

ARTICLE NINE
DUE PROCESS & DISCIPLINE CORRECTIVE ACTION

- A. **Progressive Discipline:** The parties agree to the principles of progressive discipline. Disciplinary action, for the most part, shall be administered in a manner to correct behavior that is in violation of policies, procedures and established practices. Discipline shall be administered for just cause and not in a manner that is demeaning or degrading.
- B. **Meetings and Notifications:** ~~Disciplinary action shall be administered within twenty (20) working days from the date the violation occurred or when the violation was first known to have occurred.~~ The District shall notify an employee of any allegations or accusations that the employee has engaged in misconduct within twenty (20) working days from when the District knew or should have known of such allegations or accusations. For any meeting scheduled for the purpose for taking ~~disciplinary~~ corrective action, the department shall provide the employee with written notification of the violation and schedule a meeting where the circumstances surrounding the violation shall be discussed. This meeting shall be scheduled no sooner than three (3) working days after the employee receives such notification. For example, if a supervisor schedules the conference for Friday, the employee must be notified on Tuesday.
- C. **Right to Representation:** Notification sent to an employee pursuant to Section 2 of this Article shall inform the employee of his/her right to BTU-TSP representation. When a request for such representation is made, no action shall be taken with respect to the employee within the specified time period unless such representative of the BTU-TSP is present. If a BTU-TSP representative is not present at a properly scheduled meeting, the meeting may proceed as scheduled without representation, except when either party indicates that a personal emergency prevents attendance, in which case the meeting shall be rescheduled at the earliest possible time.
- D. **During the Meeting**
1. The conference is intended to provide the employee with an explanation of the charges and the basis for the charges. Any relevant questions that the employee asks shall be answered to the best of the supervisor's ability. The employee shall be given an opportunity to respond, including their own explanation of the incident or mitigating circumstances, either verbally or in writing.