

|  |  |  |
|--|--|--|
|  | <b>Policy:</b> Performance Accountability and Commitment |  |
|  | <b>Department Responsible:</b><br>HR-People and Culture  | <b>Date Approved:</b><br>12/03/2020    |
|  | <b>Effective Date:</b><br>12/03/2020                     | <b>Next Review Date:</b><br>12/03/2023 |

**POLICY:**

XXXX Health is committed to a fair and just culture for its employees. XXXX Health embraces the Just Culture philosophy to support open learning and continuous improvement. XXXX Health takes the position that adverse events are not commonly the result of individual conduct (reckless behavior), but rather system or process failures (human error/at-risk behavior influenced by the system as designed). Leaders are accountable for proactively ensuring employees that XXXX Health’s culture promotes reporting of adverse events and that such events will be handled consistently and fairly. As a part of the normal investigative process for any event, the leader will conduct an investigation and use the Just Culture Event Accountability Algorithm to evaluate the events. When a just culture review results in a determination that corrective action is appropriate, this policy is utilized to ensure a consistent approach to that action.

Additionally, XXXX Health communicates performance and behavioral expectations to ensure that each employee’s work is aligned with XXXX Health’s iCARE Commitments to Care and Values. Failure to meet performance and behavioral expectations may also result in corrective action as defined by this policy.

This policy covers all XXXX Health employees with the exception of physicians. The vice president of Human Resources or designee must approve exceptions to this policy.

**DEFINITIONS:**

- **At-risk behavior:** A behavior choice to do other than directed, but where doing so involves a good faith belief that the action was justified, or the risks of deviation were minimal.
- **Consoling:** Affording comfort or solace, restoring confidence and relieving anxiety.
- **Human error:** Slip, lapse, or mistake. Inadvertent action where the action was not intended.
- **Reckless behavior:** Actions involving a conscious disregard of substantial and unjustifiable risk of harm.

**PROCEDURE:**

XXXX Health recognizes that all employees are imperfect and human errors will happen, and that occasionally risky choices will be made where the risk was not perceived or mistakenly believed to be justified. XXXX Health is committed to consoling and/or coaching in response to these behaviors. Consoling conversation may be documented as a conversation utilizing the journaling feature within the Employee Performance Development system.

Any employee who recklessly disregards XXXX Health’s performance and behavioral expectations, and/or who demonstrates repetitive behaviors that are not responsive to consoling, coaching, or remedial action may be subject to corrective action up to and including separation of employment.

**Policy:** Performance Accountability and Commitment

Leadership, in partnership with their designated Employee Partnership Team, is responsible for investigating, gathering, and recording all pertinent facts before administering any section of this policy.

Generally, XXXX Health has a cumulative and progressive corrective action sequence; however, levels in this process may be omitted depending on the severity of the violation/problem.

Leadership must consult with their Employee Partnership Team members prior to issuing any final written warning and/or separation of employment. Depending on the severity and level of the violation/problem, and if the employee is in their provisional period of employment, any or all steps in the corrective action process may be skipped.

XXXX Health requests that the employee sign the Corrective Action Form; if an employee refuses to sign, the refusal should be documented and witnessed by another member of leadership. An employee's signature on a coaching/corrective action form is meant to acknowledge receipt of the information contained within and does not mean there is agreement. The employee should be provided a copy of the Corrective Action Form along with a copy of the Employee Dispute Resolution Process. The Employee Dispute Resolution Process covers all corrective action with the exception of attendance-related corrective action. The department will retain one copy and submit a copy to division Employee Partnership Team to be retained in the personnel file. Corrective actions generally remain active for a period of 12 months (with the exception of attendance points). Corrective actions are considered cumulative, including non-related violations. Expired corrective actions may be considered in the event a pattern of behavior emerges.

**Administrative Leave:**

Investigations may be required for suspected or alleged misconduct, to establish facts and ensure fair and consistent decision-making. In situations where it is in the best interest of the investigation, or those involved or impacted, an employee may be removed from the workplace and placed on administrative leave pending the outcome of the investigation. In such cases, administrative leave is only for investigative purposes and is not considered a step in the corrective action process. Employee Partnership should be consulted immediately, if possible, regarding any placement of an employee on administrative leave. Administrative leave is without pay and PAL/WEO allotment may not be utilized unless leadership, in consultation with Employee Partnership, grants an exception. Following an investigation, corrective action may be administered, if appropriate. If the investigation concludes that the employee is not involved in any misconduct, the employee will be paid for scheduled work time missed during the administrative leave.

Leaders should inform the employee that he/she:

- Should not be in the workplace during administrative leave unless seeking medical treatment.
- Should be available during regularly scheduled hours of work to participate in the investigation as needed.
- Should not conduct any business on behalf of XXXX Health.
- System access will be suspended during administrative leave.

**Policy:** Performance Accountability and Commitment

**Levels of Accountability:**

- **Level I: At-Risk Behavior Coaching:** Coaching is a supportive discussion between an employee and a member of his/her leadership team regarding the need to engage in safe behavioral choices. The purpose of coaching is to seek and share information about the situation, to identify issues or concerns, and to assist the employee in improving behavior. The leader documents this conversation utilizing the At-Risk Behavior Coaching Form. The form is retained within the departmental files but not placed in the personnel file, unless the performance progresses to corrective action. At-risk behavior coaching is not considered to be corrective action.
- **Level II: Initial Written Warning:** An initial written warning is the first formal step in the corrective action process. It is a written notice of unacceptable performance or behavior and is documented on the Corrective Action Form.
- **Level III: Final Written Warning:** A final written warning is the last step in the corrective action process. During this step, the employee will be notified that failure to meet the required expectations may result in separation from employment. The Employee Partnership manager or designee must review final written warning recommendations in advance of administration of action.
- **Level IV: Separation of Employment:** When performance and/or behavioral issues cannot be remedied during the corrective action process, an involuntary separation from employment occurs. The Employee Partnership manager or designee must review separation recommendations in advance of the separation.

**Guidelines:**

To guide leaders in determining the appropriate level of coaching/corrective action, the following sample list of behaviors has been established. This is not an all-inclusive list and only serves as a guide. Each situation, behavior, or violation is investigated and the level of coaching/corrective action is determined based on the totality of the circumstances for that particular individual. Levels of accountability may be omitted based on the severity of the circumstances. Employees are to be paid for all time spent in coaching sessions, fact-finding interviews, and corrective action meetings.

\*Repetitive at-risk behaviors that are unresponsive to coaching should be addressed via the progressive corrective action process.

The following behaviors may initially be addressed with an initial written warning or progress depending on prior corrective action:

1. Violation of iCARE Commitments and Values. Refer to [How You Can Practice iCare](#).
2. Ineffective job performance or inattention to assigned duties.
3. Unauthorized visitors in the work environment.
4. Leaving assigned work area without permission or without required notification to supervisor.
5. Posting or removing literature from bulletin boards or distribution of literature on organization time or premises without permission. Refer to [Solicitation and Distribution](#) policy.
6. Violation of [Social Media](#) policy.
7. Violation of [Standards of Appearance and Dress Code](#) policy.
8. Failure to report a bloodborne disease. Refer to [Employees with Bloodborne Diseases](#) policy.

**Policy:** Performance Accountability and Commitment

9. Smoking in or on leased/owned XXXX Health property (company vehicles, external brick walls, or gates); and/or not following the proper clocking procedures regarding offsite breaks. Refer to [Tobacco and Vape Free Environment](#) policy, [Compensable Hours](#) policy, and [Timekeeping Process](#) policy.
10. Failure to provide effective hand-off communication to oncoming shift/leaving work without being properly relieved. Refer to [Hand-Off Communication](#) policy.
11. Failure to report immediately unsafe conditions, failure to follow prescribed safety rules including but not limited to the use of Standard Precautions and Hand Hygiene. Refer to [Hand Hygiene](#) policy.
12. Violations of policies or procedures published by any department of XXXX Health.
13. Violation of the [Identification Badges and Access Control](#) policy.
14. Violation of the [Parking](#) policy.
15. Violation of the [Information and Technology Services Policy Statements](#) policy.
16. Conducting unapproved non-work-related activities during regular working hours. [Refer to Compensable Hours policy.](#)
17. Violation of System-Owned Motorized Vehicles, Accident Report [policy.](#)
18. Working unauthorized overtime. Refer to [Compensable Hours](#) policy.
19. Intentional acceptance or solicitation of gratuities or tips. Refer to [Business Courtesies, Gifts, and Supplier Relations](#) policy.

