

**Union Proposal #13
Discipline Proposals**

April 6, 2021

ARTICLE 8: DISCIPLINE AND DISCHARGE
SECTION XX: 3RD PARTY INVESTIGATORS [NEW]

Section XX. Investigation Practices. The Appointing Authority shall utilize a third-party investigator for formal complaints submitted by the employee through HR/LR Policy #1432 Respectful Workplace issued April 10, 2015 and to include any subsequent amendments, updates, or revisions to this policy. The employee's direct supervisor will not conduct any part of the investigation.

The Appointing Authority shall provide a written summary of the investigation results to the employee, and the Association if it is involved in representing the employee during the investigation, within seven (7) calendar days of the conclusion of the investigation. Investigation results may include, but are not limited to, exoneration of the employee or the conclusion that disciplinary action is not to be taken.

ARTICLE 8: DISCIPLINE AND DISCHARGE
SECTION XX: DISCIPLINARY MEETING [NEW]

Section XX. Disciplinary Meeting. Supervisors shall give employees a forty-eight (48) hour notice, whenever possible, of planned disciplinary meetings. Supervisors are encouraged to give such notice in writing. If the Steward and the employee agree, the disciplinary meeting can be held less than forty-eight (48) hours after notification, but the Steward or employee cannot refuse to hold an immediate meeting if circumstances require it. Supervisors shall give employees the opportunity to have a Union Steward present for an oral warning, a written warning, a notice of suspension, or a notice of discharge.

ARTICLE 8: DISCIPLINE AND DISCHARGE
SECTION 7: PERSONNEL FILE

Section 7. Personnel File Initial minor infractions, irregularities, or deficiencies shall first be privately brought to the attention of the employee and, if corrected, shall not be entered into the employee's personnel file.

Upon the employee's request, a "letter of expectation," which is not discipline, ~~may be removed from the personnel file, provided that the employee has performed satisfactorily for six (6) months from the date of the "letter of expectation."~~ and has not resulted in discipline, may be removed from the personnel file if the following conditions are met if:

- The employee has met the expectations prior to 6 months, or
- Requested by Management, or
- The "letter of expectation" is dated prior to June 1st, 2020.

An oral reprimand shall not become a part of an employee's personnel file. Investigations which do not result in disciplinary actions shall not be entered into the employee's personnel file.

Each employee shall be furnished with a copy of all evaluative and disciplinary entries into their personnel file and shall be entitled to have their written response included therein. All disciplinary 16 entries, except discharge, in the employee's personnel file shall state the corrective action expected of the employee.

Upon request of the employee, a written reprimand and correlating "letter of expectation", if such document exists, shall be removed from the employee's personnel file provided that no further disciplinary action has been taken against the employee for a period of eighteen (18) months following the date of the written reprimand. Upon request of the employee, a written record of a suspension of ten (10) days or less and correlating "letter of expectation", if such document exists, shall be removed from the employee's personnel file provided that no further disciplinary action has been taken against the employee for a period of three (3) years following the beginning date of the written suspension. Discipline that becomes eligible for removal, based upon this provision, shall not be used as a basis for any subsequent discipline of the employee.

ARTICLE 8: DISCIPLINE AND DISCHARGE
SECTION 3: DISCIPLINARY ACTION

Section 3. Disciplinary Action

Discipline includes only the following, but not necessarily in this order:

1. Oral reprimand (not grievable)
2. Written reprimand
3. Suspension (paid or unpaid)
4. Suspension – equivalent reduction of vacation balance*Demotion
5. Discharge

*The Appointing Authority may, in lieu of an unpaid suspension, issue a suspension by subtracting vacation hours from the employee's accumulated vacation balance in an amount equal to the unpaid suspension. The employee who is being disciplined must have at least forty (40) hours of vacation in their vacation bank before discipline is issued and the suspension may not exceed five (5) working days.

If the Appointing Authority has reason to reprimand an employee, it shall be done in such a manner that will not embarrass the employee before other employees, supervisors, or the public. Oral reprimands shall be identified as such to the employee.

When any disciplinary action more severe than an oral reprimand is intended, the Appointing Authority shall, before or at the time such action is taken, notify the employee and the Association in writing of the specific reason(s) for such action. Any disciplinary action beyond an oral reprimand, shall have a Union representative present, if requested by the employee.

If an employee believes that a medical condition may have substantially contributed to their being disciplined and provides medical provider documentation of a medical condition that contributed to the reason of discipline, the Appointing Authority will reinvestigate the situation and/or rescind the discipline.