

HARRIS HEALTH SYSTEM

POLICY AND REGULATIONS MANUAL

Policy No: 6.20
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Effective Date: 07/01/2006
Board Motion No:
Last Review Date: 08/30/2019
Due For Review: 08/30/2022

TITLE: CORRECTIVE ACTION

PURPOSE: To establish guidelines for corrective actions.

POLICY STATEMENT:

The success of Harris Health System (Harris Health) depends upon providing the public the highest level of service. Harris Health performs ongoing reviews throughout the year of an employee's performance but reserves the right to take immediate corrective actions when necessary.

POLICY ELABORATIONS:

I. DEFINITIONS:

- A. **CORRECTIVE ACTION or COUNSELING:** A discussion between a supervisor and an employee regarding job performance and/or conduct in the workplace. The primary objective is to discuss performance expectations and acceptable conduct in the workplace and to provide the employee with an opportunity to improve.
- B. **CORRECTIVE ACTION FORM:** The form approved by Human Resources which must be utilized by supervisors when documenting the issues discussed regarding the Corrective Action.
- C. **CORRECTIVE SUSPENSION:** Unpaid leave resulting from Corrective Action against the employee.
- D. **CRIMINAL DRUG STATUTE:** A federal or non-federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance (for example, possession of cocaine or delivery of methamphetamine).
- E. **DEMOTION:** Transfer to another position in a lower salary range than previously occupied.

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- F. **INSUBORDINATION:** Willful disobedience or disregard of supervisor's order or request.
- G. **INVESTIGATIVE SUSPENSION:** Paid or unpaid leave during an internal investigation of allegations against employee.
- H. **JOB COACHING:** An employee may receive career development in connection with the processes and actions necessary and beneficial for success in the current position, including the best approach based on the relationships and interpersonal skills of the employees in the workplace. This approach helps people understand not just how to do something, but why they need to do it. Job Coaching is not a Correction Action.
- I. **JUST ACCOUNTABLE CULTURE (JAC):** A culture that recognizes:
1. Competent professionals make mistakes and develop unhealthy norms;
 2. The ability to recognize that errors may result from system factors;
 3. Individuals should not be treated punitively for system defects and promotes an atmosphere where workforce members can freely discuss safety events without fear of reprisal, through an objective assessment of events, which in turn promotes system modifications; and
 4. Reckless behavior, gross misconduct, or willful violations will not be tolerated.
 5. See Policy 3466 Just and Accountable Culture.
- J. **MISCONDUCT:** An act or omission which disregards the interests of Harris Health or the rights and safety of another. This definition also includes failure to uphold the Harris Health values, Service First Standards, Code of Conduct, and/or violation of any policy, practice or standard.
- K. **PERFORMANCE:** The ability to perform a job for which an employee is hired, which includes technical and professional skills, interpersonal skills (interaction with internal and external customers), and conduct.
- L. **PROBATION:** A trial period in which the employee is given an opportunity to improve his/her performance or conduct.

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II. INVESTIGATIVE SUSPENSION:

An employee may be placed on an Investigative Suspension without pay unless the employee desires to use paid time off (PTO). However, with the approval of the Senior Vice President of Human Resources or his/her designee, an employee may be placed on Investigative Suspension with pay for a period not to exceed five (5) workdays.

III. JAC PROCESSES:

To the extent applicable, steps defined in Policy 3466 Just and Accountable Culture that shall be followed before implementation of a Corrective Action or termination of an employee occurs.

IV. CORRECTIVE ACTION SYSTEM:

A. General:

1. Supervisors may take Corrective Action against employees based on loss of confidence or the employee's lack of sound judgment in connection with the employee's Job Performance, Misconduct, or conduct which otherwise interferes with the safe and efficient operation of Harris Health.
2. The Senior Vice President of Human Resources or his or her designee shall review and approve any proposed Corrective Action for an employee's off-duty conduct that may be subject to immediate Corrective Action before a supervisor takes any action.
3. Harris Health reserves the right to take immediate Corrective Action, up to and including terminating an employee, for acts or omissions not specified in this policy.
4. Corrective Action may include one or more of the following:
 - a. Counseling;
 - b. Probation;
 - c. Corrective Suspension;
 - d. Demotion; or,
 - e. Termination.

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B. Corrective Action or Counseling:

1. As a general rule, a supervisor should first make the employee aware of any deficiencies and recommend specific areas for improvement so that the employee has an opportunity to correct the behavior and improve job performance. However, certain actions, behaviors or deficiencies merit immediate Corrective Action.
2. The procedure for conducting Corrective Actions, including the requirement to document Corrective Actions on the Corrective Actions Form, is contained in *Attachment A, Corrective Action Procedure*.

