

Title: Disciplinary Action	
Author: VICE PRESIDENT CHIEF HUMAN RESOURCE OFFICER	Effective Date: 10/4/2023
Approval: VICE PRESIDENT CHIEF HUMAN RESOURCE OFFICER	Next Review Due Date: 10/4/2026
Document Description: Policy and Procedure	Cancels: 5/02, 1/05, 3/05, 1/06, 4/08, 5/10, 2/11, 2/15, 7/17
Includes: Carson Tahoe Health System; Carson Tahoe Regional Medical Center; Carson Tahoe Medical Group	
Policy Committee Approval Date: October, 2023	

POLICY:

It is the policy of CTHS AND ITS ENTITIES to direct its efforts toward developing and aiding each employee to be a consistent and reliable contributor to the organization and its goals. Our Disciplinary Action program has five major objectives:

1. The maintenance of high standards of service and productivity;
2. The improvement of morale through the demonstration to employees that well-adjusted job-related behavior works to their personal advantage;
3. The assurance of consistent and equitable disciplinary actions;
4. The correction of misconduct or deficient performance in an appropriate manner, directed at reducing the likelihood of its reoccurrence; and
5. The assurance of more efficient departmental and organizational operations.

PURPOSE:

1. The orderly and efficient operation of the organization requires employees to meet and maintain appropriate job performance and personal conduct standards to assure effective completion of job responsibilities, to protect the health and safety of all patients, visitors and employees and to protect the organization’s property. When an employee does not uphold these standards, the employee may be subjected to disciplinary action, including termination. This policy has been established to aid supervisors in following an effective approach to disciplinary action.
2. For Post-Introductory employees working in positions that are covered by the Carson Tahoe Healthcare Employee Association (CTHEA) labor agreement (Labor Agreement), any conflict between this policy and the Labor Agreement is controlled by the express language of the Labor Agreement.
3. For all other employees, the employment relationship between CTHS, ITS ENTITIES and its employees is at will. Employees are entirely free to resign at any time, either with or without a reason. CTHS AND ITS ENTITIES also has the same right and can terminate the employment relationship at any time, either with or without cause or advance notice. This represents an integrated agreement with respect to the at-will nature of the employment relationship. No representative or employee of CTHS AND ITS ENTITIES other than the Chief Executive Officer (CEO) has the authority to enter into a contrary agreement. The

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CEO can enter into a contrary agreement only if it is accomplished in a written agreement that is signed by both the employee and the CEO.

4. CTHS AND ITS ENTITIES retains the ability to discipline employees where it determines such action is warranted by the circumstances. Although the employment relationships are terminable at will, at any time, either at the employee’s option or at the option of the organization, CTHS AND ITS ENTITIES may exercise its discretion to administer a system of progressive discipline in cases where it deems it appropriate to do so. That system of disciplinary action may include various forms of discipline such as verbal warnings, one or more written warnings, suspension and termination. However, progressive discipline is not mandatory or binding. CTHS AND ITS ENTITIES reserves the right, in its discretion, to deviate from any formal system of discipline including but not limited to determining the organizational risk and level of egregiousness of violations.

PROCEDURE:

The warning types listed below are documented on a counseling memo form, signed by the supervisor and the employee, a copy is provided to the employee and the original is forwarded to Human Resources for inclusion in the employee’s folder. If the employee refuses to sign, the supervisor should have another supervisor sign the form witnessing the fact that the employee refused to sign but did receive a copy of the warning.

1. Verbal Warnings
 - 1.1. When counseling, coaching and training fail to improve the performance or behavior, or where circumstances dictate, a formal verbal warning may be in order. The supervisor should verbally warn and document to make him/her fully aware of the seriousness of the situation, why it cannot be tolerated, and what consequences will follow if the offense is repeated.
2. Formal Written Warnings
 - 2.1. An employee who has failed to correct behaviors or meet basic job requirements after receiving verbal counseling or verbal warnings may receive a formal written warning so that the employee understands the severity of the problem.
 - 2.2. Dependent on organizational risk and level of egregiousness, warnings can start at this level.
 - 2.3. Written warnings are used to formally document the problem. The written warning should include the specific nature of the infraction(s), the date of occurrence(s), the effect of the infraction upon the work or the efficiency of the department, previous steps taken by the supervisor to help the employee correct the problem and other information considered important to the situation.

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3. Final Written Warning including Disciplinary Suspension without Pay
 - 3.1. The final written warning and suspension reviews the facts of the problem in a clear and unambiguous manner. The final warning indicates that if the inappropriate behavior is not immediately improved, termination will occur.
 - 3.1.1. The final written warning should be reviewed by the supervisor’s supervisor and Human Resources prior to the discussion with the employee, to ensure that the action contemplated is consistent with policy and practice throughout the organization.
 - 3.1.2. After discussion with the employee, the final written warning will be signed by the supervisor, the next level reviewer and the employee, and forwarded to the Human Resources department for filing in the employee’s personnel folder.
 - 3.1.3. Dependent on organizational risk and level of egregiousness, warnings can start at this level.
 - 3.2. The employee may be suspended without pay for up to five workdays. Extension of suspensions may be approved by the VP of Human Resources. All suspensions are considered final warnings and must be documented as such.
 - 3.3. If an employee enters multiple levels of discipline, CTH reserves the right to combine steps and/or escalate discipline based on the more severe offense.

