

Policy Title: Corrective/Disciplinary Action	Policy Number: NATL.HR.014
Owner Department: Human Resources	Effective Date: 3/1/16
Custodian: Chair, National HR Policy Roundtable	Page: 1 of 3

1.0 Policy Statement

Employees are required to abide by applicable federal, state, and local laws or regulations, to comply with Kaiser Permanente (KP) policies and procedures, and to conduct themselves in accordance with KP’s Principles of Responsibility. If an employee fails to comply with any of these, or engages in misconduct (including inappropriate/disruptive behavior) or poor performance, the employee may be subject to corrective/disciplinary action, up to and including termination. In addition, the violation of certain laws or regulations may require KP to report the violation to a regulatory or licensing agency and/or may subject an employee to criminal prosecution as well as civil penalties involving substantial monetary fines.

2.0 Purpose

Kaiser Permanente (KP) must comply with specific legal/regulatory standards that include, but are not limited to, those indicated by Medicare and other government program billing requirements, Guidance issued by the Centers for Medicare and Medicaid Services, the Department of Health and Human Services, the Compliance Program Guidance issued by the Office of the Inspector General, and HIPAA/Privacy and Security regulations. (See Section 6.0, References) KP is required to have well publicized disciplinary guidelines that demonstrate its commitment to compliance and set forth the consequences for violations of compliance mandates.

3.0 Scope/Coverage

- 3.1** This policy applies to all employees who are employed by any of the following entities (collectively referred to as “Kaiser Permanente”):
- 3.1.1** Kaiser Foundation Hospitals and Kaiser Foundation Health Plan, Inc. (together, KFH/HP);
 - 3.1.2** KFH/HP’s subsidiaries;
 - 3.1.3** The Permanente Medical Group, Inc. (TPMG) [NOTE: This policy does not apply to physicians, podiatrists, and Vice Presidents of TPMG, who are covered by separate TPMG policies]; and
 - 3.1.4** Southern California Permanente Medical Group (SCPMG) [NOTE: This policy does not apply to physicians of SCPMG].
- 3.2** Although represented employees are covered by this policy, the levels of corrective action for represented employees will be determined according to the provisions of the applicable collective bargaining agreement.
- 3.3** Regional procedures must be consistent with this National policy but may include more detailed information regarding corrective/disciplinary action, and employees are subject to those procedures as well.

4.0 Definitions

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n/a

5.0 Provisions

- 5.1 Except as limited by collective bargaining agreements and/or statute, employment with KP is “at will” (see NATL.HR.37, *At-Will Employment*).
- 5.2 In the event that it is necessary to take corrective/disciplinary action to address concerns related to an employee’s work performance or conduct, the corrective/disciplinary action may include, but is not limited to:
 - 5.2.1 verbal discussion, coaching, and/or warning by the employee’s immediate supervisor or higher level manager to correct the problem
 - 5.2.2 written notice, with or without final warning
 - 5.2.3 suspension, with or without final warning
 - 5.2.4 termination of employment
- 5.3 The corrective/disciplinary action steps listed in section 5.2 are not exhaustive and serve only as a description of possible action. None of these actions are mandatory or a prerequisite for any other actions that may be appropriate based on the circumstances. Any or all of these actions may be employed prior to termination and certain employee conduct may be deemed sufficiently serious to warrant immediate termination or escalated disciplinary action without prior corrective/disciplinary action.
- 5.4 The level of corrective/disciplinary action will be determined by management after review of the facts (including legal, compliance or policy violations), applicable regional/national collective bargaining agreement provisions, and consideration of other relevant factors and circumstances including, but not necessarily limited to, the factors in section 5.5 below. Management should consult Human Resources as appropriate.
- 5.5 Examples of factors to be considered in determining the level of corrective/disciplinary action include, but are not limited to, the following:
 - 5.5.1 the severity of the violation
 - 5.5.2 the number of violations
 - 5.5.3 whether the violation was part of a pattern or practice of improper behavior or non-compliance
 - 5.5.4 the individual’s past performance and conduct
 - 5.5.5 whether the individual knew or should have known the applicable policies, rules or regulations
 - 5.5.6 length of employment at KP
 - 5.5.7 whether the violation was intentional or negligent
 - 5.5.8 whether the action appeared to be committed for personal gain

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5.5.9 regional/national collective bargaining agreements corrective/disciplinary action provisions for represented employees

5.6 When corrective/disciplinary action is taken, it will be documented to indicate the reason for the action and what specific action was taken. This documentation will be maintained in accordance with applicable policies, procedures and collective bargaining agreements.

6.0 References/Appendices

- 6.1** Intent of HR Policies
- 6.2** Kaiser Permanente's Principles of Responsibility
- 6.3** *Compliance Program Guidance for Hospitals*, 63 Fed. Reg. 8987 (Feb. 23, 1998)
- 6.4** *Compliance Program Guidance for Medicare+Choice Organizations*, 64 Fed. Reg. 61893 (Nov. 15, 1999)
- 6.5** 45 CFR HIPAA Administrative Simplification Part 160 (*General Administrative Requirements*) and Part 164 (*Security and Privacy*)
- 6.6** Medicare Modernization Act of 2003 (MMA), Part D, Fraud, Waste and Abuse, 42 CFR 423.50(b)(4)(vi) (Jan. 28, 2005)
- 6.7** *Supplemental Compliance Program Guidance for Hospitals*, 70 Fed. Reg. 4858 (Jan. 31, 2005)
- 6.8** Applicable Regional/National Collective Bargaining Agreements

7.0 Approval

Update approval 3/1/16

In accordance with the charter of the National HR Policy Roundtable, this policy update was approved by the National HR Policy Roundtable members, as chaired by Francie Sloan.

Policy Revision History

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