



Human Resources

MEDICAL CENTER HUMAN RESOURCES POLICY NO. 701

- A. SUBJECT: Employee Standards of Performance and Conduct
- B. EFFECTIVE DATE: July 1, 2013 (R)
- C. POLICY:

Consistent with our RISE values of Respect, Integrity, Stewardship, and Excellence, the intent of this policy is to protect the well-being of all patients and employees as well as to promote the safe and efficient operation of the Medical Center. The Medical Center expects each employee to perform his/her duties and conduct himself/herself in a manner which enables all employees to work together in achieving Medical Center goals. To this end, all individuals working in the Medical Center shall treat others with respect, courtesy, and dignity, and shall conduct themselves in a professional and cooperative manner.

Performance issues and misconduct are generally addressed through a process of progressive performance improvement counseling as outlined in this policy. This process provides positive guidance, appropriate correction, and helps ensure fair and equitable treatment of all employees. Medical Center management will institute corrective action at any appropriate "Step," as explained below, based on the totality of the circumstances. In such situations, Medical Center management has the authority to institute corrective discipline at any appropriate "Step" up to and including termination of employment. In determining the appropriate level of counseling to initiate, supervisors shall consider multiple factors, including but not limited to the nature of the performance issue, the employee's intent, the consequences of the employee's actions, the employee's past performance/disciplinary record, and other mitigating or aggravating circumstances. If an employee is being progressively counseled pursuant to this or any Medical Center policy at the time a new performance issue arises or act of misconduct occurs, the new issue/act may be addressed at a higher level of performance improvement counseling.

Progressive performance improvement counseling is applicable to Regular Full-Time, Regular Part-Time and Flex staff employees (see [Medical Center Human Resources Policy No. 201 "Employment Categories"](#)) who have successfully completed their probationary period.¹ Pursuant to Virginia Code Section 2.2-3004, Medical Center management reserves the exclusive right to manage the affairs and operations of the Medical Center. Accordingly, management reserves the right to take appropriate

¹ This policy does not apply to Probationary Employees, who are subject to the provisions of [Human Resources Policy No. 205 "Probationary Period"](#) and Management Employees subject to [Human Resources Policy No. 105 "Management Conditions of Appointment."](#) While Medical Center management, Unit-Based Pool, Medical Center Pool, temporary and contract employees are held to the same performance and conduct expectations, they are not subject to the progressive performance improvement counseling process.

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action in circumstances where an employee's performance or misconduct warrant greater sanctions than addressed herein, including termination of employment without performance improvement counseling addressed below. Any reference to Medical Center or Human Resources policies herein is for the convenience of the reader and shall not limit the Medical Center's ability to pursue disciplinary action pursuant to any applicable policy or as otherwise is appropriate.

All Medical Center employees shall:

- adhere to all: Medical Center Policies; Human Resource Policies; departmental protocols, policies and addenda; and to such University policies as applicable;
- adhere to the "University of Virginia Code of Ethics;" <http://www.virginia.edu/statementofpurpose/uethics.html>;
- perform job duties as assigned by the supervisor, spending the work day efficiently and effectively performing such duties while demonstrating an awareness of priorities;
- perform their tasks safely and responsibly in accordance with department and supervisory expectations;
- maintain professional boundaries with patients, their families, and Health System employees.

1. Standards of Performance

The Medical Center strives to use a process of progressive performance improvement counseling to address deficient performance. This policy reflects the reality that deficient performance, as opposed to misconduct which is addressed below, often can be corrected through training, coaching and counseling. Accordingly, the purpose of the performance improvement counseling process is to identify and correct the performance deficiency, prevent recurrence, and prepare the employee for satisfactory service in the future. However, some acts or omissions may be classified in management's sole discretion as either a performance deficiency or misconduct (e.g. medical errors impacting patient care or Medical Center operations) and may be addressed accordingly. Attendance issues will be addressed pursuant to the standards contained in [Medical Center Human Resources Policy No. 704 "Attendance"](#) as well as applicable departmental addenda.

2. Misconduct

- a. **Serious Misconduct** refers to acts or omissions having a significant impact on patient care or business operations.

Examples of Serious Misconduct include, *but are not limited to*:

- Mistreatment of a patient, visitor, or fellow employee
- Unacceptable or unauthorized use of the Internet, electronic mail, or Medical Center computer network/system ([See Medical Center Policy No. 0202 "Internet and Intranet Access-Usage"](#))

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- Violation or neglect of patient identification policies and procedures
 - Insubordination, including refusing or failing to execute or perform responsibilities as reasonably requested, assigned or directed
 - Falsifying or assisting another employee in the falsification of records, including vouchers, leave records, pay records or attendance records
 - Willfully or negligently damaging or defacing University property
 - Sleeping, or giving the appearance of sleeping, during working hours (termination shall result if such actions compromise patient safety)
 - Failure to report a criminal conviction to supervisor within five working days after conviction
 - Refusal to use the electronic medical record mandated by the Medical Center
 - Intentionally accessing PHI without authorization ([See Medical Center Human Resources Policy No. 707 “Violations of Confidentiality”](#))
 - Unauthorized absence from assigned work area
 - Use of profanity or offensive language in the workplace whether verbally, through gestures, or in writing
- b. **Gross Misconduct** refers to acts or omissions having a severe or profound impact on patient care or business operations.