4. Investigatory Suspension
 - 4.1. When it has come to a supervisor’s attention that one of his/her employees has allegedly committed a serious offense, but there is some uncertainty as to whether discharge is the proper action, the employee may be suspended with or without pay from work while the supervisor undertakes a complete investigation.
 - 4.2. Investigatory suspension can also occur when it is determined that the employee’s behavior requires him/her to be immediately removed from the premises.
 - 4.3. The supervisor will contact the next level reviewer and Human Resources as soon as feasible to notify them of the action and the need for further investigation.
 - 4.4. If it is found through investigation that the employee did not commit the offense with which they were charged, they should be returned to the job and paid all lost earnings for the time during the suspension unless the investigatory suspension is converted to a disciplinary action.

5. Termination
 - 5.1. When less severe actions fail to correct an employee’s job-related behavior, or when the offense demands immediate separation from employment, a termination will result. The manager will summarize the action in written form immediately upon knowledge of the

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- infracton, will obtain the approval of Human Resources and the next level of authority before final action is taken, and will notify the employee of the termination.
- 5.2. Employees covered by the Carson Tahoe Healthcare Employee Association (CTHEA) Agreement may appeal the termination by using the appropriate Grievance Procedure in a timely manner. Please refer to the most recent CTHEA Agreement for details.
 - 5.3. The date of termination does not change by virtue of an appeal. In the event the termination is rescinded, the employee will be reinstated as of the date of termination and all benefits will continue uninterrupted. The payout of PTO, however, will remain paid out but the employee will be allowed to take unpaid time off, with prior supervisory approval, up to the amount of hours of PTO payout.

 - 6.1. The Employee Assistance Program (EAP), sponsored and paid for by CTHS AND ITS ENTITIES, is available to all employees and their immediate family members. This program provides confidential professional assistance for any type of personal problem such as emotional or family distress, alcoholism, drug abuse or financial difficulties.
 - 6.2. Participation in the program is on a voluntary basis, even if referred by management. Participation in the EAP does not relieve the employee of his/her responsibility to meet accepted job performance and attendance standards.
 - 6.3. Self-Referral: Any employee or family member with a personal problem may request a confidential, professional consultation by an EAP consultant. The Employee Assistance counselor will schedule a convenient time to see the employee or will provide the necessary assistance on the telephone.
 - 6.4. Employee Referral by Management or Human Resources:
 - 6.4.1. Managerial referral to the EAP will be based on:
 - 6.4.1.1. A request by the employee for assistance with a personal problem;
 - 6.4.1.2. A decline in work performance on the part of the employee; or
 - 6.4.1.3. A particular on-the-job incident which indicates the possible presence of a personal problem, excluding incidents of misconduct which require immediate suspension or termination.
 - 6.4.2. When an employee has come to a manager to seek advice regarding a personal problem, the manager should make the employee aware of the professional assistance available through the EAP and offer to help the employee by arranging for an appointment with the Employee Assistance counselor.
 - 6.4.3. When an employee’s performance is the basis for a manager referral to the EAP, the manager should follow established organizational procedures related to documentation of performance problems, counseling, and disciplinary action and review the situation

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with Human Resources. The manager should meet with the employee to discuss the documented performance problem and communicate the consequences of failure to improve.

6.4.4. After discussing the performance problem, the manager should advise the employee about of the availability of confidential, professional EAP assistance for any work-hampering personal problem and strongly encourage the employee to allow the manager to arrange an appointment with an EAP counselor. The final decision to use the program is the employee’s.

- 7.1. Individual cases may require special or immediate treatment. The Vice President of Human Resources or members of the Human Resource Management staff will assist in the determination of proper disciplinary action. Level of discipline will vary dependent on organizational risk and egregiousness of violation.
- 7.2. The time frame for an individual’s history of corrective action is normally the immediate past twelve (12) months. Usually those disciplinary actions that occurred in the last twelve months will be considered in determining appropriate discipline, except when a pattern of repeated violations of a similar nature has occurred over a longer period of time. Only one Final Warning/Suspension, except for Major Infractions, is normally included prior to the termination. Major Infractions can result in immediate termination.
- 7.3. During the new-hire Introductory Period, it is recommended that employees committing minor infractions have at least one verbal counseling prior to termination. Serious or Major Infractions call for immediate termination.
- 7.4. Because of the higher degree of responsibility and authority over the human and financial resources of the organization, this corrective action procedure may be accelerated or abandoned for those in management positions.
- 7.5. Question Test of “Just Cause”
 - 7.5.1. Was the employee forewarned of the consequences of his or her actions
 - 7.5.2. Are there employer’s rules reasonably related to business efficiency and performance
 - 7.5.3. Was an effort made before discharge to determine whether they were guilty
 - 7.5.4. Was the investigation fair and objective
 - 7.5.5. Did the employer obtain substantial evidence of guilt
 - 7.5.6. Were the rules applied fairly and without discrimination
 - 7.5.7. Was the degree reasonably related to the seriousness of offense and past record

