

# JOINT DISCOVERY FORM

Employee:	Supervisor/Steward:
Received complaint/issue regarding: Date complaint/issue received:	
Complaint/issue received from:	
<input type="checkbox"/> Substantiate basis of current complaint/issue: How was complaint substantiated? <hr style="border: 0.5px solid black;"/> <hr style="border: 0.5px solid black;"/> <hr style="border: 0.5px solid black;"/> <hr style="border: 0.5px solid black;"/>	



Further information gathering until Discovery Meeting.

<b>NEXT STEP:</b> Employee Notification by Supervisor <b>SEE APPENDIX A</b>
<input type="checkbox"/> Supervisor meets with employee to advise of complaint/issue and need for Discovery Meeting with Union Steward (Employee may decline representation at meeting or for entire process).
<input type="checkbox"/> Supervisor sends confirmation E-mail to employee and steward.  <div style="text-align: center;">Date confirmation email was sent.</div>



Further information gathering until Discovery Meeting.

<b>NEXT STEP:</b> Discovery Meeting		
Date:	Time:	Location:
Employee:	Supervisor:	Steward: (unless representation is declined)
<input type="checkbox"/> Manager and Steward review the Corrective Action Process and Conflict Resolution System Flowchart with employee.		

<input type="checkbox"/> Manager and Steward outline the <u>confidential nature</u> of the meeting to employee and initial below:		
Employee:	Manager:	Steward:
<input type="checkbox"/> Manager's statement of complaint/issue: <hr/> <hr/> <hr/>		
<input type="checkbox"/> Employee's statement: <hr/> <hr/> <hr/>		
<input type="checkbox"/> Steward's statement: <hr/> <hr/> <hr/>		



<p><b>NEXT STEP:</b> Discovery Planning          Meeting for Manager and Steward only. <i>Employee should not be in the room.</i></p>
<input type="checkbox"/> What elements need to be addressed to investigate the complaint/issue? <hr/> <hr/> <hr/>
<input type="checkbox"/> Documentation (Electronic records, i.e., Epic, security reports, TimeTlx E-mails, etc.), current corrective action records, attendance records, policies etc. All documentation pertaining to the Discovery needs to be shared between Management and Labor. <hr/> <hr/> <hr/>
<input type="checkbox"/> Who is responsible for retrieval of documentation? <hr/> <hr/> <hr/>

<input type="checkbox"/> Witnesses and appropriate order of witness interviews: <hr/> <hr/> <hr/>
<input type="checkbox"/> Who is responsible for arranging witness interviews? <hr/> <hr/>
<input type="checkbox"/> Joint development of interview questions (using who, what, when, where, why): <hr/> <hr/> <hr/> <hr/>
<input type="checkbox"/> Are there physical locations to be viewed? <hr/> <hr/> <hr/>
<input type="checkbox"/> Are there safety or security issues for you, the witnesses, or the individual that the allegations relate to? <hr/> <hr/>



<p><b>NEXT STEP:</b> Discovery Documentation Collection and Review  Responsibility of both the steward and manager.</p>
<input type="checkbox"/> Retain and organize the discovery documents.
<input type="checkbox"/> Maintain a chronological case file.
<input type="checkbox"/> Note when each document is received.
<input type="checkbox"/> Keep your files confidentially stored.

Note documents that require special confidentiality protection such as patient information, proprietary business information, and source of anonymous complaints.

Additional new questions to be added to your interview questions.



**NEXT STEP:** Witness Interviews

Select an interview setting that is confidential.

Summarize your roles as fact finders and provide a brief summary of the complaint / issue without disclosing confidential information (i.e., personal information of complaint, member or accused individual).

Confidentiality: Explain that the information they tell you will only be provided to those who have a need to know. Do not promise confidentiality. In addition, ask that they maintain confidentiality in the workplace regarding the meeting with you and the fact that a discovery is being conducted.

