

# Phase 1

## Job Aid for Management

### Pre-Disciplinary Investigations and Meetings

Action
<p>Prior to performing a Pre-disciplinary Investigation or meeting, contact Labor Relations at <a href="mailto:Labor.Relations@state.nm.us">Labor.Relations@state.nm.us</a> .</p>
<p><b><u>CWA Agencies – Article 7 Section 1:</u></b></p> <p>Except under extenuating circumstances, the employee may reschedule the meeting for another reasonable time in order to secure representation during the interview.</p> <p>Employees shall have the following rights in addition to those rights established by the State Personnel Board (SPB) rules:</p> <p>A. At any meeting where the Employer is investigating any employee for possible disciplinary actions, the Employer shall:</p> <ol style="list-style-type: none"> <li>1. notify the employee at the outset of the meeting that the employee is being investigated for possible disciplinary action;</li> <li>2. on request, allow the employee the opportunity for Union representation; and</li> <li>3. If the Employer elects to proceed with the interview, provide the employee with a reasonable amount of time to confer with his/her representative.</li> </ol> <p>B. The Employer may not make a verbatim record of such interview unless it notifies the employee at the outset of the meeting of its intention to do so. If the Employer does elect to make a verbatim record of the meeting, the employee shall be provided with a true and correct copy of the record. In addition, if the Employer is recording the meeting, the employee may also record the meeting provided that the meeting will not be unduly delayed while the employee obtains a recording device.</p> <p>An employee may refuse to answer questions of a superior that probe possible criminal conduct until the employee has obtained legal advice and/or counsel. The employee shall be given a reasonable period of time to secure counsel.</p>
<p><b><u>AFSCME Agencies - Article 24 Section 2:</u></b></p> <p>Employees shall have the following rights in addition to those rights established by the State Personnel Board (SPB) rules:</p> <p>A. At any meeting where the Employer is investigating any employee for possible disciplinary actions, the Employer shall:</p> <ol style="list-style-type: none"> <li>1. notify the employee at the outset of the meeting that the employee is being investigated for possible disciplinary action;</li> <li>2. on request, allow the employee the opportunity for union representation; and</li> <li>3. if the Employer elects to proceed with the interview, provide the employee with a reasonable amount of time to confer with his/her representative.</li> </ol> <p>The Employer may not make a verbatim record of such interview unless it notifies the employee at the outset of the meeting of its intention to do so. If the Employer does elect to make a verbatim record of the meeting, the employee shall be provided with a true and correct copy of the record. In addition, if the Employer is recording the meeting, the employee may also record the meeting provided that the meeting will not be unduly delayed while the employee obtains a recording device.</p> <p>B. An employee may refuse to answer questions of a superior that probe possible criminal conduct until the employee has obtained legal advice and/or counsel. The employee shall be given a reasonable period of time to secure counsel; and</p> <p>C. If a superior needs to talk to an employee concerning the employee’s performance or conduct, the meeting shall be held in private.</p>