Policy HR609

Subject	Employee Discipline and Misconduct
Category / Section	Human Resources / Workplace Expectations & Guidelines
Owner	HR Compliance & Regulatory Specialist
Reviewer(s)	CEO Carle Hoopeston Regional Health Center; VP of Human Resources
Effective Date	04/10
Review Frequency	2 Years
Approval Date	10/26/10*; 03/23/11*; 05/04/12*; 06/07/13*; 10/14/13*; 11/04/15; 10/09/17; 05/16/18*

Scope of Policy (Identifies the entities that are covered under the policy)

<table>
<thead>
<tr>
<th>X</th>
<th>All Carle Locations</th>
<th>Health Alliance</th>
<th>SurgiCenter, LLC - Champaign</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carle Hospital</td>
<td>Home Care</td>
<td>SurgiCenter - Danville</td>
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<tr>
<td>Carle Physician Group</td>
<td>Home Infusion</td>
<td>SurgiCenter Recovery Centers</td>
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<tr>
<td>Carle Foundation Physician Services</td>
<td>Hoopeston Regional Health Center</td>
<td>Therapy Services</td>
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<tr>
<td>Arrow Ambulance</td>
<td>Hospice</td>
<td>Therapy Services - MTCH</td>
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<tr>
<td>Auditory Oral School</td>
<td>Medical Supply &amp; Arabella Boutique</td>
<td>Windsor Court</td>
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<tr>
<td>Cancer Center/Mills Breast Cancer Institute</td>
<td>Risk Management Company</td>
<td>Windsor of Savoy</td>
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<tr>
<td>Caring Place, The</td>
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Scope Exclusions

Attachments N/A

Purpose
A. To establish a fair and uniform approach to the discipline process.

Definitions N/A

Statement of Policy
A. The management of Carle is charged with ensuring high quality patient care and services. As a result, employee efforts require adherence to high standards of work performance, work habits, and behaviors. In those situations where employees fail to meet these high standards, the use of progressive discipline may be necessary when conduct does not result in immediate termination.

Procedure
A. An employee may receive a disciplinary action for attendance, poor work performance, improper behavior or conduct, violation of Federal and/or State law (including, but not limited to, HIPAA Privacy and Security Rule), or violation of facility policy and/or practices. Each employee may be placed on one (1) progressing disciplinary track in a rolling twelve (12) month period. For example, if an employee is on a verbal warning for attendance and has a performance infraction, the employee may receive a discipline action at the next progressive step, which is typically a first written warning, or depending upon the severity a final written warning or termination of employment. All disciplinary actions will be maintained in the respective employee’s personnel file and recorded in the HRIS tracking system regardless of whether the disciplinary action is considered active or inactive. Any of the following types of progressive disciplinary actions may be given independently of the others and steps may be skipped depending on the severity of the offense, past performance, prior discipline, or other reasons.
<table>
<thead>
<tr>
<th>Verbal Warning</th>
<th>A documented acknowledgment of verbal notice given by the supervisor or manager directly to the employee.</th>
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<tbody>
<tr>
<td>First Written Warning</td>
<td>A written notice given to the employee by the supervisor or manager.</td>
</tr>
<tr>
<td>Final Written Warning</td>
<td>A final written notice given to the employee by the supervisor or manager.</td>
</tr>
<tr>
<td>Disciplinary Suspension</td>
<td>A temporary interruption of employment, without pay, for a specified period, generally not to exceed five (5) days (except that unpaid suspensions for exempt employees shall generally be in full-week increments). A disciplinary suspension may be used in conjunction with the final written warning. A disciplinary suspension is not considered to be a separate level of discipline.</td>
</tr>
</tbody>
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1. After each correction or warning, a signed form must be sent to HR for the employee’s HR file.

B. Developmental Action Plan (DAP): This is a specific plan of action, which may or may not be used in conjunction with the progressive disciplinary process, to bring unacceptable work performance or work behavior to department and/or organizational expectations. An employee receiving a DAP is considered to be on probation and may be discharged for any violation of rules or display of unacceptable behavior while on the action plan.

