

Positive Corrective Action Policy (501)

THIS POLICY

Policy Number: 501

Effective Date: 6/30/2023

REPLACES POLICY

Policy Number: 501

Effective Date: 11/1/2002

PAGE: 1 of 6

Policy:

It is the policy of Wesley Woods Senior Living, Inc., to use a continuous quality improvement method of preventing and identifying performance problems and initiating timely and appropriate action to improve job performance. Wesley Woods supports creating a positive work environment and encourages supervisors and employees to verbally discuss matters related to the job for clarity. When necessary, the Positive Corrective Action Policy and process is to be used to reinforce verbal discussions.

The positive corrective action policy is designed to be constructive, corrective and to promote employee success. It gives the employee the information necessary to understand what aspect of his/her work performance, attendance and/or conduct is unacceptable, identifies the improvements that are expected and provides the opportunity for the employee to demonstrate the expected improvement. The goal is to improve the performance, attendance and/or conduct of an employee and to assist him/her in taking ownership of his/her performance, attendance, and/or conduct.

It is the responsibility of leadership to ensure that employees adhere to the Standards of Conduct, Communication Guidelines and the application of Wesley Woods Senior Living, Inc., policies, and procedures with respect to corrective discipline within their departments.

Employment at Wesley Woods Senior Living (WWSL) is "at will," which means it is subject to termination by either the employee or WWSL at any time, for any reason. There are no contractual relationships between WWSL and an employee, and letters, benefits or policy statements, performance appraisals, employee handbooks or other employee communications should not be interpreted as such. To monitor this at-will relationship, WWSL has developed guidelines to track performance.

Guidelines:

Positive Corrective Action by a supervisor should be used to correct or improve unacceptable work performance and/or conduct; to prevent recurrence of unacceptable performance and/or conduct; to provide an opportunity for employee growth; and to protect the interest of Wesley Woods Senior Living, Inc. All communications with employees regarding disciplinary matters should clearly identify unacceptable behavior or performance and should be clear and positive. **Discipline should be timely, consistent, and not administered in haste or anger.**

The following should be considered prior to taking disciplinary action:

- Identify and record the facts. Talk to the employee before determining the level of disciplinary action to be taken to understand their “side” of the issue.
- The employee’s overall history of performance, attendance and/or conduct in the job and length of service,
- The nature, severity and effects of the unacceptable performance, attendance and/or conduct on the department and residents,
- Review and consider previous disciplinary actions,
- Determine appropriate action based on available information.
- Obtain other employees’ statements regarding the incident.

Any discussions with an employee concerning disciplines should be conducted in a place and manner that respects the privacy of the employee. It is encouraged that corrective counseling sessions for behaviors deemed major or serious include another supervisor or the Administrator/Executive Director as a witness.

Wesley Woods reserves the right to determine the appropriate disciplinary action for all forms of disruptive or inappropriate behavior that impacts the performance goals of the organization. Each situation will be dealt with on an individual basis.

Procedure:

The supervisor must complete a Corrective Action form whenever an employee is counseled, and the Positive Corrective Action Policy is used. Supervisors must forward a copy of the Corrective Action Form (and supporting documentation) to Human Resources or the Community Administrator for review before administering corrective action, Step 2 or above. The review must occur before providing the documentation to the employee.

Each step in the corrective action process should be documented on the Positive Corrective Action Form and must document the unacceptable behavior or performance improvement required, recommended action of improvement, and any prior corrective action(s) taken including date(s) and time(s). The employee is encouraged to sign the document to acknowledge the counseling session and is provided a copy. Should the employee refuse to sign that they acknowledge the counseling, the supervisor should indicate the employee’s refusal on the document. A copy of the signed Corrective Action form (and supporting documentation) must be forwarded to the Human Resources department.

Investigation

At times, due to the seriousness of the behavior, a supervisor may deem it necessary to immediately send an employee home in order to effectively maintain operations and investigate an issue. Should this be necessary, the supervisor will contact the department leader and Human Resources immediately to make them aware of the issue. Both exempt and non-exempt will be required to utilize their comprehensive leave while removed from the schedule.

The investigation should be conducted quickly while gathering all facts available per the guidelines above. Should it be determined at the conclusion of the investigation that there is to be no corrective action, the employee will be reinstated to their schedule. If it is determined that corrective action is needed, one of the following levels of discipline will be implemented.

