



Origination 09/2005  
Last Approved 06/2024  
Effective 07/2024  
Last Revised 06/2024  
Next Review 06/2027

Owner Elizabeth Kang:  
Human Resources Compliance Manager  
Area Human Resources  
Applicability Memorial Healthcare System

## E-01 Discipline

### PURPOSE

Memorial's discipline policy and procedures are designed to provide a structured corrective action process to improve and prevent a recurrence of undesirable employee behavior or performance issues. It is consistent with Memorial's organizational values, human resource best practices, employment laws, and Just Culture. For specific information or discipline to be issued related to absence or tardiness, please refer to MHS HR Policy E-15 Attendance and Punctuality.

### SCOPE

All Memorial Healthcare System employees

### POLICY GUIDELINES

Employees are required to follow MHS policies, make behavioral choices that are supportive of all organizational values, and avoid causing unjustified risk or harm to themselves or others. Nevertheless, we fully expect that employees will face circumstances where breach of one of these duties has occurred, whether justified or not.

Where working under a duty to produce an outcome, an employee will be held accountable as directed by the Code of Conduct and individual policies. These policies put the employee on notice of the duty and prescribe acceptable outcomes attached to each duty (e.g., time and attendance, anti-harassment).

Where working under a duty to follow a procedural rule within a system, an employee will be subject to

disciplinary action when that employee has recklessly disregarded the risks associated with non-compliance.

At all times, an employee is subject to a duty to avoid causing harm to themselves, fellow employees, patients, visitors, and the organization. Under this duty, an employee will be subject to disciplinary action when the employee has acted with reckless disregard toward self or others.

In addition to discipline stemming from single events, when it is found that an employee has committed a series of human errors or at-risk behaviors, that employee will be subject to disciplinary action when it has been found that non-punitive remedial action (e.g., education, coaching) has not been effective in changing behavior.

## **PROCEDURES**

### **ADDRESSING DISCIPLINARY ISSUES**

The “Disciplinary Notice” form within the electronic HR system, Workday, is to be used for all disciplinary actions. The following actions should be taken when addressing disciplinary issues:

1. Consult Employee Relations for guidance and assistance on all disciplinary actions.
2. Provide the employee to be disciplined with the opportunity to explain what occurred. Where appropriate, a documented investigation should be completed prior to any disciplinary action being taken.
3. The formal Disciplinary Notice should include the following:
  - a. Clear statement of the conduct and/or performance problem.
  - b. Employee’s statement or response.
  - c. Dates/descriptions of when the issue was previously addressed with the employee.
  - d. Steps that the employee must take to improve.
4. The supervisor should present the Disciplinary Notice during the employee’s work time. If this is not possible, the employee must be paid for the time during which the Notice is presented (a non-exempt employee must clock in while being counseled). The Notice should be issued as soon as possible after the decision to discipline has been made.
5. The employee may attach a written response to the Disciplinary Notice for inclusion in their HR file.
6. A Disciplinary Notice is considered “active” for six (6) months. During this timeframe, the employee is considered “not in good standing” and further infractions may lead to the next step in the disciplinary process.
7. Comments on a Performance Evaluation do not substitute for a Disciplinary Notice.

### **DISCIPLINARY ACTIONS**

The following are possible disciplinary actions. Memorial reserves the right to combine or skip any of the actions below depending on the facts of each situation and the nature of the offense. Employee Relations must be contacted prior to issuing any written Disciplinary Notice.

### **Level 1 Discipline: Written Warning**

A written warning may be appropriate when unsatisfactory performance or behavior continues after being addressed with the employee, or when the performance or behavior issue warrants immediate formal discipline. If Memorial determines that the nature of the event so warrants, a written warning is not required prior to a final warning or discharge.

Pursuant to MHS HR Policy C-07 Performance Management, a written warning is to be issued when an employee receives an overall rating of Needs Improvement on their annual performance evaluation.

### **Level 2 Discipline: Final Warning**

A final warning may be appropriate when unsatisfactory performance or behavior continues after being addressed with the employee with a formal written warning, or when the performance or behavior issue warrants immediate formal discipline at Level 2. If Memorial determines that the nature of the event so warrants, a final warning is not required prior to a discharge. Review by Employee Relations is required before proceeding with a final warning.

### **Discharge**

Discharge may occur when unsatisfactory performance or behavior continues following a final warning. Discharge may also occur without prior disciplinary action when Memorial determines that the employee's performance or behavior issue is of a serious nature or constitutes Misconduct (as defined below). Review by Employee Relations is required before proceeding with a discharge.

## **DEFINITIONS**

### **MISCONDUCT**

Examples of Misconduct may include, but are not limited to:

- Reporting to work under the influence of alcohol, unlawful drugs, or controlled substances.
- Refusal to consent to drug/alcohol test or tampering with specimens pursuant to MHS HR Policy E-17 Drug Free Workplace Program.
- Possession or use of unlawful drugs or alcoholic beverages on Healthcare System premises.
- Conduct that is found to be harassing, discriminatory, or retaliatory in nature.
- Unauthorized possession of property of the Healthcare System, patients, or employees.
- Falsification or manipulation of timecards/records.
- Falsification of documents or records.
- Threatening or coercive behavior.
- Indecent conduct.
- Possession of a weapon inside a Healthcare System facility.
- Fighting on Healthcare System premises.
- Breach of integrity.
- Failure to cooperate or participate during an investigation; actual or attempted interference

with an investigation; withholding information or knowingly providing false information during an investigation.

- Refusal to complete assigned duties or refusing to follow a direct order from a supervisor pertaining to work (insubordination).
- Refusal to authorize background check when requested pursuant to MHS HR Policy E-13 Background Checks.
- Unauthorized access or release of sensitive or confidential information, including but not limited to personal health information. Patient privacy violations will be reviewed using the "Privacy Violation Disciplinary Guidelines" attached to this policy.
- Abuse of patients; patient abandonment.

## POLICY OWNER

Human Resources

If any of the statements contained in this policy conflict with any verbal statements or agreements made by any representatives of MHS, then the statements contained in this policy shall control the outcome of any such conflict.

Memorial reserves the right to modify this policy in whole or in part, at any time, at the discretion of the Health System or as required by applicable law, regulation, or governing/accrediting body.

Employees who have questions regarding information contained in this policy should contact the Human Resources Department.

## ONLINE LOCATION

All policies are subject to amendment. The most recent version of this policy can be accessed internally online: <https://mhs-system.policystat.com/>.

This Policy / Guideline / SOP is intended to provide Memorial health care professionals with guidelines for addressing the subject matter herein. This Policy / Guideline / SOP is not meant to be a substitute for the standard of care or to restrain professional judgment or opinion.

---

## Attachments

 [E-01 Discipline - Disciplinary actions for privacy violations\\_5.3.24.pdf](#)

## Approval Signatures

Step Description	Approver	Date
------------------	----------	------

## Applicability

Memorial Healthcare System

COPY