

above must be taken. When an Employee commits the same Minor Infraction that previously had resulted in a suspension more than four years prior, the Employee shall receive the same suspension that the Employee received for that previous similar infraction, and shall not progress to the next disciplinary step.

(iii) **Emergency Suspension:** An Emergency Suspension may be given prior to any step of a Disciplinary Action when the presence of the Employee is dangerous or will result in the disruption of operations. Labor Counsel must memorialize any Emergency Suspension in a Disciplinary Action Form and include a detailed explanation why Labor Counsel believes the Emergency Suspension is necessary. Labor Counsel must provide a copy of that Disciplinary Action Form to the Employee, Employee's union representative (if applicable), Supervisor, the DOC, and the RCA, while acting.

(a) Emergency Suspensions must be followed by notice of Pre-Disciplinary Hearing within thirty days of the start of the Emergency Suspension. Emergency Suspensions may not exceed thirty days without a Pre-Disciplinary Hearing.

(iv) **Incident Reports:** When a Division Head or Supervisor witnesses or has reason to believe that an Employee has committed either a Minor Cause Infraction or a Major Cause Infraction, that Division Head or Supervisor will follow the below process:

(a) The Division Head/Supervisor will complete an Office Incident Report detailing: 1) the name of the Employee; 2) date of occurrence; 3) date of any conference with the Employee concerning the alleged infraction; and 4) a detailed description of the Infraction (including which section of this Disciplinary Policy was violated). The Division Head/Supervisor will attach any relevant supporting documentation to the Incident Report. To the extent the Office Incident Report is completed by a Supervisor who is not a Division Head, the Supervisor will submit the Office Incident Report with the relevant supporting documentation to the Division Head and provide a copy to the DOC and RCA, while acting. After reviewing the documentation, the Division Head will make the determination about whether the alleged infraction is proper grounds for the submission of an Office Incident Report. An approved and/or unapproved Office Incident Report is not considered Disciplinary Action. Unapproved Office Incident Reports will be noted as such and retained for consistency purposes by Labor Counsel.

(b) To the extent that the Division Head approves the Office Incident Report, the Supervisor/Division Head will provide a copy of the Incident Report and any attachments to the Employee, the Employee's representative (if any), the DOC and the RCA, while acting. Incident Reports must issue in a timely fashion as provided in any applicable CBA, but is otherwise understood to be

no more than 30-days from the occurrence of the infraction or discovery thereof.

- (c) The Division Head/Supervisor will meet with the Employee, and the Employee's representative, if applicable, and the Employee's Supervisor (if applicable). The Division Head or Supervisor will provide notice to the DOC and the RCA, while acting, at least 24 hours before any such meeting and all may attend this meeting.
- (d) At the meeting, the Division Head/Supervisor will present the Incident Report to the Employee for his or her acknowledgment. Where the incident involves a Supervisor, the Division Head and either the Chief Deputy Recorder, Deputy Recorder or their Designee will present the completed Office Incident Report to the Supervisor for his or her review and signature. Should an Employee refuse to sign, a notation of "refused to sign" will be noted.
- (e) At the conclusion of the meeting, the Division Head/Supervisor will forward the completed Incident Report to the Labor Counsel with copies to the Employee, Employee's representative (if any), DOC and RCA, while acting. All approved Office Incident Reports will result in either Counseling or the issuance of a Pre-Disciplinary Hearing Notice.
- (v) "Counseling" is defined as a Division Head or Supervisor's grant of advice or direction to an Employee concerning an alleged Minor Cause Infraction in an attempt to prevent any future similar infractions.
 - (a) Counseling only will be given when an Employee has allegedly committed a Minor Cause Infraction and has no record of committing the same Minor Cause Infraction within the preceding 18 -month period. Where Counseling is warranted, the Division Head/Supervisor will be notified by Labor Counsel. The Employee, Employee's union representative (if applicable), Supervisor, the DOC, and the RCA, while acting, will be notified at least 24 hours before Counseling. The Incident Report evidencing the issuance of a Counseling will then be placed in the Employee's file.
 - (b) Should Disciplinary Action be considered, the Labor Counsel will issue to the Employee a Notice of Pre-Disciplinary Hearing. The Employee is expected to appear for his or her Pre-Disciplinary Hearing as provided in Section VI below.
- (vi) Pre-Disciplinary Hearing Procedure:

- (a) Pre-Disciplinary Hearing Notice. When Disciplinary Action is considered, after Labor Counsel receives a completed Office Incident Report, Labor Counsel shall schedule a Pre-Disciplinary Hearing before imposing any Disciplinary Action. Labor Counsel shall serve notice of the Pre-Disciplinary

Hearing to the Employee that includes the nature of the alleged Infraction and the possible Disciplinary Action that might be imposed should the charges be sustained. This Pre-Disciplinary Hearing Notice shall be provided to the Employee, Employee's representative (if applicable), DOC and RCA, while acting, at least 48 hours before the Pre-Disciplinary Hearing.

