

Sample Contract Language: Weingarten

PERC/LERC April 8, 2010

Due Process

Due process shall require, except for written reprimands, the following:

- a. Before the County notifies the employee of disciplinary action pursuant to part b of this section, the employee will be served with a written notice and provided an opportunity to respond as follows:
 1. The employee shall be advised that disciplinary action is being considered.
 2. The specific charges or performance deficiencies will be identified.
 3. The employee will be advised of his/her right to meet with the supervisor with or without Union representation and respond to the charges. The employee may respond in writing.
- b. After the above due process or response and any appropriate additional investigation has been completed, the supervisor shall make a decision and give written notice to the employee. **(Polk County, AFSCME Local 173)**

15.1 Discipline

Prior to conducting a disciplinary meeting, the supervisor shall advise the employee of his or her right to union representation. The meeting will be arranged by the immediate supervisor to include a Shop Steward or Union Representative, provided the employee requests their presence and such presence will not create an unreasonable delay period. Discipline may include, but not be limited to, written reprimands, suspension, demotion or termination, as determined by the seriousness of the offense, the employee's work history, and other relevant circumstances. No career employee shall be disciplined except for just cause. For the purpose of this agreement, just cause shall be determined in accordance with the following guidelines:

- a) The employee shall have some warning of the consequences of the conduct, unless the conduct is of such a serious nature that no prior warning is necessary in the eyes of a reasonable person.
- b) If a rule or order is the subject of the alleged misconduct, it must be reasonable and applied even handed.

- c) The County must conduct a fair and reasonable investigation.
- d) It must be determined, by a preponderance of evidence, that the employee has committed the alleged misconduct or act.
- e) The discipline issued must be appropriate based on the severity of the misconduct.
- f) The employee's past employment record with the County shall be considered, if appropriate, based on the severity of the act.

All disciplinary action imposed upon an employee may be protested as a grievance through the grievance procedure as outlined in Article 16. Discipline shall be done privately in a manner which will not embarrass the employee before other employees or in public. **(Washington County Community Corrections, AFSCME Local 3913)**