

POLICY TITLE: Corrective Action**Former Policy Title: Employee Counseling and Progressive Corrective Action****POLICY PURPOSE:**

The purpose of this policy is to set forth just, reasonable and equitable processes to address concerns relating to individual employee performance, violations of Penn Medicine Lancaster General Health (LG Health) policies, safety practices, and standards of professional conduct.

POLICY STATEMENT:

LG Health is committed to being the healthcare “employer of choice” by fostering an environment in which each employee can perform to the best of his or her ability. In support of this goal, LG Health has established a comprehensive employee relations program to promote an organizational culture that is unequivocally committed to quality care and patient safety and demonstrates openness, accountability, and continuous learning.

LG Health believes in a voluntary commitment to a positive and just employee relations program that encourages application of Just Culture principles in application of human resources policies and procedures. Just Culture provides a framework which, coupled with the exercise of thoughtful managerial judgment, establishes an environment of positive, consistent, and constructive relations with employees.

Notwithstanding anything to the contrary stated in this policy, nothing herein is intended to alter the at-will status of any employee. LG Health, at all times, retains the right to terminate any employee or impose Progressive Discipline at any step and at any time, for any lawful reason or for no reason at all. The list of examples included as an appendix to this policy is intended only for illustrative purposes and is not exhaustive. In addition, serious or egregious occurrences may warrant advanced Progressive Steps, including suspension and/or termination.

OBJECTIVES:

- Maintain a set of standards for performance and behavior that are reasonable, just, and equitable.
- Communicate standards for employee behavior that support the LG Health mission, vision, values, and professional standards.
- Prescribe corrective action when employee performance or behavior does not meet organizational expectations.

APPLICABILITY/SCOPE/EXCLUSION:

This policy applies to all entities of LG Health and their regularly budgeted full and part time employees. This policy is used in conjunction with managing performance or behavioral issues of contracted medical providers and may be used to provide recommendations for Medical and Dental Staff Code of Conduct investigations for members of the Medical and Dental Staff who are not employed by LG Health.

DEFINITIONS:**Administrative Leave:**

Paid or unpaid time away from the workplace to investigate circumstances around a particular behavior or performance deficiency before issuing a Progressive Step up to and including termination.

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Coaching:

A discussion between employee and supervisor related to performance, behavior, or attendance. This discussion is meant to be constructive in nature and is not considered part of the Progressive Discipline process. This process is documented under development in the Workday system, not performance.

Employee Assistance Program (EAP):

Employee Assistance Program counseling provides support with problem identification, assessment, referral, and follow-up in a confidential setting, by a third party organization. Contact the EAP at 1-800-364-6352.

Just Culture Algorithm: The Just Culture Algorithm is the tool used by managers and supervisors to evaluate and respond to employee infractions that occur in the workplace, irrespective of harm or severity. Users are guided to consider the behavioral choices and motivation of individuals and system factors that contribute to these choices.

Performance Improvement Plan (PIP):

A plan that can be up to 90 days in length and addresses performance or behavior deficiency. Definitive and time bound action steps and goals are agreed upon between employee and manager. (See Performance Management Policy).

Progressive Step(s)/Discipline:

First written warning; Second written warning; final written warning, termination.

PROCEDURES:

Assessing Job Performance, Behavioral or Attendance Issue:

Managers will use the LG Health Just Culture Algorithm to assess employee behaviors, performance, or attendance related actions which are not meeting expectations. The manager must consider all relevant facts through the algorithm that contributed to the performance, behavior, or attendance issue.

The process should include the opportunity for the affected employee to present his or her perspective on the matter. The manager will consider this perspective in the use of the Just Culture Algorithm.

Coaching Process:

Coaching falls outside of the formal Progressive Steps disciplinary process and may be the recommended outcome of the Just Culture Algorithm evaluation. Coaching is a documented, developmental process intended to reinforce expected performance, behavior, and attendance. It is an informal process reflecting a mutual commitment between a manager and employee to improve and should occur sufficiently close in time to the relevant events so as provide appropriate and effective guidance to the employee.

Performance, Policy, and Professional Standards Infractions:

If the Just Culture Algorithm reveals a violation of policy or professional standard or performance issues, the manager should consult with Human Resources to determine the most appropriate approach to address the violation. It is expected managers will follow a general guideline of addressing issues within ten (10) business days from the date of the related occurrence, absent any extenuating circumstances.

Documentation:

It is the responsibility of the manager to fully document within Workday the procedures followed in connection with any performance, behavioral, or attendance infraction. This includes any investigatory or fact finding notes, data analysis, discussions with the employee, and other necessary parties and any follow-up action.

