

PROCEDURE NO. 4-10-36

ISSUED: 10-31-97

REVISED: 12-26-24

REVIEWED: 12-26-24

SUBJECT: Progressive Employee Counseling and Corrective Guidelines

PURPOSE: To carry out the mandate of the Office of Human Resource Policy No. 4.

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The purpose of the Progressive Counseling and Corrective Guidelines is to assist supervisors in their efforts to teach and improve the performance of employees. The guidelines serve as a method to inform employees and supervisors of the consequences of violating rules, regulations, policies, procedures and performance expectations.

Where possible, counseling procedures are to assist the employee in conforming his/her behavior to expectations of the organization. In other situations, however, such as the guidelines on abuse and neglect, the consequences are defined by state law.

As will be noted when reviewing the actual guidelines, where possible verbal and written counseling procedures are specified. Counseling procedures are corrective in nature and do not in and of themselves result in any automatic loss of bonus, promotion, merit increases, etc. They are, however, considered in the employee's overall performance rating. When disciplinary action has occurred, the employee's overall rating may be reduced accordingly as outlined on the Employee Pay for Performance Planning and Appraisal form during the performance appraisal period.

Supervisors and management personnel are encouraged to follow the Progressive Counseling and Corrective Guidelines, unless for the good of the organization (instances where the seriousness or frequency of the offenses justify the deviation) they choose to deviate from the guidelines. Deviations are allowed only upon the recommendation by the Human Resource Director.

All proposed corrective action must be reviewed with the immediate supervisor prior to presenting to the employee. All corrective action involving a suspension or recommendation for termination must have the approval of the Human Resource Director or designee.

When a supervisor recommends corrective action for an employee, the supervisor shall present the proposed discipline, supporting documentation and past history for review and authorization/confirmation to their immediate supervisor or the Human Resource Department. Corrective action beyond verbal reprimand shall be reviewed and authorized by the immediate supervisor and/or the Director of the respective program. Suspensions must be approved through the Human Resource Director or designee and recommendations for terminations are completed by the Human Resource Director and the appeal process will be through the Chief Executive Officer or the C-Suite member of the respective program after due process has been offered.

Department heads or supervisors may approve and issue reprimands after confirming with the Human Resource Director to insure consistency with previous practice.

All verbal counseling, written reprimand, suspensions and terminations are filed in the personnel record in the office of Human Resources.

The ultimate responsibility of all Woodhaven employees is to ensure the health, safety, welfare and security of the individuals supported. Failure to follow this direction may result in disciplinary action up to and including the possibility of termination.

Situations not listed below shall be handled on an individual basis and following resolution shall be considered for inclusion in the Progressive Counseling and Corrective Guidelines.

ATTENDANCE - Prompt regular attendance for work at Woodhaven is critical for the smooth operation and the delivery of quality services.

Any absence that is not scheduled in advance disrupts the delivery of services. All employees are therefore, encouraged to keep unscheduled absenteeism to a minimum.

Definition of Absenteeism/Tardiness

- 1. Scheduled Absence - When an employee has requested time off via the HRIS system and received approval by the supervisor authorizing the time off.

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2. Unscheduled Absence - When an employee has not obtained prior supervisory approval for absence from a scheduled shift.

a. Excused Absence - May be assigned by the Supervisor if employee calls in a minimum of two (2) hours prior to their scheduled time to report to work.

NOTE: Employees should make every effort to contact supervisors as soon as they are aware that they are going to need an unscheduled absence.

b. Unexcused Absence - May be assigned by the supervisor if employee calls in without proper advance notice. (Two hours prior to shift) or does not come in when directed after calling "requesting" time off or requests to leave a shift but is not sick or does not have an emergency.

c. Absence Without Notification (No Call/No Show) - May be assigned by supervisor when an employee is absent from the scheduled shift and has not made contact with a supervisor.