C. Formal supervisory referrals or voluntary referrals to Resolutions Employee Assistance Program (EAP) may be included as a recommendation for correction of attendance, behavioral, or performance issues for employee assistance with personal issues that may be impacting work performance.

D. Demotions and transfers also may be used at Carle’s discretion to help resolve performance issues. Such actions and the use of a DAP require prior approval from the Employee Relations Manager or her or his designee.

E. Carle uses a basic classification of the common types of misconduct. The administration of discipline should reflect the circumstances under which misconduct occurs and generally follow the classification and disciplinary action sequence as outlined below. However, any of the types of progressive disciplinary actions may be given independently of the others and steps may be skipped depending on the severity and frequency of the offense, past performance, and prior discipline. Initial steps may be omitted or an employee may be subject to immediate termination. Factors such as seriousness of conduct, employment record, the employee’s ability to correct the conduct, impact and effect on patients or customers, and surrounding circumstances will be considered in determining the discipline, but will not require Carle to retain an employee strictly on that basis. Human Resources must be contacted before issuing a final warning or termination of employment.

The classifications are as follows:

1. Group I: Major = 3 or 4 step progression
   a. Typical Disciplinary Action Sequence: Final written warning or immediate termination of employment.

2. Group II: Serious = 2 step progression
   a. Typical Disciplinary Action Sequence: First written warning, termination of employment.

3. Group III: Minor Misconduct = 1 step progression
   a. Typical Disciplinary Action Sequence: Verbal warning, first written warning, final written warning, termination of employment.

1. **Group I Major Misconduct – Examples of Major Misconduct**
   a. Falsifying any Carle record or document, or providing false information to Carle, or a government agency, customer, insurer, healthcare provider, accreditation/certification organization, or the like.
   b. Unauthorized access to, possession, use, copying, or reading of Carle records, or the disclosure of information contained in such records to unauthorized persons.
   c. Theft, unauthorized use, and/or unauthorized possession of Carle property or the property of others while on Carle premises.
   d. Causing destruction of or damage to Carle property or the property of others while on Carle premises.
   e. Failure to disclose personal gifts, money, or services received that are related to Carle business or service activity, or violating Carle’s **Conflict of Interest – AD547**.
   f. Unauthorized possession or use of intoxicants or other behavior affecting substances on Carle premises.
   g. Violation of the sexual harassment policy or acts of harassment or bullying.
   h. Violation of the equal employment opportunity and non-retaliation policies.
i. Unauthorized possession or use of any weapon on Carle premises.

j. Fighting or similar behavior that is disturbing, threatening, or injurious to patients, employees, or others on Carle premises.

k. Conviction of a felony, or violation of any state or federal statute with which the Carle must comply.

l. Disregard of safety regulations or common safe practices.

m. Failure to report conduct on Carle premises, or while conducting Carle business by a Carle employee that a reasonable person should know is criminal.

n. Failure to render a service to a patient when such service is within the normal scope of an employee’s duties—or is required in an emergency situation.

o. Sleeping while on duty.

p. Illegal conduct of any kind on Carle premises.

q. Major violation of Compliance, HIPAA and/or PHI policies including but not limited to accessing or allowing access to PHI without having a legitimate work-related reason or giving another individual access to your electronic signature.

r. Other. This list is not exhaustive and should not be construed to limit the Carle’s right to include other types of conduct within this category.

