

## ARTICLE 12

### CORRECTIVE ACTION

#### Investigatory Interviews (Weingarten Rights)

- 12.1 Upon the employee's request, the employee may be represented at an investigatory interview if the employee reasonably believes that disciplinary action may result. Prior to the interview, the employee shall be informed of the general nature of the matter being investigated. The employee may request to consult with their representative, if any. The right to representation does not apply to meetings held exclusively to inform an employee of a previously made disciplinary decision unless the CSU proposes to discuss or modify the disciplinary decision. If the representative an employee requests is unavailable, the employee may request alternate representation. The CSU is not obliged to postpone the interview, nor to suggest or secure the alternate representation; however, the employee shall not be required to answer any questions without a representative present, unless the employee voluntarily chooses to do so. At its discretion, the CSU may decline to hold any interview if the employee requests representation.

#### Reprimands

- 12.2 As used in this Article, the term "reprimand" shall refer to any written communication from an Appropriate Administrator to an employee that criticizes or otherwise comments negatively upon the personal/professional conduct and/or job performance of the employee if that written communication is placed in the official personnel file. Performance evaluations or notices of performance expectations or rules and regulations do not constitute a reprimand.
- 12.3 An employee may receive from an Appropriate Administrator an oral and/or written reprimand. Reprimands shall be provided in a timely and confidential manner.
- 12.4 Within thirty (30) days of the issuance of the reprimand, an employee may request a conference with the Appropriate Administrator who issued the reprimand to discuss the reprimand. Such a request shall not be unreasonably denied. The employee may be represented at such a conference by another employee or a Union Representative.
- 12.5 A written reprimand shall be placed in the official personnel file of the affected employee and shall be subject to Article 11, Personnel File. The employee shall be provided with a copy of a written reprimand. An employee may appeal the decision to place a written reprimand in their personnel file to the President within five (5) days after the conference held pursuant to 12.4 above. The President may hold a meeting with the employee and their representative, if any. Within ten (10) days of the meeting, or ten (10) days of the receipt of the appeal, if no meeting was held, the President shall provide a written response to the employee.
- 12.6 Reprimands shall not be subject to Article 7, Grievance Procedure, unless the grievant alleges the terms of this Agreement have been violated, misinterpreted, or misapplied.

### Rebuttal to Reprimand

- 12.7 An employee shall have the right to attach a rebuttal statement to a written reprimand in their official personnel file.

### Removal of Reprimand from Personnel File

- 12.8 Upon the employee's written request to the Human Resources Office and three (3) years from its effective date, a reprimand in the personnel file shall be permanently removed. Such a request shall be promptly honored and a statement verifying the permanent removal of the reprimand shall be provided to the employee. Neither the employee request for such a removal, nor the statement verifying the removal, shall be placed in the employee's personnel file. If a notice of disciplinary action has been served on the employee and such a reprimand is related to the disciplinary action, this provision shall not be implemented. Nothing in this provision shall prohibit earlier removal of the reprimand.

### Temporary Suspension with Pay

- 12.9 The President may temporarily suspend with pay an employee for reasons related to (a) the safety of persons or property, (b) the prevention of the disruption of programs and/or operation, or (c) investigation for formal notice of disciplinary action.
- 12.10 The President shall notify the employee of the immediate effect of a temporary suspension.
- 12.11 The President may terminate or extend a temporary suspension and shall notify the employee of any such extension and the anticipated completion date of the investigation, in writing. Notice may be provided by fax, email or regular mail, in addition to certified mail.
- 12.12 Temporary suspension shall not be subject to Article 7, Grievance Procedure, unless the grievant alleges the terms of this Agreement have been violated, misinterpreted, or misapplied.