NOTE: Supervisor may use discretion allowing for extenuating circumstances which may exist.

d. Tardy - When an employee arrives at the work site after the beginning of their scheduled shift. Employees anticipating arriving late should notify their supervisor. Tardy attendance points began at 5 minutes tardy for all scheduled shifts. The seven (7) minute rule applies for paying employees in quarter hour increments, however if you clock in during the 5 to 7 minute period, you are still considered tardy.

3. Job Abandonment – When employees fail to arrive to work for two consecutive scheduled shifts without prior supervisory approval, it is considered job abandonment and grounds for termination.

4. Repeated - Defined as more than once.

5. Occasion - For purposes of these guidelines an occasion is defined as a period of time associated with a specific, identifiable event such as a medical condition, illness, death of an immediate family member, a personal disaster which requires an employee to be absent from the job. Diagnosed medical conditions such as pregnancy, diabetes, asthma, etc. for purposes of this memo are considered one occasion. Does not apply to absence unexcused or without notification.

Excessive absenteeism due to the diagnosed condition will be reviewed on an individual basis. Absences will be counted on rolling 12 month period.

**Basic Rules**

1. When an employee is absent for two or more consecutive days due to illness, this counts as one occasion of absenteeism. An absence due to illness that exceeds 2 consecutive days may require a dr. note upon return. Points may be assessed for any absence due to illness that exceeds 3 in a 12 month rolling period.

2. Absence due to injury with worker's compensation is not considered an instance of absenteeism for disciplinary purposes.

3. When the employee is ill, the employee shall call his or her supervisor or the supervisor on duty as early as possible ahead of the scheduled shift. The only time it is acceptable for a family member to notify the supervisor is when the employee is unable due to seriousness of sickness, voice loss, hospitalization, etc. to call personally.

4. Repeated absenteeism will be checked for patterns particularly before, on, or after holidays, beginning and end of work weeks, etc.

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NOTE: Unscheduled Absenteeism during holidays will generally be dealt with more severely than other times. Supervisors must always consider the condition of their unit's e. g., number of vacancies, number on vacation, sick, etc.

5. When it is necessary for an employee to be off for self or family, the amount of notice given will be considered in the overall performance rating under sections having to do with teamwork, cooperation, etc. (a two hour minimum is considered necessary.)
6. Unscheduled absenteeism and tardiness occurrences will be calculated on a twelve month rolling schedule.

**Unscheduled Absenteeism**

1. Point System for unscheduled absenteeism are as follows:
  - a. 1/4 point will be assigned for each tardy received when clock in is within 5 to 7 minutes.
  - b. 1/2 point will be assigned for each tardy received when clock in is between 8 minutes and 29 minutes.
  - c. 3/4 point will be assigned for each tardy received when clock in is between 30 minutes and 59 minutes.
  - d. 1 point will be assigned for each tardy received when clock in is after 1 hour of the beginning of the shift.
  - e. 3 points will be assigned for each unscheduled absence due to illness beginning with the 4<sup>th</sup> absence in a 12 month rolling period.
  - f. 6 points will be assigned for each occurrence of a no call/no show.

In a 12 month rolling period, if an employee accumulates:

- 4 points – a verbal warning will be issued.
- 5 points – a written warning will be issued.
- 6 points – 1 day suspension without pay will be issued.
- 7 points – A recommendation for termination will be issued.

Even if an employee has a doctor's excuse, management will determine if it's in the best interest of the individuals supported and the organization to continue the staff employment if "excessive absenteeism" is occurring. If it is determined that the employee has an illness that causes an "undue hardship" on the organization or they cannot perform the essential functions of the job, their employment may be discontinued.

**Unexcused Absence** - The assignment of an unexcused absence calls for objective thinking and good judgment by the supervisor and an accurate, truthful account of the circumstances by the employee in all but the simplest advance notice situations. Even in late call in instances, circumstances may make the decision difficult. Before assigning an unexcused absence, the supervisor should make sure that the facts of the employee's situation are known and that the supervisor (as well as other members of the management team) would not behave similarly given the same set of circumstances.

