

Article 14 – Discipline and Adverse Action

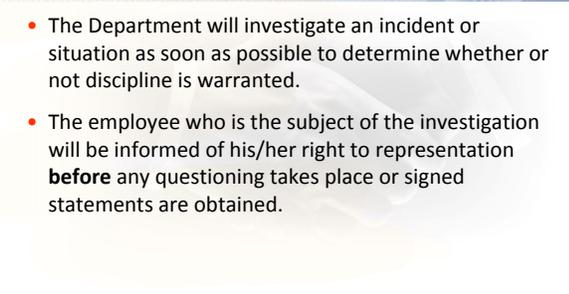
- The purpose of Article 14 is to:
 - Define types of disciplinary actions.
 - Establish standards and implement processes for taking disciplinary actions against employees.



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**Article 14, Section 10
Investigation of Disciplinary Actions**

- The Department will investigate an incident or situation as soon as possible to determine whether or not discipline is warranted.
- The employee who is the subject of the investigation will be informed of his/her right to representation **before** any questioning takes place or signed statements are obtained.



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**Article 14, Section 10
Investigation of Disciplinary Actions**

- Other employees questioned in connection with the incident may have the right to union representation upon request.
- Disciplinary investigations will be conducted fairly and impartially.



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Article 22 - Investigations

- The purpose of Article 22 is to define types of investigations as well as employee rights and Department responsibilities for conducting investigations.



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**Article 22, Section 1
General**

- Weingarten Rights
 - A: The local union shall be given the opportunity to be present at any examination of an employee in connection with an investigation if the employee:
 - Reasonably believes that the examination may result in disciplinary action against them
 - Requests representation
 - D: If the supervisor contemplates disciplinary action before or during the questioning, the employee must be advised of right to union representation prior to further questioning. If the employee requests representation, management will reschedule and give local union the opportunity to attend.

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**Article 22, Section 2
Investigations**

- Properly trained
 - Completed LMS or face-to-face training
- Formal investigation
 - One that's been initiated under VA Handbook Directive 0700, convened by the Director or higher authority



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**Article 22, Section 2
Investigations**

- There are inquiries/investigations that take place before the formal investigation that give rise to the right to union representation.
- If the employee could reasonably fear discipline as a result of an inquiry, the employee must be told of their right to union representation.
- Note that once an employee requests local union representation, except in very rare and unusual circumstances, no further questioning will take place until the local union is present.

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Article 31 - Silent Monitoring

- The purpose of this article is to:
 - Define the purpose of, and limitations on, Management use of silent monitoring
 - Establish a Labor-Management Task Force to examine alternatives



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**Article 31, Section 1
Purpose**

- Silent monitoring of telephone conversations is used to:
 - Ensure the accuracy and completeness of information provided to the public.
 - Determine training requirements.
- When used to evaluate performance, management must:
 - Notify the employee in advance of the period that silent monitoring will be conducted.
 - Limit silent monitoring to one week for evaluation.
 - Provide immediate feedback to the employee of the results of the silent monitoring.

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**Article 31, Section 2
Task Force**

- The parties agree to establish a Labor-Management Task Force to:
 - Examine alternatives to silent monitoring
 - Follow the best practices of public and private sector organizations on this issue



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Article 50 - Surveillance

- The purpose of this article is to outline the agreement on why and how surveillance is conducted.



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Article 50 - Surveillance

- If “covert” or “hidden” electronic camera surveillance are used during an investigation when disciplinary action is proposed, the union will receive:
 - A copy of all relevant evidence collected
 - A copy of the pertinent video tapes
- The union will be allowed to represent affected employees in any subsequent discussions or proceedings involving them.

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