

	PCHP.CP.105 Disciplinary Guidelines and Enforcement V3 PCHP.CP.105	
	Name:	PCHP.CP.105 Disciplinary Guidelines and Enforcement
	ID Number:	PCHP.CP.105
	Approval Date:	01/18/2018
	Approved By:	Compliance Committee

Body

Policy Name: Disciplinary Guidelines and Enforcement

Scope: Entire Piedmont workforce

Purpose: To ensure all Piedmont employees, contractors, FDRs and agents are familiar with Piedmont's disciplinary standards which encourage good faith participation in the Compliance Program by all affected individuals.

Definitions & Acronyms:

- CMS: Centers for Medicare & Medicaid
- CFR: Code of Federal Regulations
- FDR: First Tier, Downstream or Related Entity
- PBM: Pharmacy Benefit Manager

- **Piedmont:** "Piedmont" collectively refers to Piedmont Community Health Plan (PCHP), Piedmont Community HealthCare (PCHC) and any future entities that are owned, affiliated with and/or operated by Piedmont

Policy:

1. Piedmont continuously encourages good faith participation in the compliance program by publicizing disciplinary standards for employees. These standards must include polices that:
 - A. Articulate expectations for reporting compliance issues and assist in their resolution;
 - B. Identify noncompliance or unethical behavior; and
 - C. Provide for timely, consistent, and effective enforcement of the standards when noncompliance or unethical behavior is determined.
2. Staff are expected to perform job duties and responsibilities in a manner that reflects the highest ethical and professional standards of conduct and performance. Piedmont seeks to resolve conduct and performance issues in the most positive manner possible through counseling, coaching, additional training, and/or supervision. When staff do not meet expectations for conduct and/or performance, disciplinary procedures will be administered in a manner that is intended to be corrective.
3. All affected individuals are prohibited from engaging in any activity that violates Piedmont's and/or Centra's Compliance Program, Code of Conduct, Policies and Procedures, or federal or state law. Depending on the nature and circumstance of the violation:
 - A. An employee may be subject to disciplinary action, up to and including termination.
 - B. Delegated entities may be subject to contract revocation or other remedies.
4. Piedmont encourages all individuals to help identify and report compliance issues. Failure to report a violation of the Compliance Program, Code of Conduct, Policies and Procedures, or federal or state law may subject the employee to appropriate disciplinary action, up to and including termination.
5. Records must be maintained for a period of 10 years for all compliance violation disciplinary actions.

6. While Piedmont may elect to follow its progressive discipline policy and procedures, it is in no way obligated to do so. The level of discipline will be based on the level of grievousness of the situation and will be determined on a case-by-case basis. Piedmont is an at will employer.

Procedures:

1. Verbal Warnings

Some conduct and performance issues may warrant verbal warning prior to formal disciplinary action. At their discretion, managers may meet with employees to discuss concerns and expectations prior to taking disciplinary action. Managers are required to document disciplinary and performance improvement discussions with employees.

These verbal warnings must be documented and placed in the employee file in Human Resources.

2. Written Warnings, including Suspensions and Involuntary Terminations

Certain conduct and performance issues, including but not limited to repeated occurrences after administration of a verbal warning, will require formal disciplinary action. Managers shall use the Disciplinary Action Form in these circumstances, and place the Disciplinary Action form in the employee file in Human Resources. All areas of the form must be completed.

Disciplinary actions will be handled by the department director, manager, or supervisor and may result in a warning, suspension, or involuntary termination. Three written warnings in a 12-month period may indicate a pattern of work performance or behavior that could lead to termination. Consult a Human Resources Business Partner.

Process:

- The manager schedules a formal conference with the employee and notes in the conclusion the understanding of the action and result of the conference. Note: Manager may want to have a conversation with employee to gather facts before completing the Disciplinary Action Form.
- Manager completes the Disciplinary Action Form. Manager will layout future expectations and provide employee options for support, further education, or any necessary support to improve skills and/or change behavior.
- Manager and employee review the Disciplinary Action Form together.
- Manager and employee sign and date the Disciplinary Action Form. The employee's signature is an acknowledgement of the conversation, not an admission of guilt or that the employee agrees with the outcome. Employees may write a response on the Disciplinary Action Form in the Employee Comments section, or they may attach a separate written response. Note: If the employee refuses to sign the Disciplinary Action Form, a notation should be made by the manager and witnessed.
- Send the completed Disciplinary Action Form to Human Resources.

All written warnings must be documented and placed in the employee file in Human Resources.

3. Additional Progressive Discipline Information

Employees may receive verbal warnings, disciplinary action, or termination for failure to comply with any Piedmont or Centra policies, including but not limited to Human Resources policies. Other infractions may also result in verbal warnings, disciplinary action, or termination. Disciplinary action may include suspension without pay. Piedmont or Centra may impose penalties for employees' infractions of safety rules of major significance. Employees may be suspended without pay for infractions of workplace conduct rules involving serious misconduct. Exempt employees' pay suspensions for infractions of workplace conduct rules shall be for one or more full days. Suspensions must be authorized by Human Resources.

Examples of those infractions include, but are not limited to, those contained in the list below. This list is for exemplary purposes only, and is not all-inclusive.

- Failure to comply with, or violation of, Piedmont's Code of Conduct.
- Violation of any Piedmont or Centra policy or procedure.
- Failure to participate in required Compliance and FWA trainings.
- Failure to report suspected non-compliance/FWA.

