

**LOWELL GENERAL HOSPITAL
HUMAN RESOURCES POLICY AND PROCEDURE MANUAL**

SUBJECT: Progressive Discipline

SECTION: Management of Human Resources

EFFECTIVE DATE: May 7, 1990

SKILL LEVEL/RESPONSIBLE PARTIES: All Hospital Staff

I. POLICY:

Lowell General Hospital maintains a “progressive” disciplinary process in order to ensure that employees who fail to meet acceptable standards of job performance will receive fair treatment in the application of discipline, which is consistent with the nature, seriousness and frequency of the problem.

- 1.) Human Resources Department – Supervisors who have any question as to the appropriate disciplinary action in any particular instance should consult with a Human Resource Representative. Consultation with Human Resources is encouraged in order to ensure that discipline is applied consistently throughout the Hospital.
- 2.) Progressive Disciplinary Process
In general, discipline is applied in progressive steps as follows:
 - a.) Verbal warning
 - b.) Written warning
 - c.) Second written warning
 - d.) Final written warning with or without suspension
 - e.) Discharge

Any employee who is disciplined as a result of this policy has the right to appeal through the Grievance Procedure unless their employment has been terminated. Terminated employees do not have access to the grievance procedure (See Section V D).

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- a.) **Oral Warning** - This is normally the first formal step in the disciplinary process in addressing inadequate job performance or infraction of Hospital rules or policies. The supervisor will meet with the employee to discuss the circumstances on which the warning is based, the improvement required and the consequences if the employee fails to improve as required.

During the meeting:

- a.) The specific problem or problems are identified, goals and a timetable for required improvement are established;
 - b.) The Supervisor informs the employee in clear terms that the employee is being disciplined as a result of his/her job performance or misconduct and that further disciplinary action will follow if there is not sufficient improvement or if the conduct recurs;
 - c.) The Supervisor will explain to the employee the Hospital's Disciplinary Policy, defining the terms and normal sequence of disciplinary action;
 - d.) The Supervisor completes a Verbal Warning Notice, which includes the reason for the warning, a brief summary of the facts on which it is based, and a record of any prior oral warnings or other disciplinary action.
- b.) **First and Second Written Warning**- A written warning is normally the second or third step in addressing a problem if there is not sufficient improvement in performance or if the misconduct recurs after an oral warning. A written warning may be the first step in the event of a more serious offense such as negligence or irresponsibility on the job. In meeting with the employee, the same procedure should be followed in the case of an oral warning and the Written Warning Notice should include substantially the same information which is required to be included in the oral warning notice as described above. The written warning is to be issued to the employee by the Department Manager.

In addition, the Department Manager must request the employee to sign the Notice. The employee's signature on the Notice does not constitute acceptance of the facts upon which the Department Manager relied in giving the warning, but serves as an acknowledgement that he/she has been informed of the problem and has received a copy of the Notice.

The employee's refusal to sign the Notice is not grounds for discharge or other disciplinary action. In such cases, in the presence of the employee and a second supervisor (a line manager or representative from the Human Resource Department) the Department Manager should note on the Notice that the employee was shown the Notice and given a copy, but declined to sign it.

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- c.) **Final Written Warning With or Without Suspension** - Suspension from work without pay accompanied by a Written Warning Notice designated as “final” should be the final step if there is not sufficient improvement in performance or if the misconduct recurs. Suspension without pay may be the first step in the event of a very serious offense which under all the circumstances, does not appear to warrant immediate discharge. Suspension without pay may also be considered as an alternative to discharge if such a step would offer the opportunity for rehabilitation of a valued employee. A final written warning may be issued without a suspension if it is determined that a suspension is not necessary to ensure the employee’s understanding of the seriousness of the conduct or, if in the judgement of the supervisor, a suspension would be counterproductive.

In meeting with the employee, the same procedures should be followed as in the case of an verbal warning and the Written Warning Notice should include substantially the same information which is required to be included in the oral warning notice as described above.

