

1 ARTICLE 16

2 LETTERS OF COUNSEL, DISCIPLINARY ACTION, AND JOB ABANDONMENT

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

Commented [A1]: BOT-These letters must be maintained
someplace.
Commented [A2]: UFF-Returned the original language.

11 16.2 Just Cause.

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

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

18 16.3 Progressive Discipline. Both parties endorse the principle of progressive
19 discipline as applied to professionals. Penalties will be imposed dependent upon
20 the university's judgment of the seriousness of the offense and any aggravating or
21 mitigating circumstances.

Commented [A3]: BOT-See comment after next.

22 16.4 Disciplinary Action Other than Termination. The University retains its right
23 to impose disciplinary action other than termination for just cause including, but
24 not limited to, suspension with or without pay. Should the university require, as
25 part of the disciplinary process, participation in training or counseling, failure to
26 provide evidence of completion would be considered just cause for further
27 discipline.

28 16.5 Notice of Intent.

29 (a) Oral Reprimand and Written Reprimand. No notice of intent or employee
30 response time is required when an employee receives an oral reprimand or
31 written reprimand. A written reprimand may include sanctions such as, but not
32 limited to, participation in training and/or ineligibility for awards for a specified

Commented [A4]: BOT-Documentation of disciplinary
actions is important for employees and the university.

33 ~~time, that do not affect the employee's current compensation or employment~~
34 ~~status.~~

35 (b) Suspension or Termination. When the University's representative has
36 reason to believe that suspension or termination should be imposed, the
37 University's representative shall provide the employee with a written notice of
38 the proposed action and the reasons therefore. Such notice shall be sent via
39 certified mail, return receipt requested; university email, immediate return reply
40 requested; or delivered in person with written documentation of receipt
41 obtained. The employee shall be given ten days to respond in writing to
42 University's representative before the proposed action is taken. The University's
43 representative then may issue a notice of disciplinary action ~~or reduce the~~
44 ~~proposed disciplinary action.~~ ~~The employee shall be notified by the University's~~
45 ~~representative as soon as practicable of the final disposition of the proposed~~
46 ~~action.~~

47 **16.6 Notice of Disciplinary Action.** Any notice of disciplinary action shall include a
48 statement of the reasons therefore and a statement advising the employee that
49 the action is subject to the Grievance Procedure in Article 20. All disciplinary
50 notices shall be sent via certified mail, return receipt requested; university email,
51 immediate return reply requested; or delivered in person to the employee with
52 written documentation of receipt obtained.

53 **16.7 Termination.** A tenured appointment or any appointment of definite
54 duration may be terminated during its term for just cause. ~~An employee shall be~~
55 ~~given written notice of termination at least six months in advance of the effective~~
56 ~~date of such termination, except that in cases where the president or~~
57 ~~representative determines that an employee's actions adversely affect the~~
58 ~~functioning of the University or jeopardize the safety or welfare of the employee,~~
59 ~~colleagues, or students, the president or representative may give less than six~~
60 ~~months' notice.~~

61 **16.8 Employee Assistance Program.** Neither the fact of an employee's
62 participation in an Employee Assistance Program, nor information generated by
63 participation in the program, shall be used as a reason for discipline under this
64 Article, except for information relating to an employee's failure to participate in

Commented [A5]: BOT-Recognizes that there is a spectrum of potential disciplinary actions, from a simple written reprimand to a written reprimand of some consequence.

Under progressive discipline, an employee may received multiple letters of reprimand for repetition/similarity of offenses. Suspension or termination does not necessarily follow from a mild reprimand.

Commented [A6]: BOT already has this authority, it is unnecessary.

Commented [A7]: BOT-CBA should recognize that the final action can be reduced in the favor of the employee.

Commented [A8]: BOT-A lengthy notice period is not necessary in most cases and does not serve the interests of UCF's students and programs.

Commented [A9]: UFF-This still gives UCF the right to remove someone.

65 an Employee Assistance Program consistent with the terms to which the
66 employee and the University have agreed.

67 **16.9 Job Abandonment.**

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

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

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Commented [A10]: BOT-What is job abandonment in a post-COVID world where instructional employees may be teaching in multiple modalities?

Commented [A11R10]: UFF-This behavior doesn't meet the definition of job abandonment, the behaviors described can be disciplined with management rights that already exist in the CBA.