- Failure to assist in the resolution of reported compliance issues.
- Abuse of rest period (breaks); see the Centra Time and Attendance policy and the Work Schedules/Staffing policy.
- Conducting unauthorized private enterprises on premises (solicitation, selling, or distribution); see the Centra Solicitation policy.
- Excessive absenteeism; See the Centra Human Resources - Absenteeism and Tardiness policy.
- Excessive tardiness; See the Centra Human Resources - Absenteeism and Tardiness policy.
- Failure to report for first day of employment.
- Negligence or actions detrimental to the welfare of a beneficiary or others.
- Non-performance of duties.
- Unsatisfactory performance or inability to fulfill job duties.
- Use of tobacco, tobacco products, or **vaping products** on Centra property; see the Tobacco Products Use policy.
- Violation of safety, fire and disaster rules and regulations.
- Improper use of, or failure to use Time & Attendance system; see the Centra Human Resources Time and Attendance policy.
- Failure to comply with Influenza Immunization policy; see the Employee Health Immunizations policy.
- Access, use, or disclosure of protected health information (PHI) when not required for assigned job duties, in violation of privacy requirements of the Health Insurance Portability and Accountability Act (HIPAA) (see HIPAA Violations Sanctions Policy) or any other applicable state or federal statute; see the Centra Data Breach Notification HIPAA policy and the Acceptable Use of Computer Equipment policy, and the Computer Accounts and Access Guidelines policy.
- Other actions contrary to the best interests of the institution.
- Violation of Centra's Drug Free Workplace Policy.
- Improper, inaccurate, or insufficient recordkeeping or reporting.

Immediate terminations / discharges must be approved by Human Resources. While awaiting investigation and/or approval, the employee may be suspended without pay.

4. FDR Disciplinary Standards

Delegated Entities are required to abide by all contractual obligations. Contracts include provisions for revocation of contract in instances where CMS or Piedmont determines the Delegated Entity has not performed satisfactorily. In addition to failure to perform delegated functions properly, the FDR may be subject to disciplinary actions for:

- Failure to comply with, or violation of, Piedmont's Code of Conduct.
 - Violation of any Piedmont policy or procedure.
 - Failure to participate in required Compliance and FWA trainings.
 - Failure to report suspected non-compliance/FWA.
 - Failure to assist in the resolution of reported compliance issues.
5. Disciplinary standards for employees are publicized on the Centra People intranet site, in compliance and FWA trainings, and with posters prominently displayed throughout the employee work and break areas. FDRs have their own web portal which contains the disciplinary measures.
 6. Records must be maintained for a period of 10 years for all compliance violation disciplinary actions, capturing the date the violation was reported, a description of the violation, date of investigation, summary of findings, disciplinary action taken and the date it was taken.
 7. As a subsidiary and affiliate of Centra, Piedmont is subject to Centra's Progressive Disciplinary Action policy. Where the policies differ in guidance, Piedmont will abide by the more restrictive rule.

Equipment: None

Forms and Letters: None

Reference(s): [42 CFR Sections 422.503\(b\)\(4\)\(vi\)\(E\), 423.504\(b\)\(4\)\(vi\)\(E\)](#); Medicare Managed Care Manual, Chapter 21 and Prescription Drug Benefit Manual, Chapter 9 (Rev. 1-11-13) – Compliance Program Guidelines, Section 50.5

Interdisciplinary Review: None

Policy History:

Date	Revision No.	Reason for Change	Sections Affected
01/06/2011	Draft		All
01/19/2011	NEW	<ul style="list-style-type: none"> ▪ Policy template modified changing header and adding Definitions and History sections ▪ Approved by Compliance Committee 	All
07/10/2012	1.0	<ul style="list-style-type: none"> ▪ Responsible Area/Dept changed from All Corporate Departments to Organization Wide ▪ Policy updated with Product Manager/Management responsibilities ▪ Added remedies for delegated entities. 	Header, Policy and Procedures
01/11/2013	2.0	<ul style="list-style-type: none"> ▪ Reformatted Policy Header to include Lines of Business and more detail for Responsible Departments. Removed Category (Dept Type) and sections for Revised Date and Review Date. ▪ Added procedures to ensure disciplinary actions are well publicized, implemented consistently, 10 year record retention, and suggestion for incorporating compliance in employee annual reviews. 	Header and Procedures
03/04/2014	2.0	<ul style="list-style-type: none"> ▪ Annual review. No changes. 	None
02/16/2015	3.0	<ul style="list-style-type: none"> ▪ Updated to incorporate Centra's policy. ▪ Added statement that failure to participate in required trainings or assist in the resolution of reported compliance issues may result in disciplinary action. ▪ Added FDR portal on website as location for FDRs to access Piedmont Compliance policies. 	Policy, Procedures, Addendum
11/19/15	4.0	<ul style="list-style-type: none"> ▪ Converted Policy to Centra format, new numbering system, and new housing location on Centra's Intranet ▪ Incorporated Centra's Disciplinary guidelines into Piedmont's compliance policy. 	All
12/29/2016	5.0	<ul style="list-style-type: none"> ▪ Changed reference back to Piedmont Code of Conduct 	Procedure 3
1/19/2018	6.0	<ul style="list-style-type: none"> ▪ Minor edits for clarification ▪ Updated tobacco use to include vaping products 	Procedure 3

Document Link Manager

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Attachment Manager

No Attachments

