

SOUTHERN HIGHLANDS COMMUNITY MENTAL HEALTH CENTER

POLICY AND PROCEDURE MANUAL

Date of Issue: 2/24/75

Section Number 280

**Date Revised: 2/3/81; 10/5/82; 3/1/83; 9/6/94; 4/1/03; 7/1/03; 2/12/04; 9/8/05; 10/5/06;
1/20/09; 4/22/09; 2/12/10; 11/4/10; 3/25/13; 4/1/14; 4/8/15; 7/21/15; 8/19/20**

Date Reviewed: 3/24/16

Policy 280 – Discipline

I. POLICY

All Center employees are employed “at will,” meaning an employee is free to terminate his or her employment at any time, just as the Center reserves the right to terminate your employment with or without cause or notice. Nothing in the policy constitutes a contract of employment or promise of job security.

In order to maintain the safety of employees and consumers and to promote efficient and productive operations, disciplinary action may sometimes be necessary. It is the Center’s intent that such disciplinary action be uniformly applied to correct the behavior, to avoid a recurrence of the problem and to protect the interests of the Center.

You are expected to conduct yourself in a businesslike manner. Consistent with this policy, you should avoid conduct which is contrary to the best interest of your co-workers, consumers and the Center.

It is important for employees to know that they are making mistakes and have an opportunity to correct those mistakes. On the other hand some “mistakes” or “behaviors” are so problematic that employees will immediately be terminated. This policy is designed to provide employees an outline to assist employees with work related problems. The Center has complete discretion to determine the appropriate level of discipline in any situation.

II. PROGRESSIVE DISCIPLINARY ACTION

Disciplinary actions will be of five types:

- A. Verbal Warning
- B. Written Warning
- C. Final Warning
- D. Suspension/Administrative Leave and/or
- E. Termination

All disciplinary action will be documented on the attached form and employees will be given an opportunity to write their comments.

The Center reserves the right to skip any of these steps if the situation warrants. That is, immediate discharge can be the first step in discipline at the sole discretion of the Center.

- A. Verbal Warnings - An individual conference will be used to fully explain and discuss the nature of the violation. The warning will be documented and signed by both parties.

- B. Written Warning
 - 1. Written warnings are placed in writing, signed by the employee, with a copy given to the employee and must contain the specifics of the conduct for which the employee is being reprimanded. A record of such warning should be signed by the employee and supervisor and maintained in the personnel file.
 - 2. Written warnings may be grieved to the level of the Chief Executive Officer.

- C. Final Warning
 - 1. Final warnings are placed in writing, signed by the employee, with a copy given to the employee and must contain the specifics of the conduct for which the employee is being warned. A record of such warning should be signed by the employee and supervisor and maintained in the personnel file.
 - 2. Final warnings may be grieved to the level of the Chief Executive Officer.

- D. Suspensions / Administrative Leave
 - 1. All suspensions / leave are without pay and result in either full reinstatement with back pay (subject to Section 280-H-5 below), full reinstatement with no back pay, or termination.
 - 2. Employees will be suspended / placed on leave automatically during an investigation of violation of consumer rights. All other suspensions / leaves are issued at the sole discretion of the Center.
 - 3. An employee on suspension / leave is to leave work and not to report to work until instructed to do so in writing. Suspensions / leave shall be a period of time *at* the discretion of the Chief Executive Officer, not to exceed 90 days. If any employee does not report to work or contact the Chief Executive Officer within three (3) business days after the receipt of the letter, the suspension / leave will become termination.

4. All suspensions / leave must be recommended to the Chief Executive Officer; only he/she may suspend an employee.
5. All suspensions / leave must be in writing with a copy given to the employee.
6. All suspensions / leave may be grieved to the Chief Executive Officer level.

Please refer to HIPAA Policy 537 for additional information.

E. Involuntary Terminations:

1. All involuntary terminations are made by the Chief Executive Officer upon his/her own initiative or approved upon the recommendation of his/her staff. Involuntary terminations are not subject to the Grievance Procedure.
2. Employees may be disciplined, up to and including discharge, for the follow reasons. **However, this list is simply a guideline and is not all inclusive. The Center reserves the right to give any level of discipline, up to and including immediate discharge, at any time for any reason.**
 - a. Failure to abide by written Center policy, or activity in opposition to the stated aims or goals of the Center.
 - b. If an employee has received three warnings on the same violation and has a fourth violation, the fourth violation will result in termination of employment.
 - c. Inappropriate behavior including but not limited to the following will result in immediate termination without warning:
 - 1) Use of alcoholic beverages or other non-prescribed drugs on the premises of the Center or residential facilities.
 - 2) Appearing for work under the influence of alcoholic beverage and/or non-prescribed drugs. An employee must be given the opportunity for treatment before termination procedures are affected.
 - 3) Fighting or attempting to injure others.
 - 4) Theft or acts of dishonesty.
 - 5) Violation of the Confidentiality Policy and Procedures.

- 6) Falsification of the employment application, billing and/or medical records documents, time sheets, expense report, or other official Center records. This would include any party trying to or succeeding in manipulating the ADP system.
- 7) Insubordination – The defiance of authority. The unwillingness to follow directives of supervisory staff. Insubordinate acts may include: the intentional failure or refusal to carry out or comply with directives from supervisors; or the intentional undermining of the goals of the organization or deliberate acts of misrepresentation of supervisory directives to other staff or individuals involved with the Center.
- 8) Violation of any applicable ethical principles.
- 9) Charge of a felony or any crime the Chief Executive Officer determines to be in opposition of the goals of the Center (even if the charge does not ultimately result in conviction). If WV Cares deems an employee not eligible for employment, the employee cannot continue to work.
- 10) Sleeping on the job.
- 11) A record of abuse, neglect, or sexual behavior that is discovered after employment, even if it occurred prior to employment.
- 12) Loss of drivers license or loss of a satisfactory driving record as defined in Section 185II.A.7 when transporting consumers is part of your job responsibilities.
- 13) Failure to participate in a critical incident internal investigation.
- 14) Failure to take a drug screen or refusal of treatment for positive screen after reporting to work impaired by any substance that is legal or illegal. Impaired means under the influence of a substance such that the employee's motor senses (i.e., sight, hearing, balance, reaction, reflex) or judgment either are or may be reasonably presumed to be affected.

Please refer to HIPAA Policy 537 for additional information.

SOUTHERN HIGHLANDS COMMUNITY MENTAL HEALTH CENTER

DISCIPLINARY ACTION

Employee Name: _____ Position: _____

Type of Action: _____ Verbal Warning Date of Action: _____

_____ Written Warning * Date of Action: _____

_____ Final Warning * Date of Action: _____

_____ Suspension * Date of Action: _____

_____ Termination Date of Action: _____

It must be understood that repeated acts of this behavior or violations of Center Policies will result in disciplinary action up to and including termination.

Problem: (use back if necessary): _____

Corrective Action Required: _____

* A copy of the grievance procedure, Center Policy 281, is attached.

Copies of both verbal and written warnings will be placed in your personnel file for 12 months after the date of the written warning. Records of suspension or termination will not be removed.

Signature/Supervisor Date

EMPLOYEE REMARKS

My signature indicates I have received a copy of this notice but does not constitute agreement with this action:

Signature/Employee Date