

**Helpful Quick Tip for AFSCME Employees to understand their rights-**  
**PLEASE CONTACT STEWARD**

**When Union representation is required:**

1. During an investigatory interview that could potentially result in discipline. (Weingarten rights)
2. At the issuance of a disciplinary action (oral-discharge)
3. At the Notice Hearing (Loudermill) prior to a suspension, a demotion or discharge.

**When Union representation is not required:**

1. At a “coaching, counseling, or awareness” meeting/session.
2. During the implementation of a Performance Improvement Plan.

**Article 17 of the AFSCME Contract**

**DISCIPLINE AND DISCHARGE**

**Section 1 Purpose**

Disciplinary action may be imposed upon an employee who has attained permanent status only for just cause.

**Section 2 Union Representation-Weingarten**

The Employer shall not question or meet with an employee once an investigation that may lead to discipline is contemplated without first offering the employee an opportunity for union representation, and such meeting shall not take place until a Union Representative is available or is released by his/her supervisor. The employee shall be advised of the general nature of the allegation(s) prior to questioning. **The employee shall be offered a Union Representative before the administration of discipline (oral or greater).**

**Section 3 Disciplinary Procedure**

Discipline is intended to be corrective; not punitive. This process is intended to ensure employees understand the Employer’s expectations, standards, and rules, and are aware of the consequences of unimproved conduct or performance.

Disciplinary action shall include only the following forms and depending upon the seriousness of the offense **shall normally be administered progressively in the following order:**

- 1) Oral reprimand
- 2) Written reprimand
- 3) Suspension
- 4) Demotion
- 5) Discharge

**Nothing in the above listing of types of discipline shall preclude the Employer from exacting stringent forms of discipline where the egregiousness of the offense so warrants.** If the Employer or its designee has reason to discipline an employee, it shall not be done in the presence of other employees or the public. Oral reprimands shall be identified as such.

When any disciplinary action more severe than an oral reprimand is intended, the Employer or its designee shall, before such action is taken, notify the employee in writing of the specific reasons for such action.

Oral reprimands cannot be reference in future disciplines provided that no further disciplinary action of a similar nature has been taken against an employee for **two (2) years** from the date of the oral reprimand.

An employee who has been notified by his/her supervisor that he/she is being investigated for possible disciplinary action shall be informed, in writing, of the status of the investigation upon its conclusion.

#### **Section 4 Investigatory Leave**

The Employer or its designee, may place an employee who is the subject of the disciplinary investigation on an investigatory leave with pay provided a reasonable basis exists to warrant such leave.

#### **Section 5 Notice of Hearing- Loudermill**

If the Employer believes there is just cause for suspension, demotion or discharge, the employee shall be notified, in writing that the employee may be disciplined and shall be furnished with the supporting reasons for the contemplated action. The Employer shall schedule a notice hearing wherein the employee, along with Union Representation, may present his/her story to refute the charge(s) or offer mitigating evidence. Nothing herein shall preclude the Employer from placing the employee on investigatory leave prior to the notice of hearing.