1. **Purpose**

This policy establishes Local Hospital’s commitment to creating a just culture that promotes the continual process of designing safer systems and evaluating our everyday behavioral choices within our systems in order to manage risk and prevent adverse outcomes.

1. **Persons affected**

All employees of Local Hospital (LH).

1. **Policy**

It is the policy of LH to create a learning environment and workplace that supports the core values of excellence, integrity, compassion and ownership. LH supports every individual in their effort to deliver the best work possible. When errors are made, LH will strive to establish accountability related to system flaws, working to provide a work environment that is least likely to cause error. LH commits to holding individuals accountable for their own performance in accordance with their job responsibilities and core values but will not place burden on an employee for system flaws over which they had no control.

LH will strive to learn from errors based on facts. When incompetence or substandard performance is revealed after careful collection of the facts, and/or there is reckless or willful violation of policies or negligent behavior, corrective or disciplinary action may be appropriate.

1. **Definitions**

Human Error – Inadvertently doing other than what should have been done.

At Risk Behavior – A behavioral choice that increases the risk where risk is not recognized, or mistakenly believed to be justified.

Reckless Behavior – A conscious disregard of a substantial and unjustifiable risk of causing harm.

Console – A conversation that acknowledges an event, the emotions of the employee and seeks to provide a comforting response.

Coaching – A conversation that involves raising awareness and/or changing perceptions of risk, establishing an understanding of the consequences, and aligning expectations for how the risk should be managed.

1. **Responsibilities**

It is the responsibility of all LH employees to comply with all written policies and established practices of LH.

1. **Procedures:**
   1. Event Investigation Process
      1. Following an event the Department Director will conduct an investigation to evaluate the following:

What happened?

What normally happens?

What does procedure require?

Why did it happen?

How was LH managing the risk?

* + 1. Through evaluating the questions, Directors will be able to determine whether the situation involved a failure to avoid causing unjustifiable harm, failure to follow a procedural rule, or failure to produce an outcome or a combination of the three. Based on that determination, Directors will determine the appropriate response to the behavior/event.
    2. In many situations the resulting determination will be to modify system processes in order to avoid future events. In instances where the need for system modification is not identified the employee will be either Supported in their Decision, Consoled, Coached or Disciplined, depending on the circumstances of the event.
  1. Disciplinary Action
     1. Should disciplinary action be necessary the following steps will be applicable:
        1. Level I - Verbal Warning – A verbal warning is a discussion that identifies the nature of an employee’s performance or behavior problem and serves to alert the employee to the existence of the problem and the need to correct the problem.
        2. Level II - Written Warning – A written warning is documentation for unsatisfactory job performance, misconduct or unacceptable behavior. The written warning serves to stress the seriousness of the problem and to suggest ways to correct the situation and avoid the situation from repeating in the future. The written warning also conveys the importance of the employee accepting responsibility for their actions and making a commitment to correct the issue through an action plan.

A Written Warning will render the employee ineligible for inclusion in the LH Incentive Plan for that fiscal year.

* + - 1. Level III - Decision Making Leave/Final Written Warning – If LH has determined an employee’s conduct has reached a level of unacceptability that warrants an unpaid suspension, the employee will be placed on a decision-making leave, typically 1-3 days. The Department Director should consult with the HR Director prior to implementing a decision-making leave. The employee should use this time away from LH to carefully consider whether they wish to continue their employment with LH. Upon returning from a decision-making leave, the employee will inform the Department Director in writing of their decision. Should the employee decide to continue their employment, they will be expected to commit to immediately correct the problem and to outline in writing the steps to be taken and submit it to the Department Director. Should the employee decide not to continue employment, it will be considered a voluntarily resignation and the employee will not eligible for rehire.

A Final Written Warning may be used in place of a Decision Making Leave. A Final Written Warning is used in cases where time away from work for the employee is neither feasible nor warranted for the situation.

* + - 1. Level IV - Employment Separation – Employment Separation will result when an employee’s work performance or their conduct is deemed unacceptable and all reasonable efforts to correct the situation have been exhausted, or when an employee’s conduct is severe enough to result in immediate employment separation. The Department Director, in consultation with their Vice President and the HR Director, will make all decisions regarding employment separation.
      2. Additional forms of discipline that may be elected include, but are not limited to: changes in status, changes in duties, changes in departments, changes in position, demotion, denial of pay increase or promotion.
    1. All levels of discipline are to be discussed with the employee. The written documentation of discipline shall be signed by the employee and the Department Director and will be forwarded to HR to be included in the employee’s file. If the employee refuses to sign, this will be noted in the documentation. The employee’s signature serves as acknowledgement of the discussion.
    2. In most cases, when disciplinary action is taken it will be applied in a progressive manner. However, the type of action taken will depend upon the nature of the problem, the employee, the situation, and the employee’s history with LH. Therefore, at any time LH may depart from the progressive discipline guideline and immediately move to the appropriate level of progressive discipline as deemed necessary given the situation.
    3. Disciplinary action will be taken without exception under the following circumstances:
* The employee engages in reckless behavior.
* The employee commits a series of errors (at-risk or reckless behavior) that demonstrate a general lack of care and judgment.
* The employee’s actions clearly show disregard to the LH Values and Standards.
* The employee’s actions involve criminal activity, substance abuse, controlled substances, alcohol, weapons, falsification, or misrepresentation.
* HIPAA violations.
* Any form of discrimination or harassment.
  + 1. Reasons to discipline and/or separate employment are the sole judgment and discretion of Administrative Council and Department Directors of LH.
    2. Department Directors are encouraged to use the Employee Assistance Program in conjunction with any employee issues.

Nothing in this policy is intended to limit the at-will nature of employment at LH. At any time the employee or the Hospital may terminate the employment relationship at any time, with or without cause. If at any time it is determined that the continued employment of an employee is not in the best interests of LH, the employee may be terminated for any reason.

1. **References**

Just Culture Algorithm v4.0, The Just Culture Community – Outcome Engenuity, LLC