CTHS AND ITS ENTITIES reserves the right to terminate the employment relationship at will, with or without cause or advance notice. Although the organization may choose to apply any of these steps outlined above and on the Guidelines Chart, it need not, and has



CARSON TAHOE
— HEALTH —

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the right in its sole and absolute discretion to terminate at will. The Chart is to be used as a guide and is provided for informational purposes only and is not in any way binding on the organization. Any, none or all of these steps may be utilized, depending upon individual circumstances and the nature of the infractions. Contact Human Resources for specific guidance.

DISCIPLINARY MEASURES	EXAMPLES OF MINOR INFRACTIONS	EXAMPLES OF MODERATE INFRACTIONS	EXAMPLES OF SERIOUS INFRACTIONS	EXAMPLES OF MAJOR INFRACTIONS
1 ST Offense	Verbal Warning	Written Warning	Final Written & Disciplinary Suspension	Termination
2 nd Offense	Written Warning	Final Written & Disciplinary Suspension	Termination	
3 rd Offense	Final Written & Disciplinary Suspension	Termination		
4 th Offense	Termination			
LIST of INFRACTIONS	<p>Failure to follow Dress Code, including ID Badge</p> <p>Violation of Solicitation and Distribution regulations</p> <p>Allowing personal visitors in the work area</p> <p>Creating unrest or lack of harmony</p> <p>Uncooperative attitude and/or behavior</p> <p>General unsatisfactory work performance</p> <p>Careless workmanship resulting in spoilage, waste or delay</p> <p>Absenteeism, tardiness</p> <p>Failure to behave in accordance with the organization's "Code of Conduct" and cultural standards</p> <p>Other offenses of similar nature</p>	<p>Failure to follow policies or protocols</p> <p>Smoking or using any type of tobacco product in <u>outside</u> unauthorized areas</p> <p>Disregard of safety rules and regulations</p> <p>Failure to follow regulations when notifying of inability to come to work</p> <p>Leaving the department/work area without authorization</p> <p>Acceptance of inappropriate gifts or gratuities</p> <p>Unauthorized use of the organization's property</p> <p>Refusal to work reasonable and necessary overtime</p> <p>Soliciting</p> <p>Other offenses of similar nature</p>	<p>Failure to follow policies or protocols resulting in potential or real harm to others</p> <p>Disorderly conduct, including the use of abusive, offensive or threatening language</p> <p>Sleeping on the job</p> <p>Disclosure of confidential patient or employee information</p> <p>Inability to satisfactorily perform work because of intoxication</p> <p>Unauthorized use of keys or computer-user ID codes, or failure to report others in unauthorized use of same</p> <p>Leaving the premises without authorization</p> <p>Insubordination</p> <p>Refusing to perform job duties as assigned</p> <p>Inappropriate, vulgar, offensive, abusive or improper language to patients, visitors or staff</p> <p>No-Call/No-Show of 1 day</p> <p>Inappropriate access or use of CTHS AND ITS ENTITIES computer systems</p> <p>Other offenses of similar nature</p>	<p>Smoking or using any type of tobacco product in <u>inside</u> unauthorized areas</p> <p>Fighting</p> <p>Theft</p> <p>Dishonesty</p> <p>Making surreptitious recordings</p> <p>Willful destruction or defacing of CTHS AND ITS ENTITIES property</p> <p>Possession of weapons on CTHS AND ITS ENTITIES property</p> <p>Ingesting alcoholic substances on CTHS AND ITS ENTITIES time or property *</p> <p>Clocking in or out for another employee or allowing another employee to clock in or out for you</p> <p>Any illegal use or any aiding or abetting any illegal use of any drug or narcotic</p> <p>Immoral or indecent conduct</p> <p>Harassment</p> <p>Violation of Workplace Violence Policy</p> <p>Physical or verbal abuse of patients, visitors or staff, or any form of patient endangerment or abandonment</p> <p>Falsification of records, including work, medical, employment, required training or time card records</p> <p>No-Call/No-Show of 2 consecutive assigned shifts</p> <p>Engaging in activity beyond the scope of the employee's license or certification</p> <p>Inappropriate access and/or disclosure of Protected Health Information (PHI)</p>

Printed copies are for reference only. Please refer to the electronic copy for the latest version.

				Other offenses of similar nature
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* This policy against the use of alcohol on the CTHS AND ITS ENTITIES premises will not be construed to prohibit the use of alcohol at social or business functions sponsored by the organization where alcohol is served. However, employees may not drink alcohol if they are returning to work after the event. Employees must also remember their obligation to conduct themselves properly at all times while at organization-sponsored functions.