

Procedure 64: Termination and Job Abandonment

Responsible Office: Human Resources

Issued: November 2002

Reviewed/Revised: June 2023

A. Purpose and Scope

UC Irvine Personnel Procedure 64 implements [Personnel Policies for Staff Members \(PPSM\)-64, Termination and Job Abandonment](#). This policy applies to all non-represented, regular status career employees. Represented employees should consult their collective bargaining agreement (CBA).

B. Authority and Responsibility

The department head is responsible for taking and/or approving any dismissal actions. Consultation with assigned Human Resources Business Partner is required prior to taking any action.

C. Guidelines

1. Regular status employees may be dismissed because of misconduct or failure to maintain appropriate work performance standards.
2. Normally, termination is preceded by corrective action unless the employee is absent from work without approval for five consecutive assigned working days, or in those situations when unsatisfactory performance or misconduct warrants immediate dismissal. PPSM-62, Corrective Action, C. provides examples of exceptions to the requirement for a previous written warning.
3. An employee who fails to report to work as scheduled for five (5) consecutive workdays without notice or without approval may be considered to have voluntarily resigned from their position due to job abandonment. The University will provide the employee with a written notice of intent to separate due to job abandonment. The notice must include the reason(s) for the separation, and a statement that the employee has the right to respond either orally or in writing within eight (8) calendar days. After the employee has responded or after eight (8) calendar days, whichever comes first, the supervisor or department head, in consultation with the Human Resources Business Partner, will review the response, if any, and issue a final decision. This decision is not eligible for review under the complaint resolution policies.

D. Termination: Professional & Support Staff

1. General

Regular (career) status professional and support staff may be terminated from employment because of continuing unacceptable performance deficiencies and/or workplace misconduct. Normally, termination is preceded by corrective action ([PPSM-62](#), Corrective Action) unless the unacceptable performance or workplace misconduct warrants immediate termination.

2. Written Warning

When termination is for failure to maintain appropriate work performance standards, the employee must receive at least one written warning prior to termination unless the unsatisfactory performance warrants immediate dismissal. Termination for misconduct does not require a prior written warning.

3. Notice and Decision

If dismissal is appropriate, the employee shall receive a Notice of Intent to Terminate ([See Exhibit A, Exhibit B, Exhibit D, and Exhibit E](#)). There is no exception to this requirement.

The notice shall:

- a. Cite the policy ([PPSM-64](#), Termination and Job Abandonment) under which the intended termination is being taken;
- b. State the intended action;
- c. State the reason for the action;
- d. State the effective date
 - i. Except in cases of misconduct, an employee shall receive at least fifteen (15) calendar days' notice of termination or pay in lieu of notice.
 - ii. In cases of misconduct, an employee shall receive at least eight (8) calendar days' notice of termination and may be suspended without pay as of the day of the notice of intent to terminate.
- e. Include a copy of any materials and/or previous documentation of corrective action on which the intended action is based;
- f. State the employee's right to respond orally or in writing within eight (8) calendar days from the date of the Written Notice (In the case of misconduct, the period of time an employee has to respond may be shorter than eight (8) calendar days);
- g. Be accompanied by a Proof of Service prepared by someone who is not a party to the action ([See Exhibit G and Exhibit H](#)).

4. **Final Decision**

After consideration of the employee's response, if any, or eight (8) calendar days from the date of the written notice of intent, whichever is sooner, the supervisor will provide the employee with written notification of the final decision ([See Exhibit C and Exhibit F](#)). If warranted, the supervisor may reduce the termination action to a less serious corrective action without the issuance of a further Notice of Intent. The Written Notice of Final Decision shall:

- a. Cite the policy ([PPSM-64](#), Termination and Job Abandonment) under which the termination is being taken;
- b. State the action to be taken;
- c. State the effective date of the action; and
- d. State the employee's right to request a review of the action under [PPSM-70](#), Complaint Resolution.
- e. Include a Proof of Service prepared by someone who is not a party to the action ([See Exhibit G and Exhibit H](#)).

5. **Pay in Lieu of Notice**

The employee must receive at least fifteen (15) calendar days' notice prior to termination or pay in lieu of notice. The fifteen (15) calendar days will be counted from the date of the notice of intent to terminate. However, if the termination is for misconduct, the employee may be suspended without pay as of the date of the notice of intent to terminate.

If the employee provides a timely response to the notice of intent, the employee may be terminated immediately after consideration of that response. If the employee does not provide a timely response to the notice of intent, the employee may be terminated immediately after the eighth (8th) day following the date of the intent to terminate.

These procedures do not apply to employees holding Probationary, Limited, Casual/Restricted, or Floater Appointments.

E. Termination: Managers & Senior Professionals – Manager 3 and below

This section applies to employees in MSP positions classified as Manager 3 and below, unless the employee has a legacy under the termination provisions that applied to their pre-Career Tracks classification.

1. **General**

Managers and senior professionals as listed in Section E (above) who hold career appointments may be terminated from employment when, in management's judgment, the needs or resources of the department or the performance or conduct of the employee do

not justify the continuation of the employee's appointment.