Examples of Gross Misconduct include, *but are not limited to:*

- Verbal harassment and/or physical abuse, of a patient, visitor or fellow employee
- Intentional disclosure of PHI without authorization ([See Medical Center Human Resources Policy No. 707 “Violations of Confidentiality”](#))
- Violation of professional boundary guidelines as defined by the mandatory Professional Boundary Training as well as the ethical guidelines developed by the health regulatory boards within the Virginia Department of Health Professions, the American Nurses and Medical Associations and other relevant professional organizations
- Theft or unauthorized removal or use of property (including theft, unauthorized removal, falsification or misuse of University of Virginia parking permits or stickers)
- Unauthorized use, removal, diversion or theft of medication, drugs, and/or related supplies
- Unauthorized use of University personnel
- Willful violation or neglect of safety/security rules
- Participating in a work slowdown or strike that is contrary to law
- Gambling on Medical Center property
- Causing physical harm to a patient, employee or visitor
- Possession or use of firearms, dangerous weapons or explosives on University property (including but not limited to the Medical Center) without prior University or Medical Center authorization in connection with employment responsibilities
- Threatening a patient, employee or visitor with physical harm
- Possession, distribution, sale, transfer, use, or being under the influence of alcohol or illegal drugs in the workplace, while on duty, or while operating Medical Center vehicles or equipment
- Criminal convictions for acts occurring on or off the job, which are related to job qualifications, or are of such a nature or severity that continued employment is not in

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- the best interest of the Medical Center
- Failure to report receipt of a notice of exclusion or proposed exclusion as a provider of service to federal healthcare programs to supervisor within five working days of receipt
- Failure to comply with the requirements of a corporate compliance agreement, the Corporate Code of Conduct and with all Federal Healthcare Program requirements, or failure to report such noncompliance
- Violations of [University Policy HRM 009 \(Preventing and Addressing Discrimination and Harassment\)](#) and [HRM 010 \(Preventing and Addressing Retaliation\)](#)
- Falsification of patient records including, but not limited to, electronic medical records
- Abuse and/or neglect of duty including, but not limited to, willful or negligent patient neglect or abuse

3. Administrative Actions

Without regard to the Progressive Counseling Process listed below in Paragraph D (“Procedure”), employees who fail to complete the following as directed shall be suspended without pay until the requirement is successfully completed and Medical Center management is provided with documentation thereof:

- Failure to complete medical screenings, vaccinations and/or any required immunizations
- Failure to complete all assigned and/or required testing or training modules

Any employee failing to complete the above requirements within five (5) scheduled workdays following suspension shall be terminated.

4. Prerequisites of Continued Employment

In the sole discretion of Medical Center management, employees may be removed, terminated, demoted, or suspended with or without pay, or their employment otherwise may be modified if they fail to, or are unable to, maintain prerequisites for their position including but not limited to the following examples: expiration, loss or suspension of license which is required for the job; listing as an excluded individual on the Department of Health and Human Services Office of the Inspector General’s List of Excluded Individuals/Entities or the General Services Administration List of Parties Excluded from Federal Procurement and Non-Procurement Programs.

D. PROCEDURE:

Generally, performance deficiencies will be addressed through a performance improvement process which will progress through the four Steps listed below. Serious Misconduct generally will be addressed at Step 2 or Step 3 and Gross Misconduct generally will result in termination. Supervisors must contact Medical Center Human Resources prior to issuing any formal discipline (Steps 2,3,4).

Step One	Step Two	Step Three	Step Four
Informal Counseling	Formal Counseling	Performance Warning And/or Suspension	Termination

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1. Counseling Procedure

a. Informal Counseling – Step 1

Informal Counseling is used to address deficiencies in performance of assigned duties or to spot correct minor incidents of employee misconduct. If performance deficiencies continue after appropriate coaching and training, the supervisor will bring the performance deficiencies to the attention of the employee in an informal counseling session. This session shall take place as soon as possible after the deficiency is noted, and in most cases shall be conducted in private.

The discussion shall include specific examples of the performance issue(s) or misconduct, identify areas in which the employee is expected to improve performance, and include suggestions how to achieve this improvement as well as the time frame for making the improvements. The counseling session shall be documented in the supervisory/competency file in the department, but does not become a part of the employee's personnel file except as supporting documentation with any future Formal Counseling.

b. Formal (Written) Counseling – Step 2

Formal Counseling is used to address deficiencies in performance or acts of Serious Misconduct as well as repeated performance issues that have not been corrected following receipt of Informal Counseling. Formal Counseling may be appropriate to address performance issues arising during the course of the Informal Counseling for a different issue.

