

ARTICLE 8: DISCIPLINE AND DISMISSAL

The employer shall have the authority to discipline non probationary career employees for "reasonable cause."

An employee may be placed on investigatory leave (suspension without pay while a charge of serious misconduct is under investigation) by the supervisor, without prior written warning and without other approval, while a charge of serious misconduct is under investigation. The investigatory leave shall not exceed fifteen calendar days, unless unusual circumstances exist documented with specificity), in which case leave may be extended up to an additional 15 calendar days sufficient to permit an investigation of alleged misconduct to be completed. Serious misconduct shall be misconduct which, if substantiated, would warrant severe corrective action or dismissal.

Employees placed on investigatory leave may elect to use earned vacation credits during the leave to avoid a loss of income.

Upon completion of the investigation, the employee shall be informed by the Staff Relations Manager in writing of the result of the investigation and of the corrective action, if any, to be taken. If no corrective action is taken, the employee shall be paid his/her usual salary for the period of investigatory leave, and shall be credited with any vacation credits used. If corrective action other than dismissal is taken, the time on investigatory leave shall be credited against any suspension. If a dismissed employee is reinstated, unpaid leave shall be restored to the extent it is greater than any discipline ultimately imposed.

No disciplinary action shall be effective until the employee has provided a response to the notice--of-intent to discipline or the employee has waived the right to respond by failing to provide a timely response, but in no event less than ten (10) calendar days from the date of issuance of the notice of intent to discipline. If, after receiving the employee's response, the employer is unable to render a final written decision regarding discipline prior to the effective date of the disciplinary action as stated in the notice of intent to discipline, the effective date shall be the date upon which the employer issues its written notice of final discipline, but in no event' shall final discipline be effective less than ten (10) calendar days following the date of service of the notice of intent to discipline.

All employees subject to discipline as defined by the Protective Force Division Standards of Conduct Policy shall receive the following procedural protections:

A. Notice

1. Written notice of intent to dismiss, demote, suspend or decrease salary shall be given to the employee, either by delivery of the notice to the employee in person or by placing the notice of intent in the U.S. mail, certified mail, in an envelope addressed to the employee at the employee's last known home address. It shall be the responsibility of the employee to inform the Laboratory in writing of any change in such address.

2. The notice of intent shall:

a. Inform the employee of the disciplinary action which the Laboratory intends to take, the reason for the disciplinary action and the effective date of the disciplinary action which shall be not less than ten (10) calendar days after the date of service of the notice of intent to discipline;

b. Inform the employee that he or she has the right to respond, either orally or in writing, to the proposed action, to whom the response must be made, and that the response must be received within ten (10) calendar days of the date of service of the notice of intent; and

c. Include a copy of the charge and all materials upon which the charge is based. A copy of the notice of intent shall be sent to SPOA.

B. Employee Response

The employee shall be entitled to respond, either orally or in writing, to the notice of intent described above. The response shall be made to a designated Staff Relations Representative with authority to amend, modify, revoke or otherwise alter the proposed disciplinary action, in accordance with the provisions of this Article. Such response must be received within ten (10) calendar days from the date of service of such notice of intent in accordance with instructions given by the Laboratory in the written notice of intent sent to the employee. After review of the employee's timely response, if any, the Laboratory shall notify the employee of any action to be taken. Such action may not include discipline more severe than that described in the notice of intent; however, the Laboratory may reduce such discipline without the issuance of a further notice of intent. If the employee chooses to respond orally, the employee is entitled to have a representative present.

C. Appeal Rights

Employees who receive final discipline of dismissal, demotion, suspension, or salary decrease may appeal such discipline by filing a grievance pursuant to Article 6 of this Agreement. Written warnings are appealable pursuant to Article 6 of this Agreement, but only to step three (3) of the grievance procedure.