

## **ARTICLE 6 – DISCIPLINE PROPOSAL BY MGMT**

### **6.1 Administration**

In the administration of this Section, a basic principle shall be that discipline, other than termination, should be corrective in nature rather than punitive. **1<sup>st</sup> Written warnings will not be used as the basis for further disciplinary action after twelve 12 Months 2<sup>nd</sup> Written Warning will not be used as the basis for further disciplinary after twenty-four (24) months** if there have been no repeated offenses concerning the same matter. The employee shall have the right to Union representation at all disciplinary actions or measures. The employer shall inform the employee when a meeting or investigation may result in disciplinary action.

### **6.2 Measures**

#### **A. INFORMAL –**

**Coaching: Managers/Supervisors are responsible for communicating job expectations, monitoring employees' performance and behavior, and providing employee with direction so they can meet performance expectations for their position. If an employees' performance or behavior falls below standard, management should coach employee as appropriate to help ensure they have a clear understanding of the expected job standard and behaviors, and to help ensure they have the resources and training needed to succeed in their role. Employees are encouraged to share with their supervisor any obstacles they encounter in performing their work so that together these challenges may be addresses.**

#### **B. Formal –**

**First Written Warning (given to the employee and a copy placed in the employee's personnel file)**

**Second Written Warning (given to the employee and a copy placed in the employee's personnel file)**

**Suspension** (notice to be given to the employee and the Union in writing with reasons within one (1) working day of the suspension). At the employer's discretion, employee's annual leave balance can be used in lieu of an unpaid suspension. Seniority will still be adjusted for the length of the disciplinary suspension;

**Discharge** (notice to be given in writing to the employee his/her steward will be notified in writing that the employee has been suspended and/or terminated.

Other forms of disciplinary actions not listed above may be mutually agreed to by authorized representatives of the Union and the County.

### 6.3 Disciplinary Measures Definitions

Any disciplinary action or measure may be grieved through regular procedures.

### 6.4 Level and Severity of Disciplinary Action

The disciplinary measures above are listed from the least severe to the most severe. Repeated actions by an employee bringing about disciplinary measures may subject the employee to more severe measures. The level of the disciplinary action will be dependent on the severity of the incident.

### 6.5 Suspension/Termination

6.5.1 The Employer shall not suspend/terminate any employee without just cause.

6.5.2 In cases of suspension/termination, the employee shall have the right to a pre- suspension/pre-termination hearing. He/she shall be presented either orally or in writing with the nature of the charges against him/her, the facts supporting them, and the opportunity to respond to said charges. The employee shall have the right to have a Union representative present. The employee and his/her steward will be notified in writing that the employee has been suspended and/or terminated.

6.5.3 Any employee found to be unjustly suspended or terminated shall be reinstated with full compensation for all lost time and full restoration of all rights and conditions of employment. However, this does not preclude a compromise settlement.

6.5.4 In cases of suspension the following shall apply:  
A response to the charges given to the employee shall be answered within twenty-four (24) hours.

### 6.6 Severe Offenses

Severe offenses can result in severe disciplinary measures up to and including termination. Proven incidents of the following offenses may result in advanced disciplinary steps in accordance with Article 17.4

6.6.1 Theft or conversion of time, money, materials or property from the County or other employees;

6.6.2 Physical altercation or threat of physical violence;

6.6.3 Willfully damaging County property or another employees' property;

6.6.4 Falsifying records or documents.

- 6.6.5 Abandonment- When an employee is absent for three (3) consecutive workdays and fails to notify their supervisor of an absence, it will be considered a voluntary resignation and severe discipline can result after a pre-disciplinary hearing (See Article 6.5.2) and the Union, with reasons, within one (1) work day of the discharge).

#### 6.7 Removal of Documents

- A. Adverse material or information related to alleged misconduct that is determined to be false and all such information in situations where employee has been fully exonerated of wrongdoing will be removed from employee files. However, the Employer may retain this information in a legal defense file and it will only be used or released when required by a regulatory agency (acting in their regulatory capacity), in the defense of an appeal or legal action, or as otherwise required by law.
- B. **Written Warnings** will be removed from an employee's personnel file after **two (2) years** if:
1. Circumstances do not warrant a longer retention period; and
  2. There has been no subsequent discipline; and
  3. The employee submits a written request for its removal.
- C. Records of disciplinary actions involving reductions-in-pay, suspensions or demotions, and written reprimands not removed after three (3) years will be removed after five (5) years if:
1. Circumstances do not warrant a longer retention period; and
  2. There has been no subsequent discipline; and
  3. The employee submits a written request for its removal.