Introduction

It is the policy of California State University, Chico to encourage discussion and resolution of employee complaints. These due process rights apply to employees designated as “Confidential”.

Definition of a Confidential Employee

HEERA, under Government code Section 3562(d), defines a “Confidential employee” as “any employee who is required to develop or present management positions with respect to meeting and conferring or whose duties normally require access to confidential information which contributes significantly to the development of those management positions.” Positions usually are considered confidential if the employee: a) regularly types grievance responses and maintains the grievance files; or b) is directly involved with system-wide or campus meet and confer sessions, including participating in management caucuses to evaluate information and determine the campus’ position.

Confidential employees are not represented by an exclusive bargaining representative.

Skelly Review

A “Confidential” employee shall have the right to a Skelly review, either orally or in writing, consistent with Skelly v. State Personnel Board and any subsequent decisions, prior to the imposition of formal disciplinary action under Education Code Section 89535 (suspension without pay, involuntary demotion, or dismissal).

Specific information on how a “Confidential” employee can invoke their rights to the Skelly review process will be included in the written notice provided to the employee setting forth the reasons for such proposed discipline.

The Skelly review right does not apply to informal discipline (discipline other than suspension without pay, involuntary demotion, or dismissal), nor does it apply to probationary “Confidential” employees rejected during probation.

State Personnel Board Rights (Education Code 89539)

A “Confidential” employee dismissed, suspended without pay, or involuntarily demoted may request a hearing by the State Personnel Board by filing a request, in writing, with the Board within 30 days of being served with the notice. Thereafter, the rules of the State Personnel Appeals Board applicable to the California State University shall apply to any such proceedings.