The most serious situation occurs when the organization is short staffed. By gaining an understanding of the facts and the perceived problem facing the employee and the organization, it may be possible to negotiate a satisfying solution so that both the employee's and the organization's needs are satisfied.

In some instances negotiations are not productive and the supervisor, all things considered, determines the needs of the organization clearly outweigh the needs of the employee. In these instances, the supervisor may direct the employee to come in and if the employee does not come in, it will be considered insubordination and procedures covering insubordination apply.

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**Tardiness, Early Departure, Extended Breaks** - When an employee fails to arrive to work on time, leaves early, a significant disruption in the overall functioning of the work unit results. Thus, arriving late for work or leaving early are of serious concern and are discouraged. Checking out early or arriving late are subject to corrective action.

Woodhaven realizes that employees over the course of the year and due to unforeseen circumstances will not always be able to arrive for work on time. There may be occasions as well when they will need to leave work early for legitimate reasons. However, the employee is expected to plan his schedule sufficiently well to allow him or her to work their full scheduled shift. Such effort demonstrates to supervisors such employee characteristics as loyalty, dependability, self-discipline, organization, etc. all of which are considered during performance appraisal and employee promotion and/or other reinforcement. Tardiness is basically an unexcused absence.

- 1. Tardiness is defined as failure to arrive at the job site at the employees' work scheduled time.

Approved: \_\_\_\_\_

Human Resource Director

Date: \_\_\_\_\_

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**DISCIPLINARY GUIDELINES**

<b>Occurrence</b>	<b>First</b>	<b>Second</b>	<b>Third</b>	<b>Fourth</b>	<b>Fifth</b>
<b>1.. <u>PERFORMANCE OF DUTY</u></b>					
a. Repeated failure to carry out assigned work or follow instructions within a reasonable time or by specified deadlines as documented in the performance log	Verbal Counseling documented on performance log.	Written Reprimand	Involuntary demotion or 1-5 day suspension	Recommendation for Termination	
b. Repeated deficiencies in work because of carelessness, negligence, incompetence or inefficiency as documented in the performance log	Verbal Counseling documented on performance log.	Written Reprimand	Involuntary demotion or 1-5 day suspension	Recommendation for Termination	
c. Disturbing others while they are performing their job assignments	Verbal Counseling documented on performance log.	Written Reprimand	Involuntary demotion or 1-5 day suspension	Recommendation for Termination	
d. Transacting private business during regular working hours	Written Reprimand	3-5 day suspension	Recommendation for Termination		
e. Failure to meet successful performance plan expectations. (Employees will not be allowed to transfer or receive a promotion if they fail to meet job performance expectations successfully.)	Receive rating of "Unsatisfactory" on performance appraisal or possible involuntary demotion or recommendation for termination.				
f. Unauthorized Sleeping on Duty	Written Reprimand	1-5 days suspension	Recommendation for Termination		
<b>2. <u>ALCOHOL &amp; OTHER DRUGS - Misuse</u></b>					
a. Observed consumption of alcohol while on duty	1-5 day suspension & referral accepted by employee or Supervisor to Employee Assistance Program - otherwise, recommendation for termination.				
b. Reporting for duty or working under the influence of alcohol or controlled substance or illegal drugs so that performance is impaired.	5 day suspension and referral accepted by the employee to the Employee Assistance Program, otherwise, commendation for termination.	Recommendation for Termination	Note: Remember inform them you will call someone to come and get them or law enforcement. You should not let them drive!		