- d.) **Discharge** – Discharge is the disciplinary action used if there is not sufficient improvement in performance or if misconduct recurs or, without regard to prior disciplinary action, in the event of very serious misconduct such as theft, dishonesty, unprofessional behavior or willful and deliberate insubordination. (For the procedure to be followed in effecting a discharge, see Termination Policy, Section IV-B).

3.) **Suspension**

- a.) A suspension from work may be appropriate when circumstances require an investigation of events which may warrant the imposition of discipline and it does not appear feasible or desirable, or in the best interests of the Hospital and/or the employee, for the employee to be at work during the investigation period. The suspension may be for one to five days without pay or as deemed necessary.
- b.) Suspensions may not be initiated without the authorization of the appropriate Department Manager, functional Vice President and the Vice President, Human Resources or designate. Exceptions to this would be applicable during non-business hours, in an emergency involving possible personal injury or loss of life, property loss or damage, disruption of Hospital operations, potential legal liability to the Hospital or other compelling circumstances when it is not feasible to have prior authorization.
- c.) The Department Manager or his designee will inform the employee of the suspension, explain the reason for the suspension, and the suspension procedure. The Department Manager will inform the Administrative Director, functional Vice President and the Vice

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President, Human Resources or his designee of the suspension. The employee may request the assistance of a Human Resource Representative.

- d.) After the functional Vice President considers all pertinent facts and circumstances, a joint decision including input from the, Vice President, Human Resources, Administrative Director and Department Manager will be made. The employee will be notified of the decision within 72 hours. The decision may be to; retain suspension without pay, reinstate with full pay for lost time, or discharge. If the decision is to retain suspension without pay, the employee will be notified in writing that another such violation will be cause for immediate discharge. All pertinent facts concerning the suspension will be documented and maintained in the employee's file.

4.) **Determination of the Appropriate Level of Disciplinary Action**

- a.) The seriousness of the offense determines whether or not each of the steps in the sequences set forth are to be followed. In determining the appropriate level of discipline to be recommended, Supervisors should consider the following factors;
- (1) The frequency of the conduct, and/or its seriousness.
 - (2) The employee's prior disciplinary record.
 - (3) The extent to which the Supervisor has engaged in pre-disciplinary coaching and counseling of the employee.
 - (4) The level of discipline which has been imposed on other employees in the Department and Hospital who have engaged in similar conduct. There should be a reasonable basis (such as prior disciplinary history) in order for employees to be treated differently for the same conduct.
 - (5) Any extenuating circumstances which would mitigate the normal disciplinary action to be imposed.
 - (6) The length of the employee's service.
- b.) Causes for Written Warnings include, but are not limited to:
- (1) Use of liquor on hospital premises and/or drunkenness.
 - (2) Confirmed incidents of sexual harassment.
 - (3) Swiping in or out beyond one's scheduled time without having approval for overtime.
 - (4) Disobedience in complying with job instructions of the Supervisor or Department Manager.
 - (5) Absence from the assigned work area.
 - (6) Refusal of a job assignment (see causes for immediate discharge for refusal to float)
 - (7) Poor job performance
 - (8) Unexcused tardiness or leaving the job early.

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- (9) Smoking and use of tobacco products in prohibited areas
- (10) Refusal to work a reasonable amount of overtime when requested.
- (11) Horseplay, practical jokes or other acts which may be unsafe or discourteous to patients, visitors, or other employees.
- (12) Use of profane or foul language to patients, visitors or other employees.
- (13) Abuse of breaks or rest periods.
- (14) Staying at home when it is known in advance that floating will be required.
- (15) Excessive absenteeism or tardiness as specified in the Absenteeism and Tardiness Policies (See Sections V-A and V-B).
- (16) Noncompliance with required physical exam and/or the TB surveillance program (See Employee Health Service Policy, Section VI-B).
- (17) Any willful violation of the hospital's EEO program.
- (18) Having personal visitors while on duty.
- (19) Personal phone calls, except those of an emergency nature.
- (20) Violation of the hospital's parking regulations (See section VIII-F).
- (21) Inappropriate use of hospital equipment
- (22) Unauthorized solicitation or distribution as defined in the Solicitation Policy, Section VIII-A.
- (23) Any other willful misconduct or violation of hospital regulations not listed above.
- (24) Assisting unauthorized personnel in obtaining entry into hospital buildings.

