

**STATE OF OHIO
ADJUTANT GENERAL'S DEPARTMENT
2825 West Dublin Granville Road
Columbus, Ohio 43235-2789**

Ohio Joint Partnership Executive Council (JPEC)

1 January 2008

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: JPEC Policy Letter 08-06 (Labor-Management Coordination during Fact-finding to Determine Possible Misconduct)

1. We acknowledge the following rights of technician employees of the Ohio National Guard in relation to informal fact-finding or formal investigations into possible misconduct that could result in disciplinary actions:

a. The employee has a right to labor representation before being questioned in any fact-finding or investigation in which the employee has a reasonable belief that the questioning could lead to disciplinary action. This right will preclude investigative questioning without labor representation whenever labor representation is requested by the employee.

b. The employee has a right to labor representation before the initiation of disciplinary action or questioning with the intent to establish a basis for disciplinary action.

c. A supervisor must:

(1) Notify the local labor officer of his/her intent to question an employee when there is a reasonable likelihood that the questioning could provide a basis for discipline;

(2) Notify the local labor officer of his/her intent to initiate disciplinary action and include labor in the initial meeting with the employee to address discipline;

(3) Advise the employee of his/her right to labor representation prior to initiating questioning with the intent to establish a basis for disciplinary action.

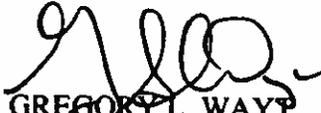
2. We also recognize that both management and labor have a commitment to address disciplinary situations in a fair and timely manner. With that end in mind, it is consistent with the policies of our labor-management partnership that a supervisor should notify labor at the earliest time practical when the supervisor has information that provides probable cause to suspect misconduct has occurred which could lead to disciplinary action. We recognize and support early cooperation between the supervisor and labor representative to confirm or deny a valid basis for discipline. We recognize that this approach will ordinarily lead to a more rapid resolution to a disciplinary action, and prevent the need for extended investigations by both Ohio Joint Partnership Executive Council (JPEC) management and labor before action can be

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taken. We support labor-management cooperation in the analysis of preliminary fact-finding to expedite the initiation of discipline or facilitate a quick determination to dismiss allegations of misconduct when not warranted.

3. Local Partnership Committees (LPCs) should address local procedures to ensure responsive labor notification and effective coordination between first level supervisors and labor representatives whenever allegations of employee misconduct require substantiation through more than a cursory inquiry and assessment by the supervisor. LPCs should take steps to ensure both employees and supervisors are informed of the representation rights and responsibilities related to questioning employees regarding situations that could lead to discipline, as well as the supervisor responsibility to provide early notification to labor of a pending investigation whenever a cursory inquiry substantiates the basis for more extensive fact-finding or investigation into allegations of misconduct or other activities that would result in discipline.

4. This memorandum establishes personnel policy of the Ohio National Guard and will be administered as a policy of The Adjutant General by the Human Resource Division. This policy will be effective for the period coinciding with the AFGE and Adjutant General's Department Collective Bargaining Agreement approved by the Department of Defense on December 19, 2007, unless specially rescinded or superseded.


GREGORY L. WAYT
Major General
The Adjutant General


JEFFERY L. TANNER
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