

**SANILAC COUNTY COMMUNITY MENTAL HEALTH AUTHORITY**  
ADMINISTRATIVE POLICY

**NUMBER: BA044**

**NAME: EMPLOYEE CONDUCT AND DISCIPLINE POLICY**

INITIAL APPROVAL DATE:	07/31/2002	BY: Administrative Committee
(LAST) REVISION DATE:	01/12/2024	BY: HR Manager
(LAST) REVIEW DATE:	01/18/2024	BY: Policy Committee
DISCONTINUED DATE:	NA	REPLACED BY: NA

**1. PURPOSE**

Sanilac County Community Mental Health Authority (Sanilac CMH) strives to implement fair and effective employee policies to assure compliance with all applicable standards (including HIPAA); to require all employees to serve the organization’s best interests; and to identify the responsibilities of the agency and the employees. Sanilac CMH wishes to promote a working environment which encourages mutual respect and civil, congenial interactions between and among employees, individuals served, and the community. This policy identifies the requirement to maintain confidentiality of health care information for the people receiving services, employee personal information and sensitive information regarding the internal operations of the Agency.

**2. APPLICATION**

Populations: **All**  
Programs: **All Direct and Contracted**

**3. POLICY**

It is the policy of Sanilac CMH that all employees and contract staff will perform their duties in a competent and responsible manner consistent with professional standards of conduct and performance; will maintain strict standards of confidentiality regarding the Agency, it’s staff, and individuals served; and will utilize information acquired in the course of employment in a manner that is in the best interest of the Agency. Conduct that interferes with operations, discredits the Agency, or is offensive, malicious, false and/or harmful to individuals receiving services or fellow employees will not be tolerated and will result in disciplinary action. Personal information regarding individuals and employees will be held confidential.

**4. DEFINITIONS**

HIPAA – Health Insurance Portability and Accountability Act - protects confidential information of the person receiving services or benefits from Sanilac CMH.

Employee – Anyone that is involved in an employment relationship with Sanilac CMH. This may be through regular payroll, contract, volunteers, student interns, or a contracted agency.

Confidential Information – Confidential information includes private health information about individuals receiving mental health services. It also includes personal information about employees and issues regarding their job performance, benefits, and medical situations. Information regarding operations of the agency may be considered confidential.

## **5. DISCIPLINE PROCESS**

### **A. OVERVIEW**

Employees are expected to conduct themselves in an appropriate manner. All employees are expected to meet the Agency's standards of work performance. Work performance encompasses many factors, including attendance, punctuality, personal conduct, job proficiency and compliance with the Agency's policies and procedures. If an employee does not meet these standards, the Agency may take corrective action. The intent of corrective action is to formally document problems while providing the employee with a reasonable time within which to improve performance. The process is designed to encourage development by providing employees with guidance in areas that need improvement such as poor work performance, attendance problems, personal conduct, compliance with the Agency's policies and procedures and/or other disciplinary problems.

Employees who violate Agency policies and procedures will receive training, counseling, guidance and/or clarification of expectations to improve performance; this may be accomplished through an ECM form or disciplinary action when appropriate.

Depending upon the severity of the issue, any level of discipline may be used up to and including termination. Supervisors will need to consult with the Human Resources Manager (HRM) and Officer on such matters. The CEO must approve terminations. Terminations will be conducted with the assistance/direction of the Human Resource Manager.

Human Resources will assist with all levels of the corrective process to ensure that employment laws are not violated. The Supervisor, Officer and Human Resource Manager will review the situation and determine the best corrective/disciplinary action based upon the situation. The Human Resource Manager, or their designee, may be present at the time of issuance of a disciplinary action, this is at the Human Resources Manager's discretion. Employees will not receive special treatment based upon their position or seniority. Employees may have rights under the union contracts that need to be taken into consideration when giving progressive discipline. Union representation must be offered to union staff that are beyond their probationary period. If requested, a contract or substitute staff may have someone sit with them during an investigatory interview.

Depending upon the issue surrounding the termination, the employee may be referred to the appropriate law enforcement agency/licensing for criminal prosecution. Performance appraisals may be used in decisions regarding discipline and discharge issues.

When a disciplinary action or ECM is issued, it must be documented in writing. Disciplines must be copied to the union chairperson per their contract language (union staff only when appropriate) and the Human Resources Department for placement in the employee's file.

### **B. DISCIPLINARY ACTIONS**

In investigative type situations, the Supervisor and/or Officer of the department of which the employee is involved will receive notice of the pending investigation. This would include investigations such as Recipient Rights, HIPAA, and Human Resources (Sexual Harassment/etc.). To ensure that investigations are not impeded, any staff, supervisor or officer that discusses, outside of the investigation, the situation being investigated will be immediately disciplined. In severe situations/investigations, the disciplinary process may be handled solely by the CEO and the Human Resources Manager. Supervisors and Officers will be notified as soon as feasible of the outcome of the investigation and notified of and/or discuss the disciplinary action that will occur. Less severe substantiated incidents will have more involvement by the supervisor/officer.

