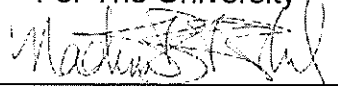


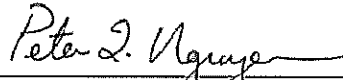
# TENTATIVE AGREEMENT

*UC and UAW Successor Bargaining  
Postdoctoral Scholars (PX)  
Article 5 – Discipline and Dismissal - CCL  
UC Proposal 1  
September 9, 2021  
Page 1 of 3*

For The University



Nadine B. Fishel



Peter Nguyen

## ARTICLE 5 DISCIPLINE AND DISMISSAL 9-13-21

### A. GENERAL PROVISIONS

1. The University may discipline or dismiss a Postdoctoral Scholar for just cause.
2. Disciplinary or dismissal actions for just cause must comply with all applicable provisions of this article. Such disciplinary action may take the following forms:
  - a. **Letter of warning** is a written communication that informs the Postdoctoral Scholar of the nature of the inadequate performance or misconduct; the requirements for continuation in the training program; and the probable consequence of continued inadequate performance or misconduct.
  - b. **Suspension** is a University required cessation from work activities for a specified period of time, and includes loss of pay, access to University property and parking and library privileges. For Postdoctoral Scholars in Paid Direct titles, suspension is a debarment from the Postdoctoral Scholar training program for a stated period.
  - c. **Dismissal** is the termination of a Postdoctoral Scholar's appointment initiated by the University, prior to the appointment end date, when the University determines that the Postdoctoral Scholar's conduct or performance does not justify continuation. Normally, dismissal is preceded by at least one Letter of Warning. In situations justified by the seriousness of the misconduct or unsatisfactory performance, the University may proceed to dismissal without written warning.
  - d. Counseling memoranda and/or written records of discussion, in and of themselves, are not discipline nor are they grievable.
3. At any stage of the discipline or dismissal process, a Postdoctoral Scholar may represent himself or herself, or may be represented, except by a manager, supervisor or confidential employee.
4. The University may take other disciplinary action consistent with extramural funding agency requirements.

### B. INVESTIGATORY LEAVE

1. The University may place a Postdoctoral Scholar on investigatory leave with pay without prior written notice in order to review or investigate allegations of misconduct or dereliction of duty, which warrant immediately relieving the Postdoctoral Scholar from all work duties and/or require removing the Postdoctoral Scholar from the premises and securing University resources.

2. Investigatory leave shall not be considered a form of corrective action.
3. The University shall provide the Postdoctoral Scholar and the Union with written confirmation of the terms and reasons for the investigatory leave immediately but no later than one (1) working day after the leave is effective.

**C. NOTICE OF INTENT**

1. The University shall provide a Postdoctoral Scholar with a written Notice of Intent before initiating the actions of suspension without pay, reduction in salary or stipend, dismissal, or other actions consistent with the requirements of extramural fellowship agencies. No Notice of Intent is required for a written warning. The notice of intent may be delivered to the Postdoctoral Scholar either in person, or by placing the notice in the U.S. Mail, first class postage paid, addressed to the Postdoctoral Scholar at her/his last known address. Whether delivery is made in person or by mail, the notice of intent shall contain a statement of delivery or mailing indicating the date on which the notice of intent was personally delivered or deposited in the U.S. mail. Such date of personal delivery or deposit in the U.S. mail, shall be presumed to be the date of issuance of the notice of intent. The University shall send a copy of the notice of intent to the UAW.
2. The Notice shall state:
  - a. the intended action and the proposed effective date;
  - b. the reason(s) for the intended action, including a description of the inadequate performance or misconduct and any warnings that have been given;
  - c. the Postdoctoral Scholar's right to respond either orally or in writing within fifteen (15) calendar days of the date of issuance of the written Notice of Intent;
  - d. the name of the person to whom the Postdoctoral Scholar should respond.
  - e. the Postdoctoral Scholar's right of representation, including representation by a union representative.
3. In instances where the University is providing the Postdoctoral Scholar with a Notice of Intent to Dismiss, the notice shall also include all documents relied upon by the University in the dismissal action.

**D. RESPONSE TO WRITTEN NOTICE OF INTENT**

A Postdoctoral Scholar who receives a written Notice of Intent shall be entitled to respond, either orally or in writing, within fifteen (15) calendar days of the date of issuance of the Notice of Intent. A Postdoctoral Scholar's representative may respond to the Notice of

Intent on behalf of the Postdoctoral Scholar. The University shall review any timely responses received.

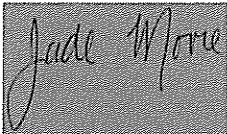
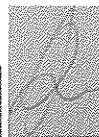
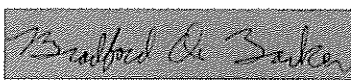
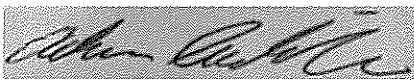
**E. NOTICE OF ACTION**

If the University determines to institute the discipline or dismissal after reviewing a timely response, if any, the University shall issue a written Notice of Action to the Postdoctoral Scholar.

1. Such notice shall specify the disciplinary or dismissal action taken and its effective date, and the right to appeal the action in accordance with Article 6, Grievance and Arbitration.
2. The Notice of Action may not include an action more severe than that described in the Notice of Intent.
3. The University shall place a copy of the Notice of Action in the Postdoctoral Scholar's personnel file.
4. The University shall send a copy of the notice to the union.

F. Independent of the University's right to initiate discipline and/or dismissal under this Article, the extramural agency may terminate the fellowship or source of funding for Postdoctoral Scholar Fellows and/or Paid-Directs pursuant to the policies of the agency.

Tentative Agreement — For the Union  
9/16/21



Michael J. Miller VTK  
(Signature)