Progressive Steps:

The Progressive Steps process is intended to provide the employee with notification that they are now entering the formal discipline process. This may be due to one or more of the following reasons: a performance deficiency, a behavior issue, a violation of a policy or professional standard, continued attendance/lateness infractions, or any

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other infraction that has not been rectified through the Coaching process or a PIP. At each level of the Progressive Steps, the manager is expected to explain the reasoning for the Progressive Steps, convey expectations and timeframes for improvement, and provide resources that can assist the employee in meeting expectations.

During an employee's introductory review period (typically the first ninety days of employment), repetitive performance deficiency and patterns of unexcused absence may not be managed through the Progressive Step process and will be included in the introductory review of performance.

If an employee is in an active Progressive Step for a particular infraction, another instance of the same infraction or a different type of infraction within the next twelve (12) months will advance the employee to the next Progressive Step.

First Written Warning:

This step is initiated by the manager in the event of repetitive performance or behavioral problems previously addressed through the Coaching process, more serious infractions requiring escalation to this level in the opinion of the manager and Human Resources (after evaluation with the Just Culture Algorithm), or persistence with lateness or attendance infractions.

Second Written Warning:

This step is invoked by the manager in the event of repetitive or additional problems occurring in the twelve- (12) month period following a first written warning. At this phase, the employee is notified that the next Progressive Step will be a final written warning. Employees who have received a second written warning are not eligible to apply for positions using the internal job posting process for twelve (12) months.

Final Written Warning:

This step is taken in the event that, after application of the Just Culture Algorithm and thorough investigation, the manager determines the performance deficiencies, violations of policies, safety practices or standards of professional conduct, or attendance and lateness infractions have not been rectified, or that the employee has committed a very serious infraction. At the final warning step, the manager should advise the employee that his or his employment is in jeopardy and that immediate and sustained improvement of performance or elimination of all infractions is required. Depending on the nature of the infraction or policy violation, the employee may also be suspended for up to three (3) days upon receipt of the final warning. The manager should also advise the employee that any further performance deficiency of any kind or magnitude during the next twelve- (12) month period will result in immediate termination of employment. Documentation of this disciplinary step by the manager should be reviewed by Human Resources prior to presentation and discussion with the employee.

An employee in the final warning stage is not eligible to receive a merit increase or any type of pay incentive or reward during the twelve- (12) month period in which the final warning is active. After the final warning is no longer active, the employee may be eligible for a merit increase, which will not be retroactive, and will not include the prior year's merit increase.

Employees who wish to begin a "request to review" a final written warning or termination can utilize the Employee Complaint Procedure, located on Starnet.

Fitness for Duty or Mandatory EAP Referral:

In the event that a question regarding fitness for duty arises or it is determined that a mandatory EAP referral is appropriate, employees may be required to complete this assessment and comply with the recommendation of the external evaluation. Compliance with this step may be required to maintain employment when it is determined by the Chief Human Resources Officer or their designee that this is appropriate. Mandatory EAP referrals or fitness for duty assessments are managed by Human Resources in collaboration with Employee Health.

Management of Attendance Issues:

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For the first two (2) occurrences of unexcused absences and lateness in a rolling twelve- (12) month period, a Coaching session will be held with the employee. Upon the third occurrence within a rolling twelve- (12) month period, a manager may invoke a Progressive Step after utilizing the Just Culture Algorithm. A manager may invoke a Progressive Step if an employee displays a pattern or practice of absenteeism or lateness within a rolling twelve- (12) month period if the Just Culture Algorithm determines that this is repetitive behavior.

Administrative Leave:

In the event that an investigation is warranted in connection with an allegation of a performance deficiency or disregard of policies, safety practices, or standard of professional conduct, the employee may be put on Administrative Leave, with or without pay pending the outcome of an investigation. Managers considering Administrative Leave pending investigation should consult with Human Resources. If a performance deficiency or disregard of policies, safety practices, or standards of professional conduct is found to have occurred, the employee will not receive back pay for the Administrative Leave. Conversely, if no deficiency or violation is found to have occurred, the employee will be paid for the time off pending investigation. Administrative Leave may occur at any time during the Progressive Steps process.

Progressive Step Expiration Schedule:

A Progressive Step expires twelve (12) months after the Progressive Step has been issued and no additional infractions that resulted in discipline occur during that timeframe. Documentation of a Progressive Step becomes part of the employee's Human Resources file and is available for consideration in connection with subsequent Progressive Steps until expiration. Upon expiration, the document is retained as part of the employee's Human Resources file. In the event of extenuating circumstances, although expired, the Progressive Step can be considered for a subsequent step. Such circumstances may include concerns regarding the safety of a patient/employee or established patterns of behavior.

