

## New Article 25 District Level Hearing **NEW ARTICLE**

### Article 25 ~~Severability~~ District Level Due Process Hearing

**25.1 Purpose.** Consistent with the purpose that “actions taken to discipline or discharge an employee shall be based upon just cause” and “the principal of progressive discipline” as referenced in Section 4 *Rights and Obligations of Employees*, subsection 4.6 *Employee Discipline*, this process for a District Level Due Process Hearing provides a means by which employees subject to discipline or discharge are given timely, fair, due consideration at the site level with an opportunity for resolution within a framework of graduated accountability. Prompt resolution leads to a better labor management relationship, and retention of employees.

### **25.2 Definitions.**

**25.2.1 Alleged Complaint.** See Section 24.2.1.

**25.2.2. Days.** See Section 24.2.2.

**25.2.3. Supervisor.** See Section 24.2.3.

**25.2.4. Exclusive Representative.** See Section 24.2.4.

**25.3 Progressive Discipline.** See Section 24.3.

**25.4 Complaints.** See Section 24.4.

**25.5 Employer Rights and Obligations.** See Section 24.5.

### **25.6 Notice.**

**24.6.1. Delivery.** The written notice will be provided in person with a written acknowledgement signed by the employee, or sent by email to the employee’s work address – or where needed their personal email address - with an acknowledgment by the employee.

**25.6.2. Timing.** The written notice must be provided **at least 3 (three) duty** days before any District Level Meeting.

**25.6.3 Content** See Section 24.6.3.

**25.7 Confidentiality.** See Section 24.7.

**25.8. Right Of Employee To Exclusive Representative.** See Section 24.8.

**25.9. Tennesen Rights.** See Section 25.9.

## 25.10 Investigatory Meeting.

25.10.1. **Site Level Meeting.** If the disciplinary outcome is imposed at the Site Level Meeting process and then proceeds to the District Level Hearing, the employee must file an appeal after a decision is made within X (X) duty days to Employee Relations. The investigatory meeting must be held within X (X) duty days of the employee providing this notice.

25.10.2. **District Level Hearing.** If the disciplinary action initiates with the District Level Hearing, then the investigatory meeting must occur X (X) days after notice has been provided by the employer. By mutual agreement this meeting may occur prior to or after the notice of X (X) duty days, but in no case longer than X (X) duty days after notice is provided.

25.11 **Decision.** The decision imposing progressive discipline will be made only after at least X (X) duty days after the District Level Hearing to ensure all information is duly considered. Upon mutual agreement, the decision may be imposed at the District Level hearing.

25.11.1 **Factors** - to be taken into consideration include but are not limited to those found in the "Additional Information" Section, page XX.

25.11.2 **Written Decision.** The decision will be provided in a written document delivered to the employee.

25.12. **Processing During Normal Workday:** Processing of all Due Process Hearings shall be during the normal workday whenever possible, and employees shall not lose wages due to their necessary participation.

25.13. **Appeals.** Disciplinary Outcomes decisions per subsection 24.3 *Progressive Discipline* may be appealed within X duty days by filing a grievance.

24.13.1. **Content:** The employee must provide the reasons for appeal.

24.13.2. **Grievance Steps.** With the alleged complaint having been discussed at a Site Level Meeting and / or at a District Level Hearing, and a decision made to impose disciplinary action, the matter will proceed to the Grievance Procedure process (Article 26).