2. Notice and Decision

When an appointment is to be terminated, the employee must receive written notice of the intent to terminate. This notice must include a statement of the reason(s) for the intended action, a copy of any materials upon which the termination is based, and a statement that the employee has the right to respond either orally or in writing within eight (8) calendar days of the date of the notice of intent to terminate. After the employee has responded, or after eight (8) calendar days, whichever comes first, management will review the response, if any, and inform the employee of the action to be taken.

3. Notice Period or Pay in Lieu of Notice

An employee terminated for reasons other than misconduct will receive sixty (60) calendar days' notice prior to termination or pay in lieu of notice. The sixty (60) calendar days will be counted from the date of the notice of intent to terminate. However, if the termination is for misconduct, the employee may be suspended without pay as of the date of the notice of intent to terminate.

If the employee provides a timely response to the notice of intent, the employee may be terminated immediately after consideration of that response. If the employee does not provide a timely response to the notice of intent, the employee may be terminated immediately after the eighth (8th) day following the date of the intent to terminate.

F. Official Review

1. Official Reviewer

The notice of intent to terminate must also clearly identify the person to whom the employee should direct their response. That person is known as the Official Reviewer or Skelly Officer. The Official Reviewer should be at least one administrative level higher within the direct organizational structure than the person who issues the notice of intent. The function of the Official Reviewer is to give the employee an opportunity to respond while minimizing the risk that the notice of intent to terminate was wrongly issued.

All written notices of proposed actions shall be hand-delivered, with receipt acknowledged via signature on a copy of the notice for UCI HR files. When personal delivery is not possible, the notice may be sent by U.S. Postal Service or other qualified delivery service, including email, with the delivery tracked and confirmed. A copy of the supporting documentation supporting the notice of intent should also be provided to Human Resources.

2. Employee Representation

Employees who receive a notice of intent may be assisted by a representative of their choosing, except that a supervisory or confidential employee may not represent a non-supervisory or non-confidential employee, and a non-supervisory or non-confidential employee may not represent a supervisory or confidential employee, respectively.

3. Action Taken

After the employee has responded, or after eight (8) calendar days, whichever comes first, the Official Reviewer will review the response in consultation with the division or department head, and Human Resources, as appropriate, and notify the employee in writing of the action to be taken. A copy of the final notice will be placed in the employee's personnel file.

If termination action as referenced above is to be imposed, the employee shall be advised of their right to review the action under [PPSM 70](#), Complaint Resolution.

G. Termination: Managers & Senior Professionals – Manager 3 and equivalent positions

This section applies to employees in MSP positions classified above Manager 3.

1. General

Managers and senior professionals as listed in Section G (above) who hold career appointments serve at the discretion of the Chancellor and may be terminated at will and at any time with or without cause. The at-will status of these employees cannot be altered except by amendment of this Procedure.

2. Notice

Managers and senior professionals may receive, at the sole discretion of the Chancellor, up to sixty (60) calendar days' written notice prior to termination or pay in lieu of notice.

H. Termination Assistance: Managers & Senior Professionals

Managers and senior professional employees may be assisted, at the discretion of the Chancellor, as follows:

1. Assignment of the employee to another position, if a position is available, that the employee is qualified to perform and when the assignment is in the University's interest.
2. Career counseling or outplacement services.
3. Reasonable time off with pay to interview for other positions both within and outside the University.

4. Severance

- a. When deemed appropriate by the Chancellor, severance pay in the amount of one month of pay, or less, for each completed year of continuous University service up to a maximum of six (6) months of pay may be offered. In order to receive severance, the employee must enter into a written separation agreement that is approved by the University in accordance with the [Regents Policy 4105: Policy on Settlement Litigation, Claims, and Separation Agreements](#).
- b. No severance pay will be provided when termination is a result of misconduct, as determined by the Chancellor.
- c. An employee who is reemployed at any University location in any capacity during the paid severance period is required to repay to the University an amount equal to the severance pay received for the time period beginning with the date of hire in the new position to the end of the paid severance period.

In the event the monthly salary in the new position is less than the monthly salary used to calculate the severance pay amount, the employee is required to repay to the University an amount based on the monthly salary of the new position for the time period beginning with the date of hire in the new position to the end of the paid severance period.

A written repayment plan is to be agreed upon between the employee and the University before the employee begins work.

I. References

Personnel Policies for Staff Members

- [PPSM-62](#), Corrective Action - Professional and Support Staff
- [PPSM-63](#), Investigatory Leave
- [PPSM-64](#), Termination and Job Abandonment
- [PPSM-70](#), Complaint Resolution

Regents' Policy

- [Regents Policy 4105: Policy on Settlement of Litigation, Claims, and Separation Agreements | Board of Regents](#)

Personnel Procedures for UCI Staff Members

- [UCI Procedure 62](#): Corrective Action
- [UCI Procedure 63](#): Investigatory Leave