Certain actions, as listed below, which endanger patient care or the safety of patients, visitors or other employees, or which are unlawful are offenses for which the employee may be immediately discharged without regard to prior disciplinary action. Causes for Immediate Discharge include, but are not limited to:

- 1.) Fighting or causing bodily injury to another.
- 2.) Theft of hospital property, or the property of an employee, patient or visitor.
- 3.) Illegal use or dispensing of drugs.
- 4.) Willful destruction of hospital property, or the property of an employee, patient or visitor.
- 5.) Unauthorized possession of weapons on hospital premises.
- 6.) Willful falsification of patient records.
- 7.) Swiping another employee in/out of eTime. Falsifying a eTime timecard.
- 8.) Solicitation of tips or gratuities from patients or visitors.
- 9.) Illegal gambling or bookmaking on hospital premises.
- 10.) Refusal to float to another unit or area in which the employee is qualified to work.
- 11.) Giving false information to obtain a leave of absence.
- 12.) Engaging in other employment while on a Personal, Medical, and Maternity or Industrial leave of absence.
- 13.) Unexcused absence for two (2) or more consecutive days.

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- 14.) Abuse, neglect or mistreatment of patients.
- 15.) Violation of Patient Safety or any related issues.
- 16.) Giving false information to obtain employment.
- 17.) Violent behavior and/or the use of profane or foul language to patients, visitors or other employees including threats of a violent nature.
- 18.) Gross immoral conduct.
- 19.) Gross insubordination.
- 20.) Unauthorized release of information regarding patients or employees.
- 21.) Falsification of hospital records.
- 22.) Sleeping or loafing during work time.
- 23.) Other willful misconduct or violation of hospital rules not included above.

- 5.) **Subsequent Disciplinary Action** - After disciplinary action has been initiated; the Supervisor should follow up and periodically review the employee's performance to determine if the established goals for improvement are being achieved.

The following are general guidelines for further disciplinary action if the conduct for which the employee was initially disciplined recurs:

- a.) An employee who has received a verbal warning normally should receive a written warning if the same conduct is repeated within six (6) months; if the conduct is repeated after six (6) months, a second verbal warning may be appropriate.
 - b.) An employee who has received a written warning normally should receive a second written warning, with or without suspension, if the conduct is repeated within twelve (12) months of the written warning.
 - c.) An employee who has received a final written warning and repeats the conduct within twelve (12) months normally should be discharged unless there are extenuating circumstances, which would warrant the imposition of lesser disciplinary action.
 - d.) An employee who has received a final written warning with or without suspension and repeats the conduct more than twelve (12) months from the date of the final warning may be considered either for possible discharge or another final written warning with or without suspension.
- 6.) **Discipline for Related Actions** - Normally, the progressive disciplinary steps are responsive to a single type of offense. However, certain kinds of conduct may be grouped together for the application of progressive discipline due to the similarity of their nature or effect, within the following categories:

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- a.) Conduct demonstrating a general disregard for Hospital/Department policies, rules and procedures.
- b.) Conduct which indicates negligence and irresponsibility in carrying out the duties of the job to which the employee is assigned.
- c.) Conduct which may adversely affect patient care or the safety of patients, employees or the general public.
- d.) Conduct which may impair Department/employee productivity.

7.) **Retention of Disciplinary Action Notices**

- a.) A Verbal Warning Notice or a Written Warning Notice will remain in an employee's personnel file. However, it will not carry the same weight after 24 months from the date of issue. All Warning Notices will be retained in the employee's personnel file.
- b.) An exception is made for any Warning Notice relating to serious misconduct, including but not limited to, deliberate or negligent conduct affecting the care or safety of patients, employees or others. Such Notice will be permanently retained in the employee's personnel file.

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AUTHORIZATION**

Vice President, Human Resources

Date

President & CEO

Date

REVISION/REVIEWED DATE(S): 10/00; 7/03, 10/04, 7/05, 1/07, 7/07