

**KALEIDA HEALTH
1199/SEIU UNITED HEALTHCARE WORKERS EAST
COMMUNICATIONS WORKERS OF AMERICA**

2022 CONTRACT NEGOTIATIONS

**Union Counterproposal
Date Presented: May 24, 2022**

**Article 62
Progressive Discipline and Remediation**

Section 1. The Employer commits to a policy of progressive discipline. Progressive disciplinary measures will include the following:

- a.) verbal warning;
- b.) written warning;
- c.) suspension (not to exceed three [3] days);
- d.) termination.

The Employer will not use anecdotal notes or counselings that are more than twelve (12) months old to progress discipline.

It is understood, however, that nothing in this Article shall prohibit the Employer from advancing the level of discipline in proportion to the seriousness of the offense. A copy of the disciplinary action shall be given to the employee and the Union.

Discipline for alleged HIPAA infractions shall not be limited by the provisions of Section 1. c above and the employer shall not be prohibited from advancing the level of discipline in proportion to the seriousness of the offense.

Section 2. Counseling shall not be considered as discipline and should precede any formal disciplinary action.

Section 3. An employee that receives a suspension will not have that period of suspension count as unscheduled paid time off under the time and attendance provisions of this Agreement. An employee that receives a suspension pending investigation of an incident, will receive his/her pay for all scheduled working days where they were suspended from work if not returned after the first three (3) scheduled working days (including extra shifts scheduled prior to the issuance of the suspension), providing the employee is not discharged.

Section 4. No disciplinary action will be taken without just cause. The Employer will notify the Union, in writing, of a suspension or discharge within seventy-two (72) hours or as soon as reasonably possible, stating the reason for the discipline.

Section 5. Progressive Remediation:

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a.) The Employer shall identify certain corrective actions which are needed to assist and support an employee when a problem occurs in the course of performing his/her job and will provide the employee with a written plan of correction at the written warning step or suspension step if the suspension step is where the discipline process begins.

b.) When the employee has demonstrated consistent improvement in performance as a result of the remedial program, the employee will be removed from the progressive discipline schedule as described below. Further, the documentation of the need for discipline will not be used as a basis for further progressive discipline pursuant to the following schedule. It is agreed that documentation of corrective disciplinary measures shall not remain in the employee's personnel file for a period longer than the following providing the behavior in question does not recur:

- i.) Verbal warning: six (6) months from the date discipline imposed;
- ii.) Written warning: twelve (12) months from the date discipline imposed;
- iii.) Suspension: eighteen (18) months from the date discipline imposed.

The time periods referred to above shall refer to actual time worked.

c.) The Union and the Employer agree that the written plan of correction shall not be required when there are non job performance problems.

d.) It is further agreed that this Article does not preclude the Employer from the initiation of disciplinary action for serious performance problems at a higher step despite the absence of a written plan of correction.

Section 6. It is agreed to and understood by the parties that employees must be notified of a disciplinary action in writing within thirty (30) calendar days (excluding periods the employee is in inactive status) of its occurrence or its discovery. If the Employer does not notify the employee within the thirty (30) calendar day time frame (excluding periods the employee is in inactive status), the employee will not be disciplined.

The Employer shall notify in writing the Employee and Union if the disciplinary action cannot be completed within thirty (30) days from the date of the occurrence or the Employer's discovery of the issue giving rise to the disciplinary investigation. The written notification shall indicate the reason why the investigation has not been completed and give the Employee and Union an estimated time-frame for its completion, but in no event shall it exceed sixty (60) days from the underlying event's occurrence or discovery (excluding periods the employee is in inactive status). After the sixty (60) day time frame, the employee will not be disciplined.

The Employer will not use this notification to delay the administration of discipline under this Article. Examples of circumstances that may warrant the issuance of the written notification include, but are not limited to, when a delay results from an employee or union representative's

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failure to attend or lack of availability for a scheduled meeting, extensive record/documentation review, availability of necessary witnesses, complex factual circumstances (i.e. diversion cases), etc.

Section 7. If the Employer uses surveillance camera video as evidence to support employee discipline, a copy of the video will be provided to the Union prior to any discipline being administered.

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