C. Probation

1. Prior to placing an employee on Probation, a supervisor must review the facts with a Human Resources Business Partner. A supervisor may recommend that an employee be placed on Probation.
2. Probation may not exceed ninety (90) days.
3. Completion of a probationary period does not remove the action from the personnel file or from future consideration in evaluations or Corrective Actions. In other words, prior Corrective Actions against an employee may be considered in subsequent Corrective Actions. An employee may receive additional Corrective Action during the probationary period.
4. If the employee requires a subsequent Corrective Action while on Probation, the supervisor shall prepare a subsequent Corrective Action Form.
5. At this stage, the employee may be suspended, demoted, or terminated.

D. Corrective Suspension:

1. Prior to placing an employee on Corrective Suspension, a supervisor must review the facts with a Human Resources Business Partner. A supervisor may recommend that an employee be placed on Corrective Suspension.
2. An employee placed on Corrective Suspension will not receive pay. Corrective Suspension without pay may not exceed five (5) scheduled work days.

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3. Completion of a Corrective Suspension does not remove the action from the personnel file or from future consideration in evaluations or Corrective Actions. In other words, prior Corrective Actions against an employee may be considered in subsequent Corrective Actions.

- E. Demotion: Refer to Harris Health's Change of Positions Policy 6.17.
- F. Termination:

- 1. Termination may result at any time for conduct while on duty which adversely affects the operation of the Harris Health System.
- 2. Immediate Termination:

Examples of grounds for immediate termination are contained in *Attachment B*. Such list is not all-inclusive and employees may be terminated for other reasons, which warrant immediate termination.

V. EMPLOYEE WHO IS CHARGED OR ARRESTED:

- A. Any employee who is charged or arrested with a violation of a Criminal Drug Statute or other criminal offense involving assault, rape, domestic violence, fraud, theft, driving while intoxicated, or any felony offense must report the pending charge to Human Resources no later than five (5) days after he or she is charged or arrested.
- B. A supervisor who becomes aware that an employee has been charged or arrested with any of the offenses listed above must report the information to Human Resources and Corporate Compliance.
- C. Failure to report charges in accordance with this policy may result in Corrective Action.

VI. This policy is not intended to create any contractual rights in favor of any person and does not constitute an employment contract. Harris Health reserves the right to unilaterally amend or withdraw this policy at any time.

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REFERENCES/BIBLIOGRAPHY:

- Harris Health System Policy and Procedure 6.13 Attendance.
- Harris Health System Policy and Procedure 6.17 Change of Positions.
- Harris Health System Policy and Procedure 3025 Drug Free Workplace.
- Harris Health System Policy and Procedure 6.19 Non-Discrimination .
- Harris Health System Policy and Procedure 6.36 Sexual Harassment.
- Harris Health System Policy and Procedure 6.27 Workplace Violence.
- Health Information Portability and Accountability Act.
- Harris Health System Policy and Procedure Information Technology Security.

OFFICE OF PRIMARY RESPONSIBILITY:

Harris Health System Senior Vice President of Human Resources.

REVIEW /REVISION HISTORY:

Effective Date	Version # (If Applicable)	Review/ Revision Date (Indicate Reviewed or Revised)	Approved by:
07/01/2006	1.0 Original		Board of Managers (Board Motion 06.5-297 Policy Review Committee
	2.0	Approved 05/05/2009	
	3.0	Revised / Approved 06/12/2012	
	4.0	Revised 08/30/2019	Executive Approval by CEO

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APPENDIX A PROCEDURES

CORRECTIVE ACTION PROCEDURE

1. Before scheduling a meeting with the employee, the supervisor must prepare a Corrective Action Form and attach any relevant documents. However, no documents attached to the Form may contain protected health information related to any patient. Protected health information must be redacted from any document maintained in the personnel file.

The supervisor shall conduct a Corrective Action session and state in writing:

- a. Reason for meeting;
 - b. Action(s) to be taken;
 - c. Expectation for improvement; and
 - d. Consequence(s) for repeated Misconduct or failure to improve.
2. An employee may have an individual of his/her choice present at a Corrective Action session. If the individual is not immediately available at the time that the meeting is scheduled, the supervisor may delay the meeting no longer than one **(1)** business day. The individual may observe but may not participate in the session.
 3. After the Corrective Action session, the Corrective Action Form shall be signed by the employee, supervisor, and department director and placed in the employee's personnel file with or without the employee's signature. The employee's signature indicates receipt of the document only and not acceptance of its content.
 4. If the employee refuses to acknowledge receipt of the Corrective Action Form, the supervisor and a witness shall note such refusal on the form. The employee will be given a copy of the Corrective Action Form, including any attachments.