Disciplinary actions may be applied at various levels and do not necessarily require levels of discipline to be followed. Disciplinary action will be given at the level appropriate for the violation that occurs.

## Sanilac County Community Mental Health Authority Policy Manual

Employees that have multiple violations are not required to start at Step One for each type of situation; but rather, move through the disciplinary process. Employees are required to sign that they received the discipline issued. Signature does not imply that they agree with it. Employees may attach notes to their discipline. These notes will be shared with their Officer and Supervisor and will be placed with the discipline in their personnel file.

If an incident warrants a verbal consultation/discussion, an ECM form will be issued.

Levels of discipline available to the Agency/employer include the following:

Step One – Step One Warning is the first step in correcting unwanted behavior.

Step Two – Step Two Warning is the next formalized step in the corrective process.

Step Three/Unpaid Suspension – The next step in the corrective action process is an unpaid suspension.

Step Four/Termination –The final step in the disciplinary/corrective process is termination.

### C. DISCIPLINARY STANDARDS

- A. Employee deficiencies, as well as training needs, should be identified and addressed in a timely/appropriate manner and at the time of his/her annual performance evaluation.
- B. When appropriate, employees will be given an opportunity to correct deficiencies prior to the disciplinary process beginning with being recorded on an Employee Communication Memorandum (ECM). Prior to issuing an ECM, the Supervisor will need to consult with the HRM and Officer.
- C. Per the Bullard-Plawecki Right to Know Act (Act 397 issued in 1978), any supervisor who keeps a separate file on an individual must forward information that should be considered for corrective action no later than 6 months after the date of occurrence, *preferably the date the occurrence becomes known. This should be recorded on an ECM form and given to Human Resources for the employee's personnel file.* All official documents must be in the employee's personnel file or destroyed when an employee leaves a program in which they are supervised.
- D. Supervisors will provide regular supervision to all employees and promote a positive work environment that includes coaching, communication, accessibility, clarification and feedback/encouragement. Coaching may include agreeing that an area of concern exists, mutually discussing solutions/solving together, follow up and recognizing progress. Employees should receive a copy of all supervisory notes.
- E. Employees are expected to keep open communication with their supervisor; this includes reporting circumstances that may affect performance.
- F. When issuing discipline, in most situations the Agency will not take into account any infractions which occurred more than one (1) year prior, however severe situations or patterns may be considered on-going.
- G. Employees will be offered clarification of expectations, training and/or guidance at every step of the discipline process. Employees should be offered EAP and may be required to attend EAP should the Agency decide. The purpose of this is to be supportive in nature.
- H. A grievance arising from an issue of discipline or discharge will follow the grievance process as outlined in the grievance procedure section of the current contract under which the employee is covered.

## **Sanilac County Community Mental Health Authority Policy Manual**

- I. The Agency will issue an employee a Notice of Charges against them and an opportunity to respond to the charges prior to imposing a discharge. A Loudermill Hearing will be held to discuss the charges and a determination of continued employment will then be made at the discretion of the CEO.
- J. When discipline is necessary, the Agency will cooperate with the union's efforts to effectively represent a bargaining unit member if the employee has consented.
- K. The original document will be forwarded to the HRM for the employee's personnel file. The Union Chair will receive a copy of all union employee discipline related to a suspension or discharge, when beyond their probationary period.
- L. If an employee receives a discipline as a result of Recipient Rights substantiation, a copy of the discipline shall be provided as remedial action to the Recipients Rights Officer.

### **D. SUPERVISOR RESPONSIBILITIES**

Supervisors are:

- A. Expected to investigate the issue and analyze the facts once they become aware of a potential issue.
- B. Interview the employee in a timely manner to obtain the employee's point of view and check for extenuating circumstances. (There may be circumstances that do not warrant an interview with the employee, supervisors should consult with the HRM before skipping this step).
- C. Will obtain information from all sources possible to confirm witness statements, when necessary.
- D. Determine:
  - a. If the incident warrants no further action.
  - b. If the incident warrants verbal consultation on an ECM form.
  - c. If the incident warrants progressive discipline.
  - d. If the incident warrants suspension.
  - e. If the incident warrants termination.
  - f. Provide recommendations.

### **E. DISCIPLINE LEVELS AND PROCESS**

#### **1. Process when issuing a reprimand**

- After it is determined that discipline is necessary, supervisors are to consult with the HR Manager and their Officer to determine the level of the discipline required. They will then schedule a meeting with the employee. When necessary, the staff should be made aware that they are entitled to union representation for the meeting.
- Disciplines must include the level of discipline, details on the situation that led to discipline, the violation of policy must be cited, description of previous warnings/disciplines and expected improvement or plan of correction that includes participation of employee to teach, relearn and correct the action that led to the discipline.
- Disciplines will be written by the HRM, or designee, and issued, in most cases, from the Supervisor.
- When issuing a discipline the HRM, Officer or designee shall be present with the Supervisor. The discipline should be administered privately and confidentially.
- It is important to administer discipline singularly (when possible) with each occurrence and not discipline twice for the same incident unless new and extenuating circumstances are brought forth after issued.
- When employees are transferred into a supervisor's program, they will continue with the corrective action plan when necessary (ECM).
- Corrective action plans must be followed up on and tracked by the Supervisor and completed using an ECM.