- (b) Pre-Disciplinary Hearing Time Limits. Labor Counsel shall issue the Notice of a Pre-Disciplinary Hearing within 30 days of the time the Incident Report issues or the alleged infraction became reasonably known to the Labor Counsel. This time limit will be waived if the Employee or the Employee's representative requests a delay of the hearing or if the hearing is delayed due to the Employee's unavailability or Labor Counsel's inability to effect service of the hearing notice. Such time limits shall not apply to charges of job abandonment, unauthorized absence or failure to return from a Leave of Absence when the Employee is absent when the Disciplinary Action commences. Should an Employee fail to appear at a hearing after proper notice without showing good cause, that Employee shall forfeit any right to appeal any Disciplinary Action imposed.
- (c) Hearing Officer. All Disciplinary Actions will be heard by a Hearing Officer. The Hearing Officer shall be the Employee's Division Head, subject to the following exceptions. In the Division Head's absence, or to the extent Labor Counsel determines there is a conflict, the Hearing Officer will be the Deputy Recorder assigned to the Employee's Section, a separate Deputy Recorder, or the Chief Deputy Recorder/Designee, as determined by Labor Counsel. Where the Employee alleged to have committed the infraction is a Division Head, the Hearing Officer shall be the Labor Counsel.
- (d) Employee Representation. Employees are entitled to bring a representative to the Pre-Disciplinary Hearing. *See above Pre-Disciplinary Hearing Notice.* If the Employee is represented by a union, that union shall have the exclusive right of representation. Union Employees are entitled to representation by duly elected or appointed union representation, or designated union counsel, but may not insist upon representation by a specific union official or steward. If a union Employee desires not to have union representation he or she shall complete the proper forms waving such rights as provided by a union representative.
- (e) Pre-Disciplinary Hearing. The Hearing Officer will conduct the Pre-Disciplinary Hearing and allow the Employee, or the Employee's representative, to respond to the alleged infraction(s) listed in the Pre-Disciplinary Hearing Notice. The Hearing Officer may hear statements from or ask questions of any relevant witnesses to the underlying alleged infraction(s). The Hearing Officer will conduct the Pre-Disciplinary Hearing in a professional and unbiased manner.

- (f) **Disciplinary Action Form.** At the conclusion of the Pre-Disciplinary Hearing, the Hearing Officer will complete the Disciplinary Action Form. The Disciplinary Action Form must include the following:
 - i. A statement of the charges, copy and explanation of evidence supporting the charges, a list of all suspensions and any previous Disciplinary Action committed within the prior 18-month period, and a copy of the underlying Office Incident Report;
 - ii. If the Employee was found to have committed a Minor Cause Infraction, a statement that committing the same, or similar, Minor Cause Infraction will result in the next Progressive Discipline step up to and including Termination; and
 - iii. The dates that any issued Suspension will be served, if applicable.
- (g) The Disciplinary Action Form will be signed by the Hearing Officer, the Employee's direct Supervisor, and the Employee. If the Employee refuses to sign the Disciplinary Action Form, the refusal will be noted in the space designated for the Employee's signature.
- (h) Copies of the Disciplinary Action Form will be distributed as follows:
 - i. The Employee;
 - ii. The Employee's representative, including a union representative, if applicable;
 - iii. The HRD to be placed in the Employee's Personnel File;
 - iv. The DOC; and
 - v. The RCA, while acting.
- (vii) HRD is responsible for maintaining accurate records of all Disciplinary Action issued to Employees, including copies of the disciplinary charges and the documents relied upon to support the charges. Copies will be offered as stated in this Manual.
- (viii) At any time prior to the announcement of findings and decision the Hearing Officer may accept the Employee's resignation in lieu of Suspension or Termination; however, at no time shall any Employee be pressured to resign in lieu of facing potential Suspension, Termination or other Disciplinary Action.
- (ix) **Grievance Procedure.** Union Employees may grieve a Disciplinary Action subject and pursuant to their respective CBA. Non-union Employees may not grieve a Disciplinary Action.

b) Reporting Accidents, Illness and Malfunctioning Equipment

- i) All Supervisors must ensure that all Employees receive proper safety instructions. Should additional training be necessary Supervisors should contact the Training Coordinator.