

1 **ARTICLE 16**

2 **LETTERS OF COUNSEL, DISCIPLINARY ACTION, AND JOB ABANDONMENT**

3
4 **16.1 Letters of Counseling/Instruction.** Letters of Counseling or Instruction may be
5 given to employees to provide information regarding university policies, regulations, or
6 provisions of the Collective Bargaining Agreement or information about UCF's Employee
7 Assistance Program. Such letters are not considered discipline ~~and are not placed in the~~
8 ~~employee's Evaluation File unless requested by the employee.~~ These letters are not subject
9 to the Grievance Procedure in Article 20 and may be used only as evidence to demonstrate
10 the employee's awareness of University expectations.

11
12 **16.2 Just Cause.**

- 13 (a) Just cause shall be defined as:
 - 14 (1) incompetence, or
 - 15 (2) misconduct.

16 (b) An employee's activities which fall outside the scope of employment shall constitute
17 misconduct only if such activities adversely affect the legitimate interests of the University.
18

19 **16.3 Progressive Discipline.** Both parties endorse the principle of progressive
20 discipline as applied to professionals. Penalties will be imposed dependent upon the
21 seriousness of the offense and any aggravating or mitigating circumstances. Employees
22 who exhibit repeated examples of different types of misconduct may receive more severe
23 discipline. Progressive discipline does not have to initiate with a written reprimand; if
24 circumstances warrant, discipline may start with suspension or termination.
25

26 **16.46 Disciplinary Action Other than Termination.** The University retains its right to
27 impose disciplinary action other than termination for just cause including, but not limited to,
28 suspension with or without pay. Should the university require, as part of the disciplinary
29 process, participation in training or counseling, failure to provide evidence of completion
30 would be considered just cause for further discipline.
31

32 **16.54 Notice of Intent.**

33 (a) Oral Reprimand and Written Reprimand. No notice of intent or employee response
34 time is required when an employee receives an oral reprimand or written reprimand.

35 (b) Suspension or Termination. When the University's representative has reason to
36 believe that suspension or termination should be imposed, the University's representative
37 shall provide the employee with a written notice of the proposed action and the reasons
38 therefore. Such notice shall be sent via certified mail, return receipt requested; university
39 email, immediate return reply requested; or delivered in person with written documentation
40 of receipt obtained. The employee shall be given ten-five days to respond in writing to the
41 University's representative before the proposed action is taken. The University's
42 representative then, as soon as practicable, shall ~~may~~ issue a notice of the disciplinary
43 action proposed or a notice that a lesser disciplinary action or no disciplinary action will be
44 taken. A tenured appointment or any appointment of definite duration may be terminated
45 during its term for just cause.
46

Commented [CP1]: UFF is at SQ for this Article.

Commented [CP2]: UFF suggestion to add that the LOI/LOC are for reference 12/1

Commented [CP3]: It really makes sense to store these in the employee file for reference.

Commented [CP4]: The BOT seeks to restore this verbiage from previous CBAs.

Commented [CP5]: Helps provide context

Commented [CP6]: Moved here in its entirety from 16.6, no edits

Commented [CP7]: UFF and BOT recognize that email delivery to university email address is appropriate.

Commented [CP8]: Move the action forward to review information provided as soon as practicable.

Commented [CP9]: This sentence moved here from deleted section 16.7

47 **16.65 Notice of Disciplinary Action.** Any notice of disciplinary action shall include a
 48 statement of the reasons therefor and a statement advising the employee that the action is
 49 subject to the Grievance Procedure in Article 20. All disciplinary notices shall be sent via
 50 certified mail, return receipt requested; university email, immediate return reply requested;
 51 or delivered in person to the employee with written documentation of receipt obtained.

Commented [CP10]: UFF and BOT recognize that email delivery to university email address is appropriate.

52
 53 ~~**16.6 Disciplinary Action Other than Termination.** The University retains its right to
 54 impose disciplinary action other than termination for just cause including, but not limited to,
 55 suspension with or without pay. Should the university require, as part of the disciplinary
 56 process, participation in training or counseling, failure to provide evidence of completion
 57 would be considered just cause for further discipline.~~

Commented [CP11]: Moved in its entirety to 16.4

58
 59 ~~**16.7 Termination.** A tenured appointment or any appointment of definite duration may be
 60 terminated during its term for just cause. An employee shall be given written notice of
 61 termination at least six months in advance of the effective date of such termination, except
 62 that in cases where the president or representative determines that an employee's actions
 63 adversely affect the functioning of the University or jeopardize the safety or welfare of the
 64 employee, colleagues, or students, the president or representative may give less than six
 65 months' notice.~~

Commented [CP12]: This section only moved to 16.5 above. The rest deleted. Significant change – removes 6 month provision

66
 67 **16.78 Employee Assistance Program.** Neither the fact of an employee's participation in
 68 an Employee Assistance Program, nor information generated by participation in the
 69 program, shall be used as a reason for discipline under this Article, except for information
 70 relating to an employee's failure to participate in an Employee Assistance Program
 71 consistent with the terms to which the employee and the University have agreed.

72
 73 **16.89 Job Abandonment.**

74 (a) If an employee is absent without authorized leave for ~~twelve (12)~~ seven or more
 75 consecutive days, the employee shall be considered to have abandoned the position and
 76 voluntarily resigned from the University.

Commented [CP13]: 12 days is a very long time, especially during summer.

77 (b) Notwithstanding paragraph (a), above, if the employee's absence is for reasons
 78 beyond the control of the employee and the employee or a representative notifies the
 79 University as soon as practicable with a reasonable and supportable explanation, the
 80 employee will not be considered to have abandoned the position.