Prior to utilizing Formal Counseling, the supervisor must conduct a predetermination meeting with the employee to review the facts and give the employee an opportunity to respond to the issues or explain any mitigating circumstances. Documentation of this meeting shall be maintained by the supervisor.

After reviewing the information provided by the employee, the supervisor will determine if Formal Counseling is warranted. If Formal Counseling is warranted, the employee shall receive a Performance Improvement Counseling Form ("PIC Form") and include: (1) clear and specific documentation of the performance issue(s); (2) expected behavior and/or performance goals to be met; and (3) the time-frame for achieving expectations. A copy of the PIC Form shall be given to the employee, and the original document shall be sent to Medical Center Human Resources for inclusion in the employee's personnel file.

c. Performance Warning and Suspension – Step 3

A Performance Warning is issued to address deficiencies in performance as well as acts of Serious Misconduct. In addition, a Performance Warning may be issued to address issues that the employee has not corrected following Informal Counseling and/or Formal Counseling. A Performance Warning may also be issued to address new performance issues or misconduct occurring while an employee is receiving counseling for a different issue or act of misconduct. A Performance Warning specifies the period of time within which the employee is expected to improve or correct performance issues and meet *all* performance expectations for his/her job. Suspension generally accompanies the Performance Warning except in the case of attendance infractions.

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Prior to issuing a Performance Warning, the supervisor must conduct a predetermination meeting with the employee to review the facts and give the employee an opportunity to respond to the issues or explain any mitigating circumstances. Documentation of this meeting shall be maintained by the supervisor.

After reviewing the information provided by the employee, the supervisor will determine if a Performance Warning is warranted. The Performance Warning must be documented on a Performance Improvement Counseling Form ("PIC Form") and include (1) clear and specific documentation of the performance issue(s), (2) expected behavior and/or performance goals to be met, and (3) the time-frame for achieving expectations. The Performance Warning is a significant step in the process of progressive performance improvement counseling. A copy of the PIC Form shall be given to the employee, and the original document shall be sent to Medical Center Human Resources for inclusion in the employee's personnel file.

A Performance Warning remains a permanent part of an employee's personnel file. The Performance Warning shall document that unsatisfactory progress, or failure to meet all performance and conduct expectations, at any time during the Performance Warning period shall normally result in termination. Furthermore, if another performance issue arises or the employee engages in misconduct within one (1) year from the date of the Performance Warning, immediate termination may result. However, Medical Center management may take into consideration any prior Performance Warning or Formal Counseling in evaluating the appropriate Step in addressing subsequent performance issues or acts of misconduct arising more than one (1) year from the date of the Performance Warning or Formal Counseling.

d. Termination – Step 4

If an employee does not successfully meet expectations following progressive performance improvement counseling, or if the employee's Serious or Gross Misconduct has a significant or severe impact on patient care or Medical Center operations, termination may be the appropriate course of action. If, in Medical Center management's opinion, the employee's misconduct or deficient performance has a significant or severe impact on patient care or Medical Center operations, employment may be terminated without resorting to Steps 1 through 3.

Prior to determining whether termination of employment is appropriate, the supervisor must conduct a predetermination meeting with the employee to review the facts and give the employee an opportunity to respond to the issues or explain any mitigating circumstances. Documentation of this meeting shall be maintained by the supervisor. If Human Resources and Medical Center management determine that termination is appropriate, the termination will be documented on a Performance Improvement Counseling Form for the personnel file and a copy of the documentation shall be given to the employee.

In certain limited circumstances, demotion in lieu of termination may be an appropriate method to address performance deficiencies or acts of misconduct. Any decision to mitigate a Step 4 from termination to demotion shall be in the sole discretion of Medical Center management. In considering whether demotion is appropriate, managers should consider factors such as the employee's ability to succeed in another role, past history of success with the Medical Center, impact on Medical Center operations, availability of suitable position(s),

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the employee's overall performance including motivation, absenteeism, and value to the Medical Center.

2. Investigations

Certain allegations of misconduct may require the University or the Medical Center to conduct an investigation. During such investigation, at the sole discretion of the Medical Center, the employee may be assigned to other duties that are appropriate in light of the allegation, be placed on administrative leave, or be suspended without pay for the period of the investigation. Investigations should be coordinated through Medical Center Human Resources.

SIGNATURE:



R. Edward Howell, CEO, UVA Medical Center

DATE:

6/20/13

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Approved October 1998

Revised April 2000, June 2001, July 2003, July 2005, June 2006, June 2007, September 2007, December 2008, September 2009. September 2010, December 2010, June 2011, July 2013

Approved by Chief Human Resources Officer

Approved by Medical Center Administration