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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 Policy E-15, Attendance and Punctuality.
SCOPE	All Memorial Healthcare System Employees
POLICY GUIDELINES	<p>Employees are required to follow company policies, make behavioral choices that are supportive of all organizational values, and avoid causing unjustified risk or harm to self or others. Nevertheless, we fully expect that employees will face circumstances where breach of one of these duties has occurred, whether justified or not.</p> <p>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).</p> <p>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.</p> <p>At all times, an employee is subject to a duty to avoid causing harm to him/herself, 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.</p> <p>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.</p>
PROCEDURES	<p><u>ADDRESSING DISCIPLINARY ISSUES</u></p> <p>The “Disciplinary Notice” form (the “Notice”) is to be used for all documented disciplinary actions. The following actions should be taken when addressing disciplinary issues:</p> <ol style="list-style-type: none"> 1. Consult Employee Relations for guidance and assistance on all disciplinary actions. 2. Provide the employee to be disciplined 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 document should include the following: <ol style="list-style-type: none"> a. Clear statement of the conduct and/or performance problem. b. Employee’s statement or response.

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- c. Dates/description of when issue was previously addressed with the employee.
 - d. Steps that the employee must take to improve.
 - e. Specific warning of the disciplinary actions that could occur if the required changes do not take place within a prescribed time frame and acceptable behavior or performance is not maintained going forward.
4. The supervisor should present the 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. If an employee initially refuses to sign the Notice, an explanation should be given to the employee that his/her signature on the Notice indicates the actions were discussed, not necessarily that the employee agrees with the contents.
 6. Should the employee still refuse to sign the Notice after the explanation above is given, a statement indicating the employee’s refusal to sign must be added and a witness, preferably another manager, should verify the refusal. The employee may submit a written response for attachment to the Notice for inclusion in the employee’s HR file.
 7. Comments on a Performance Evaluation do not substitute for a Notice.
 8. The original of any written Notice must be sent to the Human Resources Department for inclusion in the employee’s HR file.
 9. Employees should be provided a copy of the counseling notice, regardless of whether they choose to sign.
 10. A warning or final warning is considered “active” for six 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.

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 discharge.

Pursuant to Policy C-07 Performance and Competency Evaluation, a Written Warning is to

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	<p>be issued when an employee receives an overall rating of Needs Improvement on his/her annual performance evaluation.</p> <p>Level 2 Discipline: Final Warning</p> <p>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.</p> <p>Discharge</p> <p>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.</p>
DEFINITIONS	<p>MISCONDUCT</p> <p>Examples of Misconduct may include, but are not limited to:</p> <ul style="list-style-type: none"> ▪ 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 Policy E-17. ▪ Possession or use of unlawful drugs or alcoholic beverages on Healthcare System premises. ▪ Conduct that is found to be harassing, discriminatory, or retaliating 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.

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	<ul style="list-style-type: none"> ▪ 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 Policy E-13. ▪ Unauthorized access or release of confidential information, including but not limited to personal health information. ▪ Abuse of patients; patient abandonment.
ORIGINAL ISSUE DATE	September 2005
REVIEW/REVISION DATES	<p>Reviewed: June 2008, August 2010, September 2013, October 2015</p> <p>Revised: March 2016, March 2018, September 2018, November 2019, August 2020, March 2021, August 2022, January 2023.</p>
POLICY OWNER	<p>Human Resources</p> <p>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.</p> <p>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.</p> <p>Employees who have questions regarding information contained in this policy should contact the Human Resources Department.</p>
ONLINE LOCATION	<p>All policies are subject to amendment. The most recent version of this policy can be accessed internally online: http://docs/Documents/Policies_and_Procedures/Systemwide/HumanResources.</p>