2. Group II Serious Misconduct – Examples of Serious Misconduct
   a. Failure to notify the immediate supervisor or department director (or as required by department policy) when unable to report for work as scheduled.
   b. Failure to cooperate with Carle security officers in the performance of their duties.
   c. Withholding information needed for the investigation of any incident by Carle authorities.
   d. Conduct contrary to Carle behavior standards of morality or decency on Carle premises.
   e. Conviction of a misdemeanor (including minor traffic violations when driving is required as part of the job responsibilities) if work performance could be affected.
   f. Providing incorrect information to the Carle or a government agency, customer, insurer, healthcare provider, accreditation/certification organization, or the like.
   g. Failure to report a violation of the Carle’s corporate compliance program.
   h. Insubordination – the failure to carry out the specific directions or instructions of a supervisor or other person in authority.
   i. Leaving assigned work area during duty time without permission of a supervisor or other person in authority.
   j. Inattention to duty such as loafing.
   k. Expiration of licensure or certifications, including life support certifications, required by one’s job description, with immediate suspension without pay.
   l. Serious violation of Compliance, HIPAA and/or PHI policies including but not limited to requesting another individual to inappropriately access patient information or inappropriate sharing of ID/password with another coworker.
   m. Violation of the standards of professional conduct policy or the Carle Behavior Standards.
   n. Gossiping or spreading false or malicious information or rumors.
   o. Use of abusive, intemperate or foul language on Carle premises.
   p. Other. This list is not exhaustive and should not be construed to limit the Carle’s right to include other types of conduct within this category.

3. Group III Minor Misconduct – Examples of Minor Misconduct
   a. Failure to wear and properly display identification badge.
   b. Excessive absenteeism or tardiness.
   c. Failure to promptly report accidents or other incidents of concern to a supervisor.
   d. Failure to follow Carle’s Solicitation, Distribution and Distribution – HR625 and/or posting or removing notices without authorization or in violation of policy.
   e. Canvassing or soliciting on Carle premises.
   f. Mischief, “horseplay,” or conduct endangering others – or encroaching on their rights.
   g. Smoking or eating in unauthorized area or at unauthorized times on Carle premises.
   h. Creating unsafe or unsanitary conditions, or contributing to such conditions by acts of either commission or omission.
   i. Use of personal technological devices while on duty including, but not limited to cell phones, PDA’s, blackberry, etc.
   j. Inappropriate use of Carle telephones, computers, or property for personal needs, as per Information Technology policies.
k. Failure to comply with traffic and automobile parking regulations on Carle premises.

l. Neglect of one’s appearance, uniform, dress, or personal hygiene, or failure to comply with the Carle’s (or a department’s) approved personal appearance policy.

m. Failure to complete mandatory appraisals and training such as safety or compliance training.

n. Unacceptable work performance (although more serious performance infractions could result in more than a one-step disciplinary progression).

o. Minor violation of Compliance, HIPAA and/or PHI policies including but not limited to misdirected faxes, emails, and mail or leaving a copy of PHI or discussing PHI in a non-secure area (such as a lobby, hallway, or elevator).

p. Other. This list is not exhaustive and should not be construed to limit the Carle’s right to include other types of conduct within this category.

F. **Investigatory Suspension:** An employee may be suspended pending an investigation for possible termination. During the time of suspension, the employee is considered to be on an administrative leave and may not use accrued paid leave. If a decision is made not to discipline an employee, the employee will be paid for regular scheduled hours missed as a result of the leave.

G. **Misconduct during the Introductory Period:** The disciplinary policy is applied to new employees during the introductory period, although a disciplinary action during the introductory period does not typically follow a progressive track. Unsatisfactory performance or any infraction of Carle rules or policies or other misconduct during this period may result in a disciplinary action sequence of an introductory period final written warning or immediate termination of employment. Such actions require prior approval from the Employee Relations Manager or his or her designee. Introductory employees are not eligible to use the grievance procedure.

H. **Actions Taken in Addition to Employee Discipline:** In addition to receiving disciplinary action (including termination) employees engaging in illegal or other inappropriate conduct may be reported to local law enforcement, administrative, or regulatory authorities as may be appropriate under state or federal law.

I. **Appeal Rights:** An employee may be eligible to formally appeal a disciplinary action taken against the employee under [Grievance Policy – HR610](#).

**Other Related Links**

- [Statement of Grievance form – HR610A](#)

**References**

- HIPPA Privacy and Security Rule Sanctions: 45 C.F.R. §164.308(a)(1)(ii)(C), §164.414(a) and 45 C.F.R. §164.530(e)(1)

- Illinois Personal Protection Act (PIPA): 815 ILCS 530

**Electronic Approval on File**

Laurence J. Fallon
Executive Vice President and Chief Legal & Human Resources Officer