Step 1: Coaching Conversation

When appropriate, the initial action should be in the form of a coaching conversation. The conversation should establish standards and expectations with respect to performance, attendance and/or conduct. The manager is expected to clearly describe expectations and steps the employee must take to improve his or her performance or resolve the problem. The conversation must be documented using a Positive Correction Action Form with date and time of coaching session.

Step 2: Verbal Warning

This is generally the beginning of the formal corrective action process. The verbal warning should be a firm and fair discussion with the employee. The verbal warning regarding the employee's conduct or performance deficiency must be documented using a Positive Corrective Action Form with date and time of discussion.

Step 3: Written Warning with Plan for Improvement

When a verbal warning has not resulted in the needed improvement or when the situation indicates a need for an initial disciplinary action that is stronger than verbal counseling, a written warning may be provided. The written warning should outline the performance, attendance and/or conduct issues, state department leadership's expectations, and outline the potential consequences if the behavior or performance is not corrected. This action may be used for more serious offenses.

Step 4: Suspension for up to 5 days without pay or Final Written Warning

This action is generally used for documenting recurring offenses, usually after having gone through the corrective action processes above. However, this action may be used for more severe/serious offenses. The length of the suspension should depend upon the facts of each situation (e.g., type and severity of the misconduct, previous work record of the employee, and number, types, and dates of previous disciplinary actions). The suspension or final written warning regarding the employee's conduct or performance deficiency must be documented using a Positive Corrective Action Form with date and time of discussion. Per the Fair Labor Standards Act (FLSA) requirements, exempt employees will not be suspended without pay for less than one week.

Step 5: Demotion (Supervisory Role)

While all employees are responsible for complying with Wesley Woods policies, managers are also responsible for modeling, monitoring, and enforcing these expectations. As a result, Wesley Woods may administer escalated disciplinary action, in lieu of progressive disciplinary action, when addressing disciplinary issues involving departmental leadership. A Positive Correction Form must be completed.

Nothing in this policy requires the utilization of any option in this process when taking disciplinary action to address a manager's unacceptable work performance, attendance and/or conduct. However, the level of severity should be appropriate to correct or improve the disciplinary issue; prevent recurrence; provide an opportunity for employee growth; and protect the interests of Wesley Woods.

Additional corrective action options may be utilized when addressing disciplinary issues with managers. This includes, but is not limited to, the following:

- Reassignment to other non-management duties
- Removal from specific management responsibilities
- Reassignment of workspace or work location
- Demotion
- Ineligibility for merit increase
- Placement under an informal or formal performance improvement plan

(Note: These additional measures are not listed according to level of severity.)

It is the responsibility of department leadership to ensure the fair and just application of Wesley Woods policies and procedures with respect to imposing disciplinary action against a manager. Prior to administering disciplinary action, the below factors should be evaluated:

- Identification of the facts
- Overall history of the manager's performance, attendance, and/or conduct
- Length of service in the current management role and in any management role with WWSL
- Nature, severity and effects of the unacceptable performance, attendance, and/or conduct
- Nature and severity of regulatory or legal risks created by the manager's unacceptable performance, attendance, and/or conduct
- Previous disciplinary action(s)

Step 6: Termination

This step is taken when an employee's conduct warrants immediate termination or after the appropriate steps of the Positive Corrective Action Policy have been taken without a satisfactory result. This action is only to be used after consultation with the department or community leader and Human Resources. Step 6 must be documented on the Positive Corrective Action Form with a chronology of counseling sessions and previous corrective action, and a Payroll Action Form (PAF) sent to Human Resources.

An employee of Wesley Woods cannot be discharged without the concurring approval of the Chief People Officer, Chief Operation Officer, and the President and CEO of Wesley Woods or his or her designee.

Performance Improvement Plan (PIP):

Whenever an employee has been involved in a disciplinary situation that has not been readily resolved or when he or she has demonstrated a decline in performance or are rated a "Needs Improvement" during the performance review the employee may be placed on a PIP after consultation with the departments leaders and the human resource (HR) department or designate.

The PIP is a clearly defined plan that identifies the performance deficiency, defines success, establishes the standards by which the performance is measured including regularly scheduled feedback sessions as needed, any tools or coaching available to the employee, and the time required to meet the standard.

