

## Lesson Plan

for Handout (HO) and PowerPoint (PP) entitled

### **“This Can't Be Happening to Me”: What to Do When You Are Threatened with Discipline**

- I. HO page 1; PP slide 3: It Happens More Often Than You May Think
  - While you may think that discipline will never happen to you, it happens to more of us than you may think.
  - For example, in 1987, almost ten percent of all U.S. Postal Service employees were disciplined, and almost one percent of them were terminated.
  - Therefore, know your rights just in case this *does* happen to you.
  
- II. HO p. 1-2, PP s. 4-15: Six Words of Advice: “Shut Up, Shut Up, Shut Up”
  - HO p. 1, PP s. 4-9: Under *Weingarten*, you have the right to union representation in investigatory interviews.
    - You must *reasonably believe* investigatory interview will result in discipline
    - Investigator does not have to *offer* union representation.
    - You must *request* union representation (HO p. 10, PP s. 7).
    - If you request but are *denied* union representation, you can *refuse* to answer questions (HO p. 10, PP s. 7).
    - If you talk, you *waive* your right union representation!
  - HO p. 2, PP s. 10-15: Exercise Scenarios
    - Zipper-Lips Sandy failed to *request* union representation.
    - Blabber-Mouth Billie *waived* union representation by talking.
    - Scaredy-Cat Scottie could not *reasonably believe* routine meeting would result in discipline.
  - **HO p. 10: Detach and cut out *Weingarten* rights wallet card, fold, and place in wallet. If called into an investigatory interview, read text on back of card, call steward.**
  
- III. HO p. 3-4, PP s. 16-23: Reprimands (a/k/a “Corrective Action”)
  - HO p. 3, PP s. 16, 20-21: You can *appeal* a reprimand to the President, but you cannot appeal it to the State Personnel Board or grieve it to an arbitrator.
  - HO p. 4, PP s. 16, 22: You have the right to *rebut* a reprimand in writing.
  - HO p. 4, PP s. 16, 23: You have the right, upon *request*, to have a reprimand *removed* after three years, *if no related disciplinary action* followed.

- **HO p. 9: Detach “Corrective and Disciplinary Action Flowchart” and keep in a safe place for timeline to appeal and rebut a reprimand.**

IV. HO p. 4-7, PP s. 24-43: Dismissal, Demotion, Suspension Without Pay (a/k/a “Disciplinary Action”)

- HO p. 4-5, PP s. 24-29: You have the right to a “pre-deprivation” *Skelly* hearing and must be provided with:
  - notice of the proposed disciplinary action;
  - the reasons for the proposed disciplinary action;
  - a copy of the charges and materials upon which the disciplinary action is based; and
  - (notice of) the right to respond, either orally or in writing.
- HO p. 5-6, PP. s. 24, 30-33: You have the right to a “post-deprivation” hearing before the State Personnel Board, but you generally cannot grieve to an arbitrator.
- HO p. 6, PP s. 34: If you are disciplined *and are an APC member*, you have the right to choose one of the following two option:
  - *either* APC will provide representation for you before the State Personnel Board
  - *or* you choose your own representation and are reimbursed at an hourly rate of \$50.00 up to a cumulative maximum of \$1,000.00 per case.
- HO p. 6-7, PP s. 35: Reasons for dismissal, demotion, and suspension without pay include
  - *not only* (work-related) “unprofessional conduct” and “failure or refusal to perform the normal and reasonable duties of the position,
  - *but also* (non-work-related) “conviction of a felony” and “conviction of any misdemeanor involving moral turpitude,” including DUIs!
- HO p. 7, PP s. 36-38: CSU must prove to the State Personnel Board that it had “just caused” to discipline you and followed “progressive discipline.”
- HO p. 7, PP s. 39: Dismissal, demotion, or suspension without pay stay in your personnel file forever.
- PP s. 40-43: Exercise Scenarios
  - PP s. 40-41: Although the incident was non-work related, misdemeanor indecent exposure to a minor may be a misdemeanor involving moral turpitude (refer back to PP s. 35). Toby Tabasco could have been fired.
  - PP s. 42-43: Urinating on your colleague’s office door is unprofessional conduct (refer back to PP s. 35). Peter Pisher could be fired.
- **HO p. 9: Detach “Corrective and Disciplinary Action Flowchart” and keep in a safe place for timeline to appeal a dismissal, demotion, or suspension w/o pay.**