NOTE: Documentation of HIPAA/privacy violations may be taken into account if a subsequent violation occurs (depending on the severity of the violation) even if twelve (12) months have passed since the last documented incident.

Termination of Employment:

If an employee exhibits egregious violations or reckless behavior with respect to a work policy or professional standard or if the employee's performance or attendance remains deficient, immediate termination of employment may be appropriate. The decision to terminate employment should be based on a thorough review of the facts and circumstances by both the manager and Human Resources and should be consistent with all applicable policies and procedures and the Just Culture Algorithm. Termination of employment requires the approval of Human Resources.

Non-Retaliation:

LG Health does not permit or condone intimidating or retaliatory acts against employees who report perceived or actual work or other regulatory violations. (See Non-Retaliation Policy).

ROLES/RESPONSIBILITIES:

Implementation and administration of this policy are the responsibility of senior leadership, directors, managers and supervisors of LG Health.

APPENDICES: Attached to this Policy.

FORMS: N/A

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REFERENCES:

Acceptable Use of Electronic Resources Policy
Code of Conduct
Conflict of Interest Policy
Dress and Personal Grooming Policy
Driver Safety Policy
Drug Free Workplace Policy
Employee Complaint Procedure Policy
Family and Personal Medical Leave Policy
Health Care Personnel Immunization Policy
Identification Badge Policy
Military Leave of Absence Policy
Nicotine-Free Environment Policy
Non-Retaliation Policy
On-Call and Call Back Policy
Overtime Policy
Performance Management Policy
Personal Leave of Absence Policy
Policy Against Sexual and Other Harassment Policy
Safeguarding Confidential Information Policy
Social Media Policy
Solicitation, Distribution and Access Policy
Time and Attendance Policy
Workforce Training for HIAA

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APPENDIX:

Discipline Categories:

Description	Category
Absences: Unscheduled or unexcused absences. (Defined as any occurrence not specifically excused by the supervisor or subject to protection under the Family & Medical Leave Act. This includes unexcused lateness or leaving early.) Absences: Patterns of unexcused/unscheduled absence.	Attendance
Job Abandonment: Three (3) consecutive work day absences with failure to directly or personally notify or contact the employer or failure to report to work within three (3) days of a leave of absence or a layoff/recall. Failure to report to work within the designated period as outlined in the Military Leave of Absence Policy.	Attendance
Abuse of authority.	Behavior
Abuse of, intimidation of, or disrespect to patients, visitors, or employees, either physically or psychologically. Acts involving assaults, fights or disorderly conduct. Any action that jeopardizes the welfare of an individual.	Behavior
Abusive, intimidating or harassing behavior, obscene language or gestures, or behavior of a threatening nature.	Behavior
Bullying and/or Harassment of co-workers or patients	Behavior
Conduct that is discriminatory / inappropriate treatment of others due to race or other protected status	Behavior
Conduct: Dereliction of responsibilities which directly threatens the health and safety of any patient, employee or visitor.	Behavior
Conduct: Off duty conduct which diminishes trust – behavior that not does align with LG Health Values	Behavior
Confidentiality: Repeated, purposeful, unauthorized access, use, or disclosure of any classified data or information (sensitive, confidential, proprietary, or internal). Intentional unauthorized access, use or disclosure of patient, employee, or other confidential information or accidental behavior with a high risk of harm.	Behavior
Conflict of Interest: Engaging in outside business relationships that conflict with the business, professional, or financial interests of LG Health or any of its member companies, in accordance with the LG Health Conflict of Interest Policy.	Behavior
Criminal laws: The conviction of any criminal laws, codes, or ordinances related to the employee's job functions.	Behavior
Dress Code: Failure to maintain appropriate level of personal professional appearance, consistent with LG Health and/or department specific guidelines	Behavior
Driving Safety: Driving Company vehicle in an unsafe manner or without the use of a seatbelt.	Behavior
Drug & Alcohol Policy: Under the influence of intoxicants or detectable level of an illegal controlled substance while at work. Please refer to the Drug Free Work Place Policy for additional information. Any laboratory report used to prove the presence of drugs or alcohol in an employee's body fluids must be supported by a "chain of custody," in order to demonstrate that the urine or other body fluid referred to in the report is the same substance which was provided by the employee. This is necessary in order to establish that the sample was not mislabeled, lost, substituted for someone else's sample, or otherwise altered. The Employee Health Nurse, Emergency Medicine Department staff or Occupational Medicine Department document "chain of custody" for all body fluid samples used in such testing.	Behavior
Drug & Alcohol Possession: Imbibing and possession of alcoholic beverages on duty or on LG Health property, other than an approved LG function. Use, transport and/or possession of illicit controlled substances on LG Health property. Convictions that involve the off duty sale, solicitation, possession or purchase of illegal substances. Failure to submit to required drug testing.	Behavior