The plan will last for a predetermined amount of time but is not to exceed 90 days. Within this time period, the employee must demonstrate a willingness and ability to meet and maintain the conduct and work requirements specified by the supervisor and the organization. At the end of the performance improvement period, the employee will either be returned to regular employee status, or, if established goals are not met, action up to and including dismissal may occur.

Examples of Offenses:

The following is a guideline and is not intended to be comprehensive. Corrective Action decisions are made by the employee's immediate supervisor after discussion with the Department Head, Community Administrator/Executive Director and/or Human Resources.

Example of Minor Offenses

Actions which when repeated put a strain on the working relationship. These may include, but are not limited to:

1. Disregarding the organization's dress code.
2. Smoking in non-smoking areas.
3. Creating conflict with residents, co-workers, supervisors, visitors, or volunteers.
4. Abuse, waste of, or damage of minor nature of Wesley Woods Inc. property or equipment.
5. Failure to notify supervisor, in case of tardiness.
6. Failure to follow departmental or organizational policies which have a minor impact on operations.
7. Excessive use of telephone for personal calls.
8. Failure to maintain productivity standards.

Tardiness and absenteeism will be managed by the Attendance Policy (Policy 504). Unscheduled, unexcused absences due to injury or illness, even when following appropriate guidelines, may still be deemed excessive, putting a strain on the working relationship and operation of the department.

Example of Moderate Offenses

Actions which disrupt the operation of a department, unit, or work area. These may include, but are not limited to:

1. Stopping work before shift ends.
2. Conducting unauthorized business on Wesley Woods Senior Living, Inc. time or property.
3. Refusal to follow departmental or organizational policies and procedures which have a major impact upon operations.
4. Reoccurring abuse, waste, or intentional damage of a minor nature to Wesley Woods Inc.'s property or equipment.
5. Horseplay or scuffling, while on Wesley Woods Senior Living, Inc. property.
6. Failure to notify supervisor in case of absence.
7. Failure to follow a directive or to perform work as instructed by a supervisor or proper authority.
8. Violation of safety rules, contributing to unsafe conditions.
9. Violation of Wesley Woods Senior Living, inc. Solicitation and Distribution Policy.
10. Spreading malicious rumors.
11. Insubordination which may include:
 - a. Refusal to work overtime when required.
 - b. Refusal to render assistance.
 - c. Refusal to accept holiday work assignments.

Examples of Major Offenses

Actions which threaten ongoing trust relationship between employee and employer. These may include, but are not limited to:

1. Forging, altering or deliberately falsifying time sheets, or official documents, personnel records, and medical records.
2. Inappropriate, abusive, threatening, or improper language or behavior, harassment or intimidation of a patient, resident, visitor, or fellow employee.
3. Conduct with negative impact (WWSL reputation, finances or other) with vendors, donors, residents, families, and other staff.
4. Violation of Wesley Woods Senior Living, Inc. Substance Abuse Policy.
5. Any breach of patient, resident, or employee confidentiality.
6. Physical abuse or assault on any person on Wesley Woods Inc. property.
7. Refusal to follow a directive or to perform work as instructed by a supervisor or proper authority.
8. Theft or pilfering on Wesley Woods Senior Living, Inc. property.
9. Abuse, waste, or intentional damage of a major nature to Wesley Woods Inc. property or equipment.
10. Violation of any business regulation or law affecting the operation of the company.
11. Bringing weapons on Wesley Woods Inc. premises.
12. Three days no call/no show.
13. Sleeping on the job.
14. Violation of resident rights or resident abuse, regulations, and policies; serious neglect of duty.

While the previous offenses are listed as examples of offenses, Wesley Woods reserves the right to determine the level of any corrective action, up to an including termination on a case-by-case basis.

Final Pay

Employees who are discharged shall be paid for all hours worked through the date of discharge. In addition, employees will be paid all accrued comprehensive leave- PTO hours if the employee has completed at least six (6) consecutive months of Wesley Woods employment in a leave-eligible status. The separation packet will be mailed within 30 days of the employee's termination to the home address on file.

*Approved By: Terry Barcroft, President/CEO, Wesley Woods Senior Living
Doris Billingsley, CPO / VP Human Resources
Last Date Reviewed: 11/1/2002: Date Revised: 6/30/2023*