



"Creating Life Opportunities"

Policy and Procedure # 640

Employee Corrective and Disciplinary Action Process

Approval: _____ Effective Date: 5/9/24

POLICY:

EFI needs to employ sufficient and qualified employees to operate the agency effectively for the care and instruction of the EFI clients, and to insure proper maintenance of corporate assets. If these needs are unmet due to employee performance problems or misconduct, corrective/disciplinary action, up to and including termination, may occur. The primary purpose of any corrective/disciplinary action is to provide constructive feedback to employees to improve performance or deter any behavior/misconduct from recurring.

Employees are EFI's most important resource. Efforts to improve employee performance are preferred. However; when these efforts fail, employee corrective/disciplinary action may be utilized. These actions will be progressive unless the unsatisfactory performance or misconduct is of an egregious nature. If an employee does not perform satisfactorily, monetary sanctions or termination may occur. Any formal disciplinary action utilizing a monetary sanction, or the decision to terminate employment based on performance problems or misconduct is the decision of EFI's Chief Executive Officer.

PROCEDURE:

1. The Progressive Corrective/Disciplinary Action may include:
 - A. Corrective action such as:
 1. Reminder-The Employee will be reminded of expected behavior that must be followed. These reminders may be included as part of the next performance appraisal.
 2. Verbal Warning -The importance of the policy or standard that was violated and expected behavior will be reviewed. These warnings may be documented in the supervisor's file and may be included as part of the next performance appraisal.
 3. Written Counseling - A written counseling will be given to the employee for serious performance problems that the employee has failed to correct or for serious misconduct. The importance of the policy or standard that was violated will be reviewed with clear expectations communicated with a timeline for expected improvement by the employee. Documentation in a memorandum will be acknowledged by the employee and given to them with a copy of the acknowledged document placed in the employee's personnel file. This documentation may be included as part of the next performance appraisal.



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- B. Disciplinary action may occur when corrective action has failed to correct the performance problem or deter the misconduct. Only the Executive Director can determine the necessity for a disciplinary action in consultation with the employee's Director and the HR Director. