level HEERA-designated supervisor or manager to whom the employee is accountable.

4.5 **President** – The term “President” as used in this policy and procedure refers to the chief executive officer of the university or his/her designee.

4.6 **Record Control Office** – The campus office which houses the official personnel file of the affected employee. The Record Control Office is the Office of Human Resources.

4.7 **Vice President** – Shall include the Provost & Vice President for Academic Affairs, the Vice President for Business & Administrative Services, the Vice President for Student Affairs and the Vice President for University Advancement as appropriate.

5.0 **ORGANIZATIONS AFFECTED:**

All units of the University.

6.0 **RESPONSIBILITIES:**

6.1 **Non-Represented Employees** – May initiate a request for reconsideration by completing a “Request for Reconsideration” form (available in the Record Control Office) and submitting it to his/her supervisor with a copy to the Record Control Office within 30 days of the decision giving rise to the request.

6.2 **Immediate Supervisor** – Shall meet with the employee at the first-level review to discuss the request for reconsideration within 14 days of the receipt of the reconsideration form. The immediate supervisor shall render a written response to the employee with a copy to the Record Control Office within 21 days after receipt of the request for a first-level review.

6.3 **President or Designee** – Shall meet with the employee at the second and final level of review within 14 days of the receipt of the reconsideration form. The President or Designee shall render a written response to the employee with a copy to the Record Control Office within 21 days after receipt of the request for a second-level review.
7.0 PROCEDURES:

7.1 General Provisions:

A. This procedure provides two levels of review, except for individuals reporting directly to the President. 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 issue complained is outside the scope of this procedure, the employee shall be so informed in writing and the proceedings will 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 shall bar any subsequent consideration of the employee’s request. Failure by the immediate supervisor or other appropriate administrator to respond within the time limits required under this procedure shall permit the employee to move the request for reconsideration to the next level.

Time limits set forth in this procedure may be extended by mutual agreement. If the employee or appropriate administrator is on a paid leave for 7 days or more, the time limits shall be extended by the length of time of such leave.

In computing the period of time from the occurrence of an event, the day upon which the 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 regular university workday.

D. All requests for reconsideration and all proceedings pertinent to this procedure shall be confidential and shall not become part of the employee’s personnel file.

E. California State University, Bakersfield will not take any reprisals against an employee due to the employee’s utilization of this procedure. Complaints regarding allegation of reprisals should be submitted to the President.
F. An employee may withdraw, in writing, a request for reconsideration at any time. The employee shall not file any subsequent requests for reconsideration on the same issue.

7.2 Levels of Review:

A. First-Level Review – An employee may initiate a request for reconsideration by completing a “Request for Reconsideration” form (available in the Record Control Office) and submitting it to his/her supervisor with a copy to the Record Control Office. Such a request must be made within 30 days of the decision or personnel action which gave rise to the request. This written request shall specify relevant dates, times, places, persons and other facts necessary to a clear understanding of the matter in question.

The immediate supervisor shall meet with the employee to discuss the matter within 14 days of the receipt of the reconsideration form. The immediate supervisor shall render a written response to the employee with a copy to the Record Control Office within 21 days after receipt of the request for a first-level review.

B. Second-Level Review - Should the matter remain unresolved at the first level, the employee may, within 15 days of the receipt of the response of the first level meeting, request (in writing) reconsideration with the President. This written request shall specify relevant dates, times, places, persons and other facts necessary to a clear understanding of the matter in question and shall include the results of the first-level meeting.

The President and the employee shall meet within 14 days of the receipt of the request for a second-level review to discuss the request. Within 21 days after receipt of the request for the second-level review, the President shall render a written decision to the employee. This decision shall be final and binding.

8.0 APPENDICES:

8.1 Request for Reconsideration form.
# REQUEST FOR RECONSIDERATION
(For use by employees not represented by an exclusive representative)

<table>
<thead>
<tr>
<th>CALIFORNIA STATE UNIVERSITY, BAKERSFIELD</th>
<th>(Executive Order No. 923)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
<td>Department:</td>
</tr>
<tr>
<td></td>
<td>Phone:</td>
</tr>
<tr>
<td>Present Position:</td>
<td>Immediate Supervisor:</td>
</tr>
</tbody>
</table>

1. Personnel action/decision giving rise to request:

2. Detailed description of #1 above. Include dates, times, persons, places, etc.: (If more space is needed, attach sheets.)

3. Proposed remedy:

## FIRST-LEVEL MEETING
(Employee must submit original to immediate supervisor and a copy to the Record Control Office – see below.*)

<table>
<thead>
<tr>
<th>Date submitted to supervisor:</th>
<th>Employee’s Signature:</th>
</tr>
</thead>
<tbody>
<tr>
<td>First-Level Response:</td>
<td></td>
</tr>
<tr>
<td>Supervisor’s Signature:</td>
<td>Date response delivered to employee:</td>
</tr>
</tbody>
</table>

## SECOND-LEVEL MEETING
(Employee must submit original to the President and a copy to the Record Control Office – see below.*)

<table>
<thead>
<tr>
<th>Date submitted to President/Designee:</th>
<th>Employee’s Signature:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Second-Level Response:</td>
<td></td>
</tr>
<tr>
<td>Signature of President/Designee:</td>
<td>Date response delivered to employee:</td>
</tr>
</tbody>
</table>

*Employee should submit a copy of this request to the Record Control Office.

Rev. 03/07