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Drug & Alcohol Possession or Sales: Failure to notify direct supervisor within five (5) days of an arrest and/or conviction that involves the off duty sale, possession or purchase of illegal substances.	Behavior
Ethics: Conduct that is immoral, indecent, or unethical including but not limited to lying or other deceitful behavior.	Behavior
Failure to notify direct supervisor within five (5) days of an arrest and/or conviction that involves the off duty sale, possession or purchase of illegal substances.	Behavior
Failure to notify of tardiness or absences in accordance with Departmental procedure or Time and Attendance Policy (which can include “No Call/No Show”).	Behavior
Failure to report or respond to On-Call.	Behavior
False, malicious or vicious statements, vilifying, slandering or defaming any employee, physician, patient, visitor or guest, of LG Health.	Behavior
Falsification: Misuse or falsification of records for the purpose of receiving benefits related to any form of pay, or the receipt of any form of benefit.	Behavior
Firearms: Possession of firearms or other dangerous devices on LG Health property.	Behavior
Gambling: Gambling or conducting gambling operations on LG Health property other than an approved LG Health function.	Behavior
Harassment: including sexual harassment and racially-charged inappropriate comments	Behavior
Immunizations: Failure to comply with mandatory immunizations required for the position (i.e., Flu vaccine, TB testing, etc.).	Behavior
Infection Control/PPE: Violation of safety, health, security, sanitation or infection control guidelines or failure to use safety equipment, sterile or personal protective equipment, or to conform to regulations of Infection Control, CDC, DOH, OSHA or NRC, etc.	Behavior
Infectious Control: Failure to comply with established procedures for proper disposal of any potentially infectious/hazardous waste, especially needles and other sharp objects.	Behavior
Insubordination: Insubordination with willful disregard for an appropriate confirmed managerial or supervisory directive.	Behavior
Job Responsibilities: Leaving work responsibilities or area without proper relief or permission.	Behavior
Misrepresentation: Misrepresentation of identity, wearing another person’s identification badge or permitting another person to wear one’s identification badge for the purpose of accessing prohibited information or areas. Use of badge by employee to access prohibited or protected information or areas.	Behavior
Parking: Parking, drinking or eating in prohibited areas.	Behavior
Pay Records: Carelessness in documentation of any form of pay record, or failure to comply with pay policies. Unauthorized working of overtime.	Behavior
Property Damage: Destruction or damage of property belonging to the LG Health, other employees, patients, visitors, physicians, or any other persons affiliated with LG Health. Sabotaging, deliberately damaging, defacing, destroying, vandalizing or misusing LG Health property or the property of visitors, patients or employees.	Behavior
Security: Interfering with security or obstructing security in their performance of duties.	Behavior
Sleeping: Sleeping on the job.	Behavior
Smoking: Smoking inside an LG Health owned or leased building. Use of tobacco products within an LG Health owned or leased building or on LG Health property as defined in the Tobacco Free Work Environment Policy.	Behavior
Social Media: Failure to obey Social Media Policy – use of social media at work, personal online postings, media inquiry process, etc. Social Media: Violation of the Acceptable Use of Electronic Resources Policy.	Behavior
Solicitation: Solicitation or distribution any printed material in violation of the Solicitation Policy Soliciting and/or receiving monetary tips or other gratuities from patients, or sale of services or items to patients.	Behavior

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Theft: Theft, stealing, hiding or concealing LG Health employee, patient or guest's property or the unauthorized taking or use of that property.	Behavior
Time Records: Misrepresentations or unauthorized use of time record, willful disregard of payroll policy or falsifying time or payroll records. Falsification of any records, reports, resumes, applications, or other LG Health documents.	Behavior
Job Performance, and Work expectations: Failure to maintain reasonable expectations, standards of job performance, Values or Behaviors.	Performance
Required Training: Failure to comply in a timely manner with the schedule of required training such as fire safety, handling hazardous materials and confidentiality of PHI. Required Training: Failure to complete job specific annual competencies.	Performance

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