

ARTICLE 23 CORRECTIVE ACTION AND DISMISSAL

A. DEFINITION

1. Corrective action is a written warning or suspension without pay.
2. Suspension without pay involves placing a potential career, or career status librarian in a temporary without pay status for just cause.
3. Dismissal is the termination of the employment of a potential career or career status librarian initiated by the University for just cause.

B. GROUNDS

Librarians may be subject to corrective action or dismissal for just cause.

C. WRITTEN WARNING

Written warning is a communication delivered confidentially that informs the librarian of the nature of the misconduct, method of correction, and the probable consequence of continued misconduct. It is to be distinguished from an informal spoken warning, which is not an official corrective action.

D. INVESTIGATORY LEAVE

1. Investigatory leave is not a form of corrective action.
2. The University may place a librarian on immediate investigatory leave with pay, without prior written notice, for the purpose of reviewing or investigating charges of misconduct or dereliction of duty, which warrant removing the librarian from University premises.
3. The investigatory leave must be confirmed in writing to the librarian normally not later than three (3) working days after the leave is effective. The confirmation must include the reasons for the leave and the expected duration of the leave.
4. On conclusion of the investigation, the University shall either reinstate the librarian or initiate corrective action provided the notice and employee responses provisions of this Article have been followed before the final decision is made.

E. SUSPENSION WITHOUT PAY

1. Suspension without pay shall be for a period of at least one week as required by federal law for exempt employees.

2. The University shall provide a written Notice of Intent to the librarian at least fourteen (14) calendar days prior to initiating a suspension without pay. Written Notice of Intent shall be given to the affected librarian either by delivery of the notice to the librarian in person or by placing the Notice of Intent in the U.S. mail, first class postage paid, in an envelope addressed to the librarian at the librarian's last known home address. It shall be the responsibility of the librarian to inform the University in writing of any change in their address. The Notice of Intent shall be accompanied by Proof of Service indicating the date on which the Notice of Intent was personally delivered or mailed, and this shall constitute the "date of issuance" of the Notice of Intent. A copy of the Notice of Intent shall be sent concurrently to the UC-AFT.
3. The Notice of Intent shall:
 - a. Inform the librarian of the intended suspension, the effective date, and the duration of the intended action;
 - b. Provide the reason(s) for the intended action, including, where available, materials upon which the intended action is based;
 - c. Inform the librarian of the right to representation by the UC-AFT or a person of the librarian's choice;
 - d. Inform the librarian of the right to respond, either orally or in writing, to whom to respond, and that the response must be received within fourteen (14) calendar days of the date of the issuance of the Notice of Intent in accordance with Section E.4. below.

4. Response to Notice

The librarian shall be entitled to respond, orally or in writing, to the Notice of Intent described above. Such response must be received within fourteen (14) calendar days from the date of the issuance of such Notice of Intent in accordance with instructions given by the University in the written Notice of Intent provided to the librarian. If the librarian chooses to respond orally, and upon the employee's request, the librarian may have a representative present during the librarian's oral response.

5. University Response

After review of the librarian's timely response, if any, the University shall notify the librarian in writing of any action to be taken. Such action may not include discipline more severe than that described in the Notice of Intent; however, the University may reduce, cancel or postpone such discipline without the issuance of a further Notice of Intent.

F. DISMISSAL

1. The University shall provide a written Notice of Intent to the librarian at least fourteen (14) calendar days prior to initiating dismissal. Written Notice of Intent shall be given to

the affected librarian either by delivery of the notice to the librarian in person or by placing the Notice of Intent in the U.S. mail, first class postage paid, in an envelope addressed to the librarian at the librarian's last known home address. It shall be the responsibility of the librarian to inform the University in writing of any change in their address. The Notice of Intent shall be accompanied by Proof of Service indicating the date on which the Notice of Intent was personally delivered or mailed, and this shall constitute the "date of issuance" of the Notice of Intent. A copy of the Notice of Intent shall be sent concurrently to the UC- AFT.

2. The Notice of Intent shall:

- a. Inform the librarian of the intended dismissal and the effective date of the intended action;
- b. Provide the reason(s) for the intended action, including, where available, materials upon which the intended action is based;
- c. Inform the librarian of the right to representation by the UC-AFT or a person of the librarian's choice;
- d. Inform the librarian of the right to respond, either orally or in writing, to whom to respond, and that the response must be received within fourteen (14) calendar days of the date of the issuance of the Notice of Intent in accordance with Section F.3. below.

3. Response to Notice

The librarian shall be entitled to respond, orally or in writing, to the Notice of Intent described above. Such response must be received within fourteen (14) calendar days from the date of the issuance of such Notice of Intent in accordance with instructions given by the University in the written Notice of Intent provided to the librarian. If the librarian chooses to respond orally, and upon the librarian's request, the librarian may have a representative present during the librarian's oral response.

4. University Response

After review of the librarian's timely response, if any, the University shall notify the librarian of any action to be taken. The University may reduce, cancel or postpone the dismissal described in the Notice of Intent without the issuance of a further Notice of Intent.

- G.** A copy of the corrective action shall be placed in the librarian's personnel file. If there is no recurrence of the same or similar misconduct for a period of two (2) years from the date of the written warning or the University's written response to the notice to suspend, it will not be used or relied upon to take or support disciplinary action. This material shall be removed

from the personnel file and returned to the librarian upon request, unless retained pursuant to a legal requirement or University policy.

H. APPEAL

1. A librarian may appeal a decision of the University to impose corrective action or dismissal through the grievance and arbitration provisions of this Agreement.
2. Within fourteen (14) calendar days of the issuance of the written warning or the written response by the University in E.5. and F.4. above, the librarian shall file a written notice of appeal in accordance with Step 2, Appeal, of Article 24, Grievance Procedure.