

CITY OF MILWAUKEE

DEPARTMENT OF EMPLOYEE RELATIONS

June 11, 2020

Pre-disciplinary Meetings: What to Expect

This guide describes what Civil Service employees should expect when scheduled to attend a pre-disciplinary, pre-discharge, or pre-separation meeting.¹ This summary represents the Department of Employee Relations' guidance to departments based on best practice and consistent with due process and just cause requirements.

1. Notice of a Meeting

Before a pre-disciplinary, pre-discharge, or pre-separation meeting is held, your Department will notify you of the meeting. You will receive reasonable advance notice of the meeting. Absent extenuating circumstances, advance notice is typically at least one day.

The notice will be in writing and indicate 1) the general description of the allegations or charges; 2) your ability to bring a representative to the meeting; and 3) the date, time, and location of the meeting. **A copy of this guide should be provided to the employee with the Notice.**

If you need additional time to obtain representation, you can request a short postponement of the meeting. Meetings will typically still need to be held within a week of the originally scheduled meeting. Any person can serve as your representative, with the exception of a DER employee or an elected official. If an attorney will represent you, the Department must be notified in advance so that representation from the City Attorney's Office can be secured.

¹ Pursuant to CSC Rule XI, Section 1, an employee may be separated for non-disciplinary reasons set forth in the rule. For purposes of this guide, a pre-separation meeting is treated similarly to a pre-disciplinary or pre-discharge meeting, although the employee did not engage in behaviors that are ground for discipline, they are still entitled to due process before being separated from the City.

2. The Meeting

During the meeting, the Department is expected to:

1. Inform you of the purpose of the meeting. Explain this is your opportunity to provide information and answer questions in regards to the allegations. Failure to cooperate and respond to questions will force the Department to make a decision without your responses.
2. Establish the ground rules and format of the meeting.
3. Inform your representative that the representative's role is to serve as an adviser to you and clarify questions as necessary. An employee representative, including an attorney, cannot answer questions for you.
4. Inform you that a decision will not be made at the meeting. All facts presented at the meeting will be reviewed and analyzed before a decision is made as to the outcome of the investigation.
5. Present allegations and available evidence to you. Allow you an opportunity to provide responses to each allegation and an explanation of your behavior, including mitigating circumstances.
6. Offer you an opportunity to provide any other information you want the Department to consider prior to making a determination regarding discipline or separation.
7. If you need an opportunity to gather and provide documents that were identified and discussed during the meeting, you will be given a deadline to provide those documents.
8. Inform you when you can expect a decision to be made and how you will be notified of that decision. There may be cases where at the conclusion of the meeting there are no facts in dispute (ex. Drug Test Policy violation). In those cases, the decision regarding disciplinary action may be communicated to the employee at the close of the meeting.

3. After the Meeting

After the meeting, the Department will review and consider all of the information available. A decision to impose discipline, discharge, or separation from service will not be made until after there has been careful consideration of the facts. If needed, the Department will investigate any information put forth at the meeting that was not previously known or merit verification.

If at the meeting, you were given a deadline to provide any additional information, it is your responsibility to provide that information by the deadline.

4. Notification of the Decision

Once a decision has been made, the Department will notify you of that decision in person, or, depending on the circumstances, the notice of the decision may be sent to your home address via regular and certified mail.

You will receive a written notice of the decision from the Department. The Department will explain the terms of the action taken and when you are expected to return to work if it is a suspension. There is no discussion as to the merits of the disciplinary action. The Department will advise you of your appeal rights, including an explanation of the difference between the disciplinary grievance procedure and the City Service Commission appeal procedure and which is appropriate for the action taken by the Department.

If you are discharged or separated from City employment, you will be provided with a brochure explaining the impact of the decision on your benefits. This brochure has general information on COBRA, comp time payout, vacation payout, etc. At this time, you will also be required to turn in all City issued equipment and property.

A copy of the decision or action taken will be placed in your personnel file and provided to the Department of Employee Relations.

If you have any questions about the information contained in this guide, please contact Labor Relations.