## Sanilac County Community Mental Health Authority Policy Manual

- If the discipline Level of I or II does not correct the areas of concern, the process will be repeated or move to suspension/termination.

### **2. Process when Issuing a Suspension**

The Supervisor will consult with the HRM and their Officer and provide recommendations to determine if the infraction warrants suspension. Once the length of suspension/type/dates is determined (standard is three (3) days unpaid, however a paper suspension may be issued), the discipline will be created and distributed using the method noted above. Again, the suspension will be written by the HRM or her designee and issued, in most cases, from the Supervisor.

### **3. Process when Issuing a Termination**

The Supervisor will consult with their Officer and the HRM and provides recommendations to determine if the infraction warrants discharge. HRM will then notify the Union Chairman and Employee of the charge and schedule a Loudermill Hearing. This meeting will be held with the CEO/HRM or their designee to allow the employee an opportunity to present any information that may aid in making a decision on continued employment. The Officer/Supervisor may be asked to attend this meeting depending upon the charges. A determination will then be made with all known facts. The CEO must approve all terminations. The CEO will advise the Board or Chairman, as appropriate, of the discharge of an employee.

## **F. PROHIBITED CONDUCT**

This section is meant as a guideline only for first time occurrence in the discipline process and each incident will be reviewed on a case-by-case basis. This is not an all-inclusive list.

The following conduct is prohibited and may subject the individual involved to disciplinary action, up to and including immediate termination:

### ECM

- a. Failing to properly complete required reporting information.
- b. Repeatedly exceeding the authorized number or length of break periods.
- c. Receiving or making excessive personal telephone calls/texting.
- d. Failing to meet Agency work standards in terms of timeliness, quantity and quality.
- e. Interfering with another employee's efforts to meet Agency work standards.

### Reprimand

- a. Unauthorized possession of Agency property, or of the property of a fellow employee, visitor, individual or customer.
- b. Deliberate misuse of or unauthorized use of Agency supplies, materials, machines, or tools; including tampering with or mishandling any mechanical equipment.
- c. Loitering, loafing, lounging, or sleeping during scheduled working hours.
- d. Tardiness.
- e. Working excessive unauthorized overtime.
- f. Willful violation of an established policy/procedure or rule.
- g. Undue and unauthorized absence from duty during regularly scheduled work hours.
- h. Smoking in non-designated areas.

### ECM or Reprimand

- a. Gross negligence, disobedience, insubordination or deliberate non-performance of work.
- b. Substantiated Recipient Rights violations.
- c. Unauthorized disclosure of confidential information (verbal or written).

## Sanilac County Community Mental Health Authority Policy Manual

### Suspension/Termination

- a. Willful destruction of Agency property or the property of another person.
- b. Fighting with, threatening or attempting bodily injury to another person on Agency premises.
- c. Falsifying Agency records or reports including, but not limited to billing records, sign-in sheets, timecards and/or checks.
- d. Leaving individuals served who require supervision unattended.
- e. Allowing an unauthorized person on Agency premises/confidential areas (i.e. terminated employees, anyone that may have a restraining order, etc.).
- f. The use of abusive, threatening, or obscene language.
- g. Intoxication during working hours, including selling, possession/consumption of alcoholic beverages and/or illegal drugs on Agency property, or any other violation of Substance Abuse. (Note that if the employee is taking medication that may give the appearance of being intoxicated or on illegal drugs, the employee must notify the supervisor immediately.)
- h. Conviction of a felony.
- i. Any type of harassment or violation of the Anti-Harassment and/or Equal Employment Opportunity Policies.
- j. Possession of dangerous weapons on the premises.
- k. Unauthorized possession, use or copying of any records that are Sanilac CMH's property.
- l. Giving a false reason for a leave of absence or engaging in employment while on a leave of absence.
- m. Failure to return to work within 5 days of receiving a certified letter returning the employee to work following a lay-off.
- n. Failure on the part of an employee to meet the training, licensure and/or credentialing requirements for their position.
- o. The use of electronic devices to photograph, copy, record or monitor individuals served, personal information of other employees for personal gain, blackmail, or other means that is not in the best interest of the Agency.
- p. Employees will not be allowed to date/be involved in intimate relations with individuals they provide direct service delivery too. Clinical staff must adhere to their code of ethics.
- q. Employees will not be allowed to date/be involved in intimate relations with their immediate supervisor or subordinate.
- r. Engagement of activities (with individuals receiving services) that is not productive in the recovery process.

### Reprimand or Suspension/Termination

- a. Breach of trust, confidentiality or dishonesty.

## **6. FORMS:**

ECM - Form#0526