

ARTICLE 24

UNAUTHORIZED LEAVES OF ABSENCE

- 24.1 The President shall have the right to initiate termination proceedings against an employee who is absent without leave, whether voluntarily or involuntarily, for forty (40) consecutive working hours. Such a termination shall be considered to be an automatic resignation from CSU employment as of the last day on which the employee worked.
- 24.2 The President shall notify the employee that the University will be terminating him/her by automatic resignation under this Article. This notification requirement shall be satisfied either by service in person or by certified mail to the employee's last known address and shall include:
- a. the dates the employee was absent without leave;
 - b. the intended effective date of the employee's resignation; and
 - c. the employee's appeal rights under this Article.
- 24.3 If the employee or his/her designated representative responds to the President by certified mail, return receipt requested, within fourteen (14) calendar days of notification as defined above, or such extended time as the President may agree to, the employee will be provided with the opportunity for a pre-termination review in accordance with the current campus practice for State Personnel Board hearing appeals. This pre-termination review will be conducted by a campus administrative officer designated by the President. No termination shall be final until a decision is made by the administrative officer. This decision shall be transmitted by certified mail to the employee's last known address and shall state:
- a. whether the employee was absent for five (5) consecutive work days;
 - b. whether the employee had proper authorized leave to be absent; and
 - c. whether the employee should be or is being terminated by automatic resignation. If an action other than automatic resignation is proposed, it shall be stated along with the reasons for its use.

- 24.4 Any employee who is denied reinstatement by the President under this provision may, within twenty-one (21) days after mailing of the President's denial, 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 with a copy to the President within the twenty-one (21) day time requirement noted above. Reinstatement may be granted only if an employee makes a satisfactory explanation to the State Personnel Board as to the reasons for his/her absence and his/her failure to obtain an authorized leave of absence. Prior to the reinstatement of the employee, the Board shall determine that he/she is ready, able and willing to resume the discharge of the duties of his/her position or if not, that he/she has obtained the consent of the CSU to a leave of absence to commence upon reinstatement.
- 24.5 An employee so reinstated shall not be paid salary for any part of the period of his/her absence.
- 24.6 The decision of the State Personnel Board shall not be subject to Article 7, Grievance Procedure, of this Agreement.
- 24.7 The provisions of this Article shall supersede Section 89541 of the California Education Code.