Explain that retaliation is forbidden by policy and they should report any perceived retaliation immediately to their supervisor and steward.

In concluding the interview, ask the witness if they have any additional information that would be helpful to you.



**NEXT STEP:** Employee 2<sup>nd</sup> Interview. *Send confirmation email if meeting does not take place the same day.*

Date

Time

Location



**NEXT STEP:** Analysis of discovery Findings  
Supervisor and Steward

Discovery Findings:

- Remain objective. What do the findings show?
  - Have you documented who, what, when, where, why for all of the allegations?
  - Consult as appropriate with an expert
  - Has root cause been identified? If not, determine if further discovery is warranted.
- Is policy violated?       Yes       No      Please list policy: \_\_\_\_\_
- Is this a compliance issue?       Yes       No      \_\_\_\_\_
- Has it been reported?       Yes       No      \_\_\_\_\_



**NEXT STEP:** Apply Conflict Resolution Flow Chart **SEE APPENDEX B & C**

Determine if:

- System/Procedure / Other → IR  
If found to be System, list responsible party's resolution deadline: \_\_\_\_\_
- Both System and Behavior / Performance → IR/CA
- Employee Behavior / Performance → CA
- No action necessary

**IF CA:**

- Behavior
- Performance
- Attendance

Are there mitigating circumstances? If so, please list:

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Are there past practice concerns? If so, please list:

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List any previous documented training related to the issue:

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Past performance appraisal / current performance (last 12 months)

Are there any current Corrective Actions? If so, please list:

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Do the current Corrective Actions apply to this complaint / issue?

Review and apply the Seven Tests of Just Cause:

- Was the investigation fair and objective?
- Did the investigation produce substantial evidence of guilt?
- Was the rule applied even handedly?
- Was the penalty related to the misconduct?
- Was the employee adequately warned?
- Was the rule related to the efficient and safe operation of the business?
- Was a thorough investigation conducted?

Were the Seven Tests of Just Cause met? If not, management should contact a Human Resources consultant and Stewards should contact Union Representatives.

Corrective Action Process and Philosophy. **SEE APPENDEX D**

Determine level of CA using consensus (All CA begins on Level 1, unless gross misconduct or gross negligence).

If unable to reach consensus, management is to contact Human Resources and the Steward is to contact Union Representative.