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c. Providing alcohol or controlled substances to residents without authorization.	Recommendation for Termination				
d. Permitting others to provide residents with alcohol or controlled substances without authorization.	Recommendation for Termination				
e. Unauthorized possession, distribution or sale of illegal controlled substance while on or off duty.	Recommendation for Termination				
f. Observed consumption of illegal controlled substance while on duty.	Recommendation for Termination				
g. Taking excessive prescription drugs so as to impair ability to perform duties without notification of supervisor.	1-5 days suspension and referral to the Employee Assistance Program. Otherwise, recommendation for termination				
<b>3. ABUSE AND NEGLECT</b>					
a. Reports of alleged abuse will be made to the Division of Aging if the abuse involves an elderly person. Missouri law imposes the obligation to report to the Division of Aging for suspected abuse of persons over the age of 60, or adults with disabilities between the ages of 18 and 59 who are unable to protect their own interests or adequately perform or obtain services necessary to meet essential human needs.	Provide copy of procedure 2-6-8				
b. Reasonable belief (where the available facts, when viewed in the light of surrounding circumstances would cause a reasonable person to believe the resident was abused or neglected) that the employee committed an act of abuse as defined in Woodhaven procedure 2-6-8.	Recommendation for Termination – provide copy of procedure 2-6-8				

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c. Class I neglect as defined in Woodhaven procedure 2-6-8.	Recommendation for Termination – provide copy of procedure 2-6-8				
d. Class II neglect as defined in Woodhaven procedure 2-6-8.	1-20 day suspension – provide copy of procedure 2-6-8	Recommendation for Termination			
e. Physical abuse as defined in Woodhaven procedure 2-6-8.	Recommendation for Termination – provide copy of procedure 2-6-8				
f. Sexual abuse as defined in Woodhaven procedure 2-6-8.	Recommendation for Termination – provide copy of procedure 2-6-8				
g. Verbal abuse as defined in Woodhaven procedure 2-6-8.	1-20 days suspension – provide copy of procedure 2-6-8	Recommendation for Termination			
h. Failure to report observed or suspected abuse, neglect of a resident by an employee (after 24 hours of time known or should have been known).	1-20 day suspension if verbal abuse or Class II neglect, recommendation of termination if Class I neglect, physical or sexual abuse – provide copy of procedure 2-8-6	Recommendation for Termination (Verbal or Class II)			
i. Failure to report observed or suspected abuse or neglect of resident, by an employee immediately or no later than within two hours but later reported within 24 hours of time known or should have known incident occurred.	Written Reprimand	1-20 day suspension – include copy of procedure 2-6-8 with suspension letter.			
j. Failure to report observed or suspected abuse or neglect of resident by an employee, within 24 hours of time known or should have known incident occurred but later reported before confronted.	1-20 day suspension – provide copy of procedure 2-6-8	Recommendation for Termination			

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k. Refusal to answer questions or to provide statement in abuse or neglect investigation.	Recommendation for Termination – provide copy of procedure 2-6-8				
l. Threatening residents with bodily or emotional harm.	Recommendation for Termination – provide copy of procedure 2-6-8				
m. Threatening to withhold individual's rights or privileges.	Written reprimand	1-20 day suspension – include copy of procedure 2-6-8 with suspension letter	Recommendation for Termination		
n. Unauthorized withholding of individual's rights or privileges.	1-20 day suspension – include provide copy of procedure 2-6-8	Recommendation for Termination			
4. <b><u>HEALTH, SAFETY, WELFARE &amp; SECURITY OF INDIVIDUALS SUPPORTED</u></b>					
a. Ensure the health, safety, welfare and security of Individuals supported. Failure to do so will result in disciplinary action	Suspension without pay or Termination	Recommendation for Termination			
b. Leaving individuals supported unsupervised	Suspension without pay or Termination	Recommendation for Termination			
5. <b><u>WORK ATTITUDE AND BEHAVIOR</u></b>					
a. Insolence-Disrespectful challenge, criticism, obstruction or interference with supervision which is displayed publicly or in front of others (other than ventilation privately to supervisor).	1-5 day suspension	Recommendation for Termination			
b. Refusal to obey a directive from the employee's supervisor or other authorized supervisor.	1-5 day suspension	Recommendation for Termination			
c. Willfully violate state, federal or facility policy, regulation, rule or law after having been made aware of it.	Written Reprimand	1-5 day suspension	Recommendation for Termination		