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ATTACHMENT B

NON-EXCLUSIVE LIST OF GROUNDS FOR IMMEDIATE TERMINATION

1. Fighting (Physical Violence), assault, or sexual assault or sexual harassment on Harris Health's premises;
2. Possession of prohibited weapons or explosives on Harris Health premises;
3. Falsification of records or documentation, including medical records, payroll records, time records, employment applications, sign-in/ out records and other records maintained by Harris Health;
4. Abuse of official capacity as a public servant (public employee);
5. Official oppression;
6. Misuse of official information;
7. Theft or misappropriation of property;
8. Embezzlement;
9. Bribery;
10. Solicitation or receipt of illegal gift;
11. Robbery;
12. Public indecency;
13. illegal gambling;
14. Perjury or making false statement regarding a material issue in a document, interview, deposition, or hearing;
15. Termination, suspension, or provisional loss of credentials or certification required for current position;
16. Unauthorized access to or disclosure of protected health information;
17. Failure to comply with Harris Health's retention schedule for maintenance and destruction of records;
18. Failure to report to duty without notice for three consecutive days, including unapproved PTO or other leave;
19. Insubordination;
20. Sleeping while on duty;

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ATTACHMENT B, Continued

NON-EXCLUSIVE LIST OF GROUNDS FOR IMMEDIATE TERMINATION

21. Failure or refusal to cooperate in any investigation conducted by Corporate Compliance, Human Resources, the County Auditor, any state or federal law enforcement agency, any credentialing agency, the United States Department of Health and Human Services or its designee, the Comptroller General of the United States or its designee, the Office of Inspector General, any independent verification and validation contractor or quality assurance contractor acting on behalf of Texas Health and Human Services Commission, the Office of the State Auditor of Texas or its designee; the Attorney General of Texas; or any agent designated by Harris Health
22. Failure or refusal to provide the following accurate information during employment: name, driver's license number, social security number, names of dependents, a complete set of fingerprints, licenses or credentials, business relationship, and any other accurate information requested by Harris Health;
23. Failure to immediately report an accident or collision which involves a Harris Health vehicle, whether on or off Harris Health property;
24. Committing or attempting to commit criminal mischief while on Harris Health's facilities;
25. Attempting to induce any Harris Health office or employee to commit an illegal act or an act in violation of an Harris Health policy;
26. Failing to call supervisor as required by departmental procedures or timely submit requested documentation, including request for PTO, Family and Medical Leave Act (FMLA), etc.
27. Use of another employee's badge, user identification or password or allowing another employee to use individual's badge, user identification or password.
28. Improperly badging in from remote location other than assigned working area;
29. Failure to timely notify Harris Health of charges filed against employee for felony offense (for example, murder, aggravated assault, burglary, robbery, tampering with or fabricating evidence, tampering with government record, or insurance fraud) or an offense involving dishonesty (for example, embezzlement, theft, or fraud), false statement, moral turpitude (for example, bribery, solicitation of gift from Harris Health's vendor), or a Criminal Drug Statute;

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ATTACHMENT B, Continued

NON-EXCLUSIVE LIST OF GROUNDS FOR IMMEDIATE TERMINATION

30. Unsafe clinical practices;
31. Dishonesty;
32. Leaving work area without supervisor's permission or knowledge;
33. Rude and discourteous treatment of patients, visitors, or co-workers;
34. Use of foul language;
35. Taking or dissemination of photos or videos without consent of the person, including a member of the workforce or patient;
36. Operation of Harris Health vehicle in a reckless and dangerous manner;
37. Incompetence in the performance of job duties;
38. Intoxication or use of illegal drugs while on duty or on Harris Health premises;
39. Failure to follow Harris Health's policy regarding the purchase or disposition of property;
40. Violation of the Drug Use or Abuse Policy;
41. Violation of the Standards of Conduct policy;
42. Violation of the Non-Discrimination policy;
43. Violation of the Sexual Harassment policy;
44. Violation of any Information Technology (IT) security policy;
45. Violation of any Health Information Portability and Accountability Act (HIPAA) policy;
46. Violation of Abuse, Neglect and Exploitation of Patients Occurring at Harris Health facilities, or
47. Violation of the Red Rules policy.