



## POLICY ON DISCIPLINARY ACTION

*Dated: March 30, 2015*

*Supersedes: HR.211 Disciplinary Action dated December 15, 2009*

### I. PURPOSE

To establish guidelines for employee disciplinary action.

### II. POLICY

It is the policy of New York Medical College that individuals who violate rules, regulations or standards of conduct/behavior or who exhibit unsatisfactory performance may be subject to disciplinary action in accordance with the guidelines set forth herein. Notwithstanding, these guidelines are not to be strictly construed nor are they intended in any manner to confer any rights or benefits upon specific employees or to entitle any person to be or remain to be employed by the College. This policy may be changed at any time without prior notice.

### III. SCOPE

This policy applies to all College non-faculty employees and CBU employees.

### IV. DEFINITION

- A. Disciplinary action - is defined as an action designed to correct breaches of standards of conduct or expected performance. The following list is not all inclusive and contains examples of conduct which are considered serious violations of standards of conduct and may result in disciplinary action:
1. Falsification of employment records or other College records, including **Payroll Timesheets (PR-1)**.
  2. Excessive absenteeism or lateness.
  3. Failure to maintain quality/quantity performance standards.
  4. Unauthorized absence from the work place during working hours or failure to notify College you will be absent from work.
  5. Sleeping during working hours, and/or neglecting duties.
  6. Refusal to follow supervisor's instructions, unless supervisor's instructions violate stated College policy and/or applicable laws, safety or moral issues.

7. Discriminatory actions against applicants, employees, students or patients because of race, color, religion, sex, age, marital status, disability or national origin.
8. Insubordination – unwillingness to follow instructions of supervisor or person of authority.
9. Sexual harassment, harassment and/or assault.
10. Disrupting the performance of employees, or engaging in language or actions which are inappropriate in the workplace,
11. Theft of personal/college or intellectual property.
12. Failure to follow College, and as applicable, Affiliation policies or procedures.
13. Performing or conducting personal business during business hours, or use of College property for non-college business.
14. Unauthorized use or unauthorized possession of intoxicants on work premises, or reporting to work under the influence of alcohol or other intoxicants.
15. Use of narcotics, except by prescription.
16. Possession of firearms, weapons or explosives on work premises.
17. Gambling or possession of gambling devices on work premises.
18. Selling merchandise, tickets or services without specific written approval of the Human Resources Department. (Refer to **Policy HR.712 - Solicitation**).
19. Inappropriate or misuse of College property, and/or computer systems, including but not limited to: e-mail, internet, electronic games, social networking, etc.
20. Larceny, misappropriation, or unauthorized possession or use of property belonging to the College, affiliated hospital or to any College member, visitor, student or patient.
21. Negligence or deliberate destruction or misuse of College or affiliated hospital property or property of another College member, visitor, student or patient.
22. Creating unsafe or unsanitary conditions, or contributing to such conditions.
23. Unauthorized possession or use of College and/or affiliated hospital records, or disclosure of information contained in such records to unauthorized persons.
24. Threatening, intimidating, coercing, stalking, bullying, hostile or violent behavior/assault or actions directed toward another College member, student, patient or other affiliated hospital employees.
25. Illegal conduct on work premises.
26. Soliciting or accepting gratuities from visitors, students, patients, or vendors.
27. Distributing literature, pamphlets, photographs or other printed matter other than work-related information necessary to proper job performance.
28. Actions detrimental to the operations of the employer and/or towards student's learning or patient care.