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d. Sexual harassment - Using the power of one's position in an attempt to obtain sexual favors from a subordinate employee or coworker.	1-20 day suspension	Recommendation for Termination			
e. Conduct – failure to interact courteously and tactfully with managers, co-workers, consumers, funders, associates or stakeholders to the point that productivity or morale suffers may be grounds for termination	Recommendation for Termination				
6. <b><u>WORK ATTITUDE &amp; BEHAVIOR</u></b> <b><u>(Creating Hostile Working Environment)</u></b>					
a. Harassment of an official, supervisor, subordinate employee, co-worker or individual supported with use of sexual, racial or ethnic epithets, jokes, or vulgar or obscene, profane and abusive language or gestures toward another person which use has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating hostile or offensive work or living environment.	1-20 day suspension	Recommendation for Termination			
b. Employees speaking of or referring to individuals supported in any fashion other than with respect (e.g. demeaning comments, vulgarity, etc.). Occurrences do not have to be in the	1-20 day suspension	Recommendation for Termination			

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<p>presence of individuals being supported. This is expressing an attitude that is not for the good of the organization.</p>					
<p><b>7. ABSENTEEISM &amp; TARDINESS</b></p> <p>a. Unauthorized leave without notice for two working days - Any absence from duty which has not been granted or approved under leave regulations or procedures.</p>	<p>Considered position abandonment or voluntary, without notice resignation</p>				

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b. Pattern or excessive absenteeism.	Individual consideration – see narrative to guidelines				
c. Tardiness - Failure to report to work on time	Individual consideration - see narrative to guidelines				
d. Repeated early departure or late arrival without approval of supervisor documented in performance log.	Verbal Counseling documented on performance log.	Written reprimand	1-5 day suspension	Recommendation for Termination	
e. Failure to follow proper call in procedure	Written reprimand	1-5 day suspension	Recommendation for Termination		
f. <u>Unscheduled and/or unexcused Absences</u>	See narrative to guidelines				
<b>8. <u>SAFETY &amp; SECURITY REGULATIONS</u></b>					
a. Failure to observe safety regulations and practices as documented.	Verbal Counseling documented on performance log	Written reprimand	1-5 day suspension	Recommendation for Termination	
b. Exceeding posted speed limits in company vehicle.	Written Reprimand	1-5 day suspension	Recommendation for Termination		
c. Improper handling of equipment or chemical considered to be dangerous to self or others.	Written reprimand	1-5 day suspension	Recommendation for Termination		
d. Failure to safeguard facility security by not using keys in accordance with facility rules/procedures	Written reprimand	1-5 day suspension	Recommendation for Termination		
e. Inviting or admitting solicitors into homes and other facility buildings without authorization.	Written reprimand	1-5 day suspension	Recommendation for Termination		
<b>9. <u>UNAUTHORIZED USE OF FACILITY PROPERTY</u></b>					
a. Taking medications designated for resident use.	Recommendation for Termination				