APPENDIX A: Sample Confirmation Email

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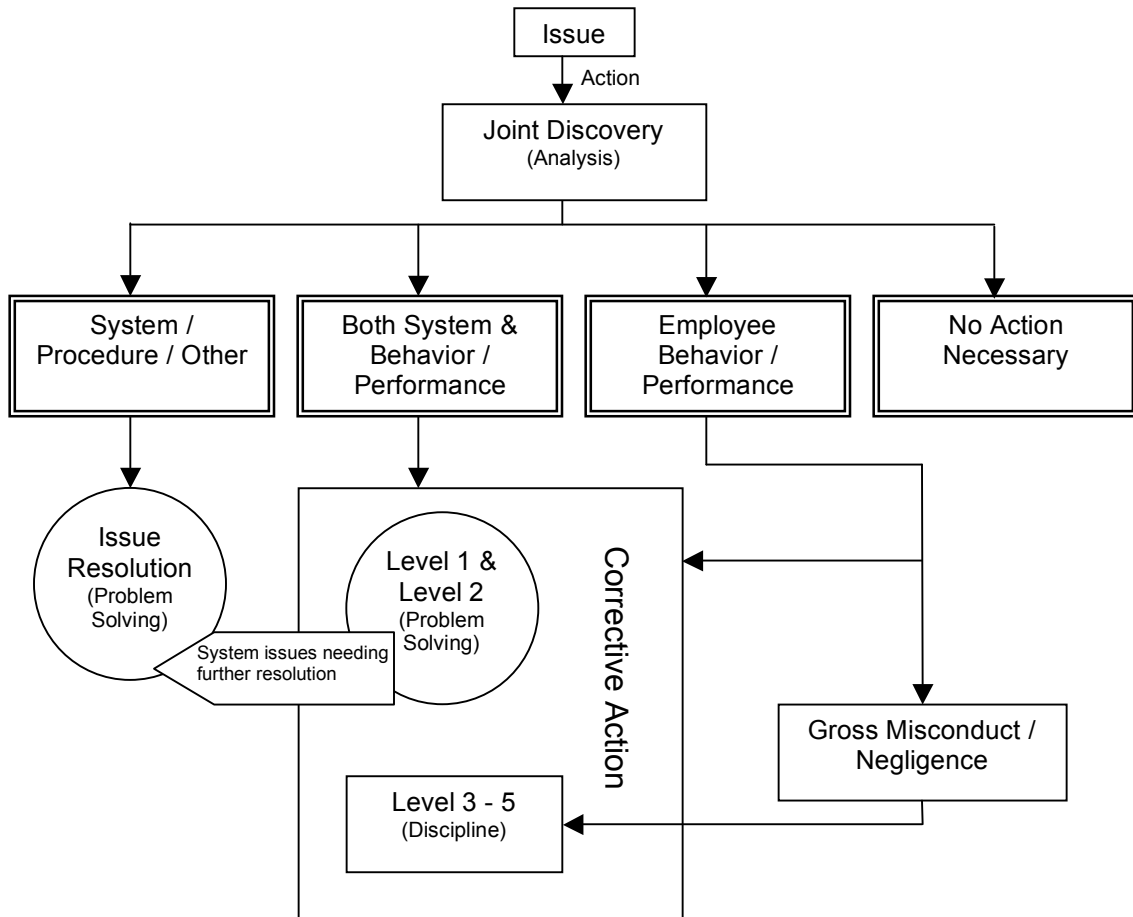
To: *(Employee's Name)*  
From: *(Manager/Supervisor's Name)*

This email is to confirm our conversation on *(date)*. I have received a complaint/issue regarding *(give a brief outline of complaint or issue)*. We will need to set up a meeting within the next *(#)* days.

If you would like to have union representation, please make arrangements with your steward and/or union hall.

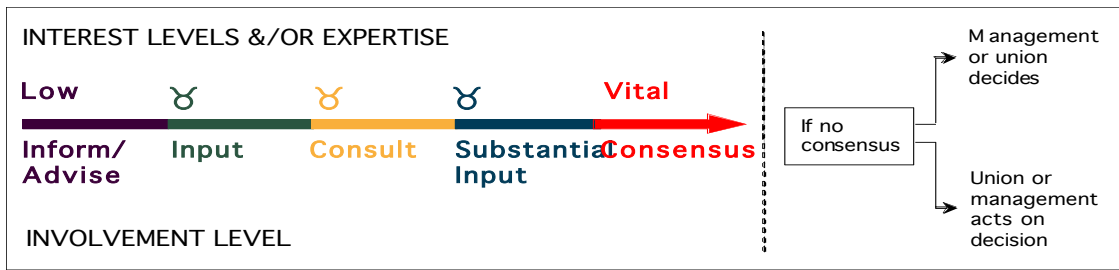
APPENDIX B: Conflict Resolution Flowchart

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## APPENDIX C: Decision Making Continuum

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## APPENDIX D: Corrective Action Process and Philosophy

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### PHILOSOPHY:

It is the philosophy of Kaiser Permanente and the Partnership Unions to recognize the value of all employees and the significant investment each employee represents. Thus, it is the collective intent of the Organization and the Partnership Unions to retain each employee whenever possible. The Corrective Action Process is intended to be an open method that utilizes a collaborative problem solving approach to address issues, emphasizing a non-punitive alternative to correct performance and/or behavioral problems.

### PURPOSE:

Through a collaborative process, develop and initiate positive ways to build employees' commitment to the Organization's primary mission (service to our patients) by fostering individual responsibility and accountability for performance and behavior.