

The State Contract Series

For use in understanding the state employees' contract



Tips for Handling Pre-Discipline Meetings

- The first thing to do when you receive the pre-disciplinary packet is to make sure the alleged rule violations are accurate and match the Employee Code of Conduct or Agency Discipline Grid. More times than you can imagine, the number for the violation does not match the actual violation or it might have noted the wrong disciplinary sanctions. This is on the cover page of the pre-disciplinary packet. [This is a procedural error and should be noted as such.]
- Read the packet closely. Any discrepancies should be investigated. You have the right to take union time to investigate and prepare for the pre-disciplinary meeting.
 - Question witnesses that management has listed in the packet.
 - Question people that the employee has worked with that are not noted as witnesses. You may want to use them in the pre-disciplinary meeting as a witness for the employee. Most of the time, management only uses witnesses that will testify against the employee, if they use any at all.
 - Be sure to submit a written request to the Labor Relations Officer for any employee you would want to use as a witness. Please note witnesses are not often used at Pre-Disciplinary meetings, but are only used for mediation, arbitration and sometimes 3rd step grievance hearings. If management will not allow your witness to testify at the meeting, submit a written statement from your witness at the meeting. **Be ready to use the employee if you request them.**
 - You may need to request some documents to get the whole picture.
 - Request any documentation you need for the pre-disciplinary meeting **in writing**. [If you do not receive the requested documents prior to the meeting, this is a procedural error and should be noted as such.]
- The employee has the right to meet with you prior to the pre-disciplinary meeting to go over any materials or witnesses that you plan to use.
- When the pre-disciplinary meeting starts, there is usually a pre-set procedure that is used.
- Normally, the hearing officer reads the alleged rule infractions and then the possible sanctions if just cause is determined.
- Next the hearing officer reads the facts from management's investigations.

- The management representative will then present arguments as to why and how the violations have occurred. Remember, anything that management's representatives say in this meeting must be included in the pre-disciplinary packet. [If they discuss anything that is not in the packet, this is a procedural error and should be noted as such.]
- The employee will get a turn to ask questions, comment, refute or rebut any part of management's statements. Often employees make statements at the pre-disciplinary meeting that they cannot support later on or that they may regret because pre-disciplinary statements may be used later in arbitration. **Be sure the employee knows that what is said in the meeting becomes part of the record.**
- Next, it is the Union representative's turn. Start out by pointing out any procedural errors that have occurred up to this point.
- Submit any documents that you have into the hearing record to rebut management's evidence. Make sure you have enough copies of all documents for all the parties.
- Point out:
 - any discrepancies that you have found in the documents supplied in the Pre-D packet,
 - arguments to support the employee,
 - evidence of mitigating circumstances, and
 - any issues regarding management's handling of the same type of alleged infractions in the past.
- Call any witnesses that you have been authorized to use. Remember that management representatives will also have the right to question the witness. The same is true for any witnesses that management brings in. Usually, management doesn't bring witnesses to a pre-disciplinary meeting because they would much rather take a statement and submit it. Raise the fact that the union would like the opportunity to discuss the statement with the witness. If you have not received authorization to bring your witnesses in, submit a written and signed statement from them.
- If any procedural errors have occurred in the pre-disciplinary meeting itself, before the meeting ends, tell the hearing officer to note those errors into the meeting record.

Reference

Article 24.05

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