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<p><b>Unauthorized Use of Facility</b></p> <p><b>Property, cont'd.</b></p> <p>b. Failure to exercise reasonable care and diligence in the use of food, equipment or supplies resulting in misappropriation, damage, excessive waste or loss.</p>	Written reprimand	1-5 day suspension	Recommendation for Termination		
<p>c. Intentional use of facility property for other than its defined purpose without good cause.</p>	Verbal counseling documented on performance log	Written Reprimand	1-5 day suspension	Recommendation for Termination	
<p>d. Unauthorized and intentional removal of facility property, equipment or supplies from facility's premises.</p>	Individually considered. Could be recommendation for termination.				
<p>e. Failure to report observed theft of facility property, supplies or equipment where employee knew, or should have known, that the observed act was theft.</p>	1-5 day suspension	Recommendation for Termination			
<p>10. <b><u>FRAUD, SLANDER, OR MISREPRESENTATION</u></b></p> <p>a. Making intentionally false and malicious statements to others which defame officials, supervisors or co-workers.</p>	Written reprimand	1-5 day suspension	Recommendation for Termination		
<p>b. False statement, including falsification of job application or records of individuals supported by employee. Consider a number of factors such as the impact of the false statement, why falsification in the first place, time between falsification act and discovery and job performance prior to act of falsification.</p>	Written reprimand (depending upon factors, could be recommendation for termination)	1-20 day suspension (depending upon factors)	Recommendation for Termination (depending upon factors)		
<p>c. Fraud or deception in securing or attempting to secure benefits for self or another person.</p>	Recommendation for Termination				

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11. <b>EMPLOYEE FIGHTING</b>  a. Physical assault of a supervisor or other employee.	Recommendation for Termination and report to law enforcement				
12. <b>MISCELLANEOUS</b>  a. Employee gambling with individual supported for personal gain or with other employees while on duty.	Written reprimand	1-5 day suspension	Recommendation for termination		
b. Scandalous and disgraceful conduct while on or off duty where such conduct tends to bring the facility into public disrepute, or behavior exhibited which adversely affects the employee's job performance and/or the organization.	1-5 day suspension	Recommendation for Termination			
c. Employment of individuals supported for personal purposes or for other persons without written authorization.	1-20 day suspension	Recommendation for Termination			
d. Release of sensitive information (non-official or job related) about employees or individuals supported without authorization.	1-5 day suspension or possible recommendation for termination.	Recommendation for Termination			
e. Discriminating against individuals supported or employees in violation of federal or state civil rights statutes.	1-5 day suspension	Recommendation for Termination			

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f. Unauthorized purchase from resident's funds.	Recommendation for Termination				
g. Wearing of resident's clothing/articles or using any other articles belonging to residents without authorization.	1-20 day suspension	Recommendation for Termination			
h. Borrowing money from an individual supported	1-20 day suspension	Recommendation for Termination			
i. Theft of resident's or employee's property/money.	Recommendation for Termination and possible prosecution.				
j. Intimidation, threats or harassment of employee and/or individual supported because of testimony or pending testimony as witness in judicial or administrative hearing.	Recommendation for Termination and possible prosecution.				
k. Abusive or improper action or words toward guests and/or employees while on duty.	Reprimand and suspension of 1-5 days	Recommendation for Termination			
l. Conviction of a felony	Recommendation for Termination				
m. Conviction of crime of moral turpitude (fraud or embezzlement) off duty (while not employed).	Transfer to position with no access to money or material record keeping responsibility or recommendation for termination if transfer refused or unavailable position or unqualified if available.				

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<p>13. <b><u>COMBINATION</u></b></p> <p>a. Any combination (either before or after assessment of penalty) during the past year of offenses above may result in more serious disciplinary action (more than 5 days suspension such as recommendation for termination).</p>	<p>Evaluated on an individual basis.</p>				
<p>14. <b><u>.DEVIATIONS</u></b></p> <p>a. Deviations are allowed only upon the recommendations being approved by the Director of Human Resources, Chief Executive Officer or C-Suite team member. Supervisors and management personnel must document the justification for the deviation.</p>	<p>Evaluated on an individual basis.</p>				
<p>15. <b><u>HIPAA:</u></b></p> <p>a. In accordance with the Health Insurance Portability and Accountability Act (HIPAA), you shall only access, request or disclose the minimum necessary client health information and/or records relating to treatment, payment or operations which reasonably pertain to the performance of your duties.</p>	<p>Violation may result in disciplinary action up to and including termination and/or criminal sanctions or penalties.</p>				