

**MEMORANDUM OF UNDERSTANDING
BETWEEN
EASTERN WASHINGTON UNIVERSITY
AND
WASHINGTON FEDERATION OF STATE EMPLOYEES
BARGAINING UNITS 3 & 4 UNIFORMED PERSONNEL**

THIS MEMORANDUM OF UNDERSTANDING SETS FORTH THE FOLLOWING AGREEMENT BETWEEN EASTERN WASHINGTON UNIVERSITY (HEREINAFTER "UNIVERSITY" OR "EWU") AND THE WASHINGTON FEDERATION OF STATE EMPLOYEES (HEREINAFTER "WFSE" OR "UNION") BARGAINING UNITS 3 & 4 UNIFORMED PERSONNEL, JOINTLY REFERED TO AS "PARTIES."

The parties agree as follows:

1. Article 15 of the current Collective Bargaining Agreement (CBA) shall be amended to read as follows:

ARTICLE 15 – PERSONNEL FILES

- 15.1 Maintenance of Official Personnel Files. The University will maintain an official personnel file for each employee, which will be kept in Human Resources Services. Pursuant to RCW 40.14.070, personnel records for any peace officer must be maintained by the University for the duration of the officer's employment and a minimum of ten (10) years thereafter. Such records include all misconduct and equal employment opportunity complaints, progressive discipline imposed including written reprimands, supervisor coaching, suspensions, involuntary transfers, other disciplinary appeals and litigation records, and any other records needed to comply with the requirements set forth in RCW 43.101.095 and 43.101.135. Performance, constructive action or disciplinary documents relating to the employee that are not included in the official personnel file may not be used as evidence in any grievance arbitration regarding discipline of the employee.
- 15.2 Access to Official Personnel Files.
 - 15.2.1 Upon request, employees may inspect the contents of their official personnel file.
 - 15.2.2 With written approval of the employees, the Union may review employees' official personnel files.
 - 15.2.3 Authorized management representatives with a legitimate business need; supervisors in the employee's chain of command; and Human Resources, Budget and Payroll Services representatives may access employees' personnel files. A record will be kept with the file of the names of persons who have reviewed the file other than Human Resources, Budget

and Payroll Services personnel.

15.2.4 Employees and the Union may request copies of documents from official personnel files as part of a review of the file under this Section. The University may charge for copy requests of greater than fourteen (14) pages at a rate determined in accord with the Public Records Act.

15.3 Employee-Supplied Information. Materials placed in an employee's personnel file regarding performance or discipline will first be provided to the employee. Employees who challenge or dispute material included in their personnel file, including the content of performance evaluations, may provide responsive material for inclusion in their file. Employees may also place information relating to their performance or qualification in their personnel file to document performance improvement or special achievement.

15.4 Personnel File Information.

15.4.1 Upon written request, records of performance evaluation will be removed from employee personnel files after six (6) years; provided there are no on-going related performance concerns. Written requests may be submitted by employees only at the time of their annual performance evaluation or within thirty (30) calendar days of their employment anniversary date, whichever is later.

15.4.2 Records of constructive action or written reprimands given to employees will be deemed inapplicable for the purposes of progressive discipline after five (5) years if the employee has not received subsequent discipline based in whole or in part on the constructive action or written reprimand; provided, that this paragraph will not apply to written reprimands for sexual harassment, discrimination, violation of the University's Drug-Free Workplace policy, theft, insubordination, violence in the workplace, or other misconduct of similar severity.

15.4.3 Records of disciplinary actions involving reductions in pay, suspensions or demotions, involuntary transfers and written reprimands not previously deemed inapplicable for the purposes of progressive discipline after five (5) years will be deemed inapplicable for the purposes of progressive discipline after nine (9) years if:

- (a) Circumstances do not warrant a longer period of application; and
- (b) There has been no subsequent discipline;

15.4.4 Nothing in this section will prevent the University from complying with RCW 43.101.135.

- 15.5 Medical Information. Medical information regarding an employee will be kept in a separate file and maintained in a confidential manner in accordance with state and federal law.
- 15.6 Working Files. The University may maintain records regarding employee activities or performance separate from the employee's official personnel file after the completion of the employee's performance evaluation.

2. The Parties Agree Article 37.1.2 of the current CBA shall be amended to read as follows:

- 37.1.2 Changes to expectations and/or coaching and counseling letters will be provided to the employee with a copy to the personnel file.

This MOU shall be effective upon full execution by the parties below, and the parties agree to incorporate these changes into the body of the CBA during negotiations of the successor to the current CBA.

EASTERN WASHINGTON UNIVERSITY

WASHINGTON FEDERATION OF
STATE EMPLOYEES

BY: Spenser Ross
Spenser Ross, Labor Relations Manager

BY: Ton Johnson
Ton Johnson, Law Enforcement Labor Advocate

DATE: 11-16-2022

DATE: 01-11-2023