Employees that receive corrective action in the form of an initial written warning will be precluded from the following:

- Consideration for employment transfers.
- Participating in the Professional Nurse Advancement Program.
- Participating in the Tuition Reimbursement Program.

The following behaviors will initially be addressed with either a final written warning or separation of employment or may progress depending on prior corrective action:

1. Intentional destruction of XXXX Health property (including excessive abuse or loss of company property).
2. Insubordination/refusal to follow instructions provided by leadership.
3. Failure to call in or report to work as scheduled (no call/no show). Refer to [Attendance](#) policy.
4. Violation of [XXXX Health's Code of Conduct.](#)
5. Violation of the [Workplace Violence Prevention, Reporting Actions, and Support](#) policy.
6. Violation of the [Professional Conduct and Prevention of Workplace Harassment of Workplace Harassment](#) policy to include:
  - Acts of sexual/racial harassment
  - Acts of workplace bullying.
  - Fighting or attempting bodily injury to any person on grounds leased or owned by XXXX Health.
  - Malicious or threatening statement(s) or false or abusive statement(s) to or about fellow employees, XXXX Health, or a member of leadership.
  - Abusive or indecent conduct, including the use of profanity.
7. Theft or being in possession of stolen property.
8. Gambling on XXXX Health property.

**Policy:** Performance Accountability and Commitment

9. Violation of the [Drug and Alcohol Use](#) policy.
10. Falsification, intentional inaccuracies, or giving false information for:
  - Obtaining/extending a leave of absence (LOA) or Family Medical Leave (FMLA), or other time away from work.
  - Recording time worked (i.e., clocking in and then parking car to avoid being classified as late).
  - Participation in XXXX Health investigation.
  - Any official record of XXXX Health (patient charts, medical records, expense accounts, employee benefits information, employment application, etc.).
11. Failing to report misdemeanor or felony charges involving violence, injury of person, destruction of property, sexual offenses, drugs, theft, moral turpitude, or any other felony charges to leadership the next working day after the charges are made. Refer to [Employment](#) policy.
12. Violation of [Prohibition on Doing Business with Excluded Individuals and Entities](#) policy.
13. Sleeping or giving the perception of sleeping or resting your eyes while on duty.
14. Violation of Employment and Affiliation Requirements policy to include:
  - Failure to maintain licensure, registration, or certification.
  - Failure to maintain annual requirements. Refer to policy.
15. Violation of XXXX Health's Compliance and Integrity Program, policies or procedures, including intentional HIPAA violations and reviewing your own medical record or file.
16. Violation of [Confidentiality](#) policy.
17. Intentional violation of safety regulations.
18. Failure to provide governing receipts, safekeeping, dispensing, or accounting for controlled substances. Refer to [Medication Distribution - Automated \(Pyxis\)](#) policy, [Medication Distribution - General Practices/Practices](#) policy.
19. Intentional violation of [Universal Protocol for Verification of Correct Patient, Correct Site, Correct Procedure](#) policy.
20. Intentional violation of [Patient Identification](#) policy.
21. Mistreatment of patients.
22. Violation of Professional Practice Acts (i.e., Nursing Practice Act) and/or exceeding the scope of practice.

Employees that receive corrective action in the form of a Final Written Warning will be precluded from the following:

- Consideration for employment transfers
- Participating in the Professional Nurse Advancement Program
- Participating in the Tuition Reimbursement Program
- Receiving Key Contributor or Impact Awards via CHEERS

**REFERENCE DOCUMENTS/LINKS:**

- Just Culture Event Investigation [Tool](#)
- Administrative Leave [form](#)
- Just Culture: Event Accountability [Algorithms](#)
- At-Risk Behavior Coaching [form](#)

**Policy:** Performance Accountability and Commitment

- Corrective Action [form](#)