

**SAINT PAUL FEDERATION OF EDUCATORS
PROPOSAL #42
NOVEMBER 16, 2023**

**Licensed Contract
Oral Reprimands**

ARTICLE 16. DISCIPLINE

SECTION 1. Disciplinary actions will be taken by the Employer for just cause, and in a generally consistent manner. However, circumstances, work histories, and mitigating or aggravating factors may result in different actions for similar offenses.

SECTION 2. Discipline will usually be applied progressively for sequential offenses, using the following steps:

- a. Oral reprimand
- b. Written reprimand
- c. Suspension without pay
- d. Discharge

Subd. 1. It is recognized and acknowledged by the parties that when an incident of a serious nature occurs, the Employer may move directly to the severest actions, including discharge.

Subd. 2. Discharge actions are governed by requirements of [M.S. §122A.41](#) for teachers.

SECTION 3. When disciplinary action ~~above the level of oral reprimand~~, pursuant to this Article, is anticipated, or an investigation preceding possible disciplinary action is undertaken, a meeting will be scheduled by the supervising administrator to review the matter. The teacher shall be provided written or oral notice of such meeting, and shall be entitled to Union representation. **If at any point in the investigation the employer becomes aware of FMLA qualifying conditions, the employer will provide all necessary information about how to apply for an FMLA leave in the investigatory meeting.**

Subd. 1. If the Employer's intent is to suspend without pay, or to discharge an employee, the employee will, prior to implementation of such action, be provided an opportunity to meet with the supervisor who will make the final determination, and to

present his/her position in the matter. The employee is entitled to have Union representation.

Subd. 2. It is recognized and acknowledged by the parties, however, that on some occasions, the offense is of such serious nature as to require immediate suspension of the employee, and in such instances, any review meeting will follow that action. This may be a non-disciplinary suspension with pay, pending further investigation.

SECTION 4. All Disciplinary actions, ~~except for oral reprimand,~~ are subject to review through the grievance procedure of the Labor Agreement. The discharge of a teacher covered under the Tenure Law will be governed under the procedures of M.S. §122A.41

SECTION 5. An employee who is disciplined pursuant to this article shall be furnished with notice of such disciplinary action, and a copy shall be entered into the employee's personnel record in the Human Resource Department of the District. A copy of such notice shall also be provided to the Federation. ~~Oral reprimands are excluded from the requirements of this section.~~

Subd. 1. The teacher has the right to submit a written response to such notice, which response will be incorporated into the teacher's personnel record in the Human Resource Department at the teacher's request.

Subd. 2. After a two-year period, the teacher may elect to request that the Human Resource Department review the notice document and consider its removal from the teacher's file. Determination regarding such removal shall be entirely at the discretion of the District, and the decision shall not be grievable.

**SCSP Contract
Oral Reprimands**

ARTICLE 14. DISCIPLINE AND DISCHARGE

SECTION 1. The Employer shall have the right to impose disciplinary actions on employees, including dismissal for unsatisfactory work, or other just cause.

SECTION 2. Disciplinary actions by the Employer may be any of the following actions:

- 1- Oral reprimand
- 2- Written reprimand
- 3- Suspension without pay
- 4- Discharge

SECTION 3. Review of disciplinary actions shall be limited to the following:

Subd. 1. Oral reprimand. ~~No review.~~ **If an oral reprimand is to be placed in an employee's file, the employee may elect to provide a written response which shall, if requested, be placed in the file along with the reprimand.**

1.1 An oral reprimand which is placed in an employee's personnel file is subject to review through the grievance procedure, including arbitration.

Subd. 2. Written reprimand. If a written reprimand is to be placed in an employee's file, the employee may elect to provide a written response which shall, if requested, be placed in the file along with the reprimand.

2.1 A written reprimand which is placed in an employee's personnel file is subject to review through the grievance procedure, including arbitration.

Subd.3. Suspension and/or Discharge. Employees who are being suspended and/or discharged shall receive notice in writing, stating briefly the reason for discharge.

3.1 Preliminary Review. Prior to issuing a disciplinary action of unpaid suspension, demotion, or discharge, the supervisor will make a recommendation to his/her supervisor regarding proposed discipline. That supervisor will then schedule a meeting with the employee prior to making a final determination of the proposed discipline. The employee shall have the opportunity to have union representation present and be provided the opportunity to speak on his/her behalf regarding the proposed action. If the employee is unable to meet with the supervisor, the employee will be given the

opportunity to respond in writing.

3.2 Employees may be discharged immediately and without preliminary suspension for theft, drinking alcoholic beverages while on duty, use of a controlled substance while on duty, assault of a student or client, gross negligence of duty to assure the safety of students or clients, or other serious offenses.

3.3 Discharge is subject to review through the grievance procedure, including arbitration.

Subd. 4. The review procedures outlined in this Section shall be the exclusive means of review for disciplinary action, and the grievance procedure shall be involved only as noted in Subd. 2.1 and 3.3, relating to written reprimand, suspension, withholding of increment, and discharge.

EA Contract

Oral Reprimands

ARTICLE 17. DISCIPLINE AND DISCHARGE

17.1 The District shall have the right to impose disciplinary actions on employees including dismissal for unsatisfactory work or other just cause. **When disciplinary action pursuant to this Article, is anticipated, or an investigation preceding possible disciplinary action is undertaken, a meeting will be scheduled by the supervising administrator to review the matter. The EA shall be provided written and oral notice of such meeting, and shall be entitled to Union representation. If at any point in the investigation the employer becomes aware of FMLA qualifying conditions, the employer will provide all necessary information about how to apply for an FMLA leave in the investigatory meeting.**

17.2 Disciplinary actions by the District shall include the following actions and will normally take the course of 1 - 2 - 3 - 4 except in cases of a serious magnitude such as theft, drinking while on duty, use of a controlled substance while on duty or other reasons of a similar serious magnitude:

- 1-Oral reprimand;
- 2- Written reprimand;
- 3-Suspension without pay;
- 4 -Discharge.

17.3 ~~A written reprimand and/or suspension without pay is~~ **All discipline is** subject to review through the grievance procedure, including arbitration. Review of disciplinary actions shall be limited to the following discipline procedures: ~~excluding 17.3.1:~~

17.3.1 Oral reprimand. ~~No review.~~ **If an oral reprimand is to be placed in an employee's file, the employee may elect to provide a written response which shall, if requested, be placed in the file along with the reprimand.**

17.3.2 Written reprimand. If a written reprimand is to be placed in an employee's file, the employee may elect to provide a written response which shall, if requested, be placed in the file along with the reprimand.

17.3.3 Suspension. Employees who are suspended without pay shall receive notice in writing, stating briefly the reason for suspension, and the length of the suspension.

17.3.4 Discharge. Employees who are being discharged shall receive notice in writing, stating briefly the reason for discharge.

17.3.4.1 Preliminary Review. Prior to issuing a disciplinary action of unpaid suspension, demotion or discharge, the supervisor will make a recommendation to his/her principal/administrator regarding proposed discipline. The principal/administrator shall then provide written notice of the charges to the employee and the union business agent and offer to meet with the employee prior to making a final determination of the proposed discipline. The employee shall have the opportunity to have union representation present and be provided the opportunity to speak on his/her behalf regarding the proposed action. If the employee is unable to meet with the principal/administrator, the employee and/or union will be given the opportunity to respond in writing.

17.3.4.2 Discharge is subject to review through the grievance procedure, including arbitration.