# LETTERS of EXPECTATION – Steward Tips for Representing

**New Contract Language:**

**Article 8 – Discipline and Discharge (Section 8 – Personnel file):**

***Upon request of the employee, a “letter of expectation,” which is not discipline, shall be removed from the employee’s personnel file provided that the employee has performed satisfactorily for six (6) months from the date of the “letter of expectation.”***

## What is a Letter of Expectation (LOEs)?

* + As the contract states, it is NOT discipline and therefore cannot be grieved.
  + When used correctly, it should serve as an early notice to our member of performance issues that need to be addressed and corrected before it leads to discipline.
  + A letter of expectation should *clearly* state the issues and our member should be given examples of the problems, even if only in discussion with the supervisor.
  + It is considered part of an employee’s performance record and is *not* a performance review and should not hold an entire job description. They should not mention FMLA nor ADA but could mention Employee Assistance Program (EAP).

## History of LOEs

* + In the past, most agencies kept Letters of Expectations in a member’s personnel file permanently.
  + Many members suffered negative consequences because of the LOE – especially when applying for other jobs with the state or private sector. Even though the contract says the LOE is *not* discipline, many members felt like it *was* discipline and we believe is viewed as such by prospective employers.

## Is the new language an improvement?

* + Yes. Members will now have a shorter path to having the LOE removed from their personnel file.

## How do we represent and assist the member?

* + Review the LOE and see if it is clear and easy to understand. If you can’t tell what the issues are, our member may not be able to either – ask to meet with the member and the supervisor for clarification. Take good notes in the discussion.
  + Make sure the expectations are reasonable – if not, have a conversation with the supervisor and the member and if not resolved, take further steps such as connecting with HR.
  + Ensure the member understands that it gets pulled out after six months of *satisfactory performance* which is determined by the supervisor.
  + Advise the member on communications with their supervisor. Many members, when having conflict with their supervisor tend to avoid them and distance themselves. This can often times result in members being surprised when another disciplinary step is taken by the supervisor.
  + The member should have a clear understanding of what the problem is, comprehend what steps they need to take to improve, and acknowledge that communicating with their supervisor is the path to checking things off the LOE as they are corrected. At that point, the employee can request that it be pulled from their file. By showing they understand the issues and are taking steps to correct them, they show the supervisor positive and corrective actions.

## What about concerns outside of the content of the LOE?

* + If you believe there are violations of the Respectful Workplace Policy, follow the advice on your one-page trainer found in the steward toolkit.
  + If you believe there are workload issues, see Article 27 *Hours of Work and Overtime, Section H* *Workload Concerns* for language regarding a meet and confer on this subject matter.