B. CBU - Union represented employee (Collective Bargaining Unit)

V. PROCEDURE

- A. Individuals must adhere, as applicable, to the standards of conduct set forth in the Employee Handbook, Code of Conduct, Policy Statements, Collective Bargaining Agreements and Affiliation Contracts and Administrative Policies and Procedures.
- B. It is understood that the application of the guidelines herein to Exempt-I, and Exempt employees may require modifications in the manner and time periods followed though the actions taken should be consistent with the spirit and intent of these guidelines.
- C. In cases involving serious misconduct including, without limitation, a violation of the law, Sections V.D. (verbal warning) and V.E. (written warning) below shall be disregarded and V.F. (suspension) or V.G. (termination) below shall apply.
- D. On the occasion of a first violation (verbal warning - depending on the nature of the violation), the Supervisor shall take the following action:
1. Meet with the College member to discuss the matter. In the case of a CBU employee, the supervisor should have a union delegate present at the meeting, unless employee expressly requests that a delegate not be present.
  2. Inform the College member of the nature of the problem and the action necessary to correct it, and;
  3. Prepare a **Disciplinary Action Notice (HR-23)** (Verbal Warning), indicating that the meeting has taken place. Copies should be forwarded to the Human Resources Department in Valhalla for the employee's personnel file and/or the Affiliations office as appropriate, and a copy retained by the Supervisor.
- E. Should a second violation occur for the same or similar issue/matter, the Supervisor shall hold a second meeting with the College member (if CBU employee, with the union delegate present) at which time the following action shall be taken:
1. Issue a **Disciplinary Action Notice (HR-23)** (Written Warning) to the College member.
  2. Warn the College member that a third or further violation of the same or similar issue/matter will result in more severe Disciplinary Actions, which may include suspension or termination.
  3. Forward to Human Resources Department the notice and a summary of the action taken during the meeting with the College

member. Copies should be retained by the Supervisor and College member.

F. Should a third violation occur of the same or similar issue/matter or in the case of serious misconduct, the Supervisor will consult with the appropriate Chair/Department Head and the Associate VP of Human Resources regarding further progressive disciplinary action, which may result in:

1. Suspension(s) without pay for up to five (5) working days, unless a more severe suspension may be warranted or,
2. Termination when an offense is committed which is serious enough to warrant termination.

G. Termination

1. Before taking action to remove an employee from the College payroll, the Department Head / Chairman, Affiliation Office as applicable and the Human Resources Department are to be notified of the Supervisor's intention to remove that employee from the payroll. All disciplinary action notices concerning formal written warnings and suspensions must be reviewed by the Department Head and Human Resources to assure they have been processed in the proper way. All suspensions and terminations or plans for layoffs must be approved by Human Resources in advance.
2. After receiving the necessary approvals from the Department Head and Human Resources to proceed with the dismissal of employee, the Supervisor will meet immediately with the employee and advise him / her of the reason for termination.
3. CBU employees should have a union delegate present for the termination meeting. As required by law, departments must issue a termination letter to the employee either during or after the termination meeting.

H. An employee who is on probation (see **Policy HR.205 - Probation - Non-Union/Non-Faculty Personnel**) may be terminated on the basis of a verbal warning.

I. Any uncontested verbal and/or written warnings and disciplinary action notices shall be removed from the Employee's personnel file twenty-four (24) months after issuance, provided that no ensuing discipline on the same issue/matter has occurred at any time during such period, and shall not be considered in future disciplinary matters.

## VI. EFFECTIVE DATE

This policy shall be effective as of the date signed below.

**VII. POLICY RESPONSIBILITY**

**A. Supervisors/Administrators**

1. Responsible for proper documentation and communication of the Disciplinary Action Procedure including, where appropriate, discussions with their Supervisor or Department Chairperson/Head or Chief of Service. Specifically, this would include written notices and memos and a chronology of violations(s) and counseling(s).
2. Contact Human Resources prior to any suspension or termination.

**B. Human Resources Department and/or Affiliation Administration Office.**

1. Assist the Supervisor in determining the proper procedure and with the written communication.
2. Notify union whenever a union member receives disciplinary action of suspension or termination, as per CBU agreement.

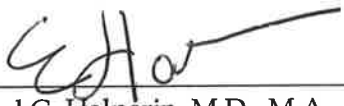
**C. Human Resources Department**

1. Provide advice and guidance with respect to the interpretation and administration of this policy.
2. Consult with General Counsel for legal guidance.

**VIII. POLICY MANAGEMENT**

Responsible Officer: Vice President of Operations  
Responsible Executive: Director of Human Resources  
Responsible Office: Human Resources Department

**APPROVED:**

  
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Edward C. Halperin, M.D., M.A.  
Chancellor of Health Affairs and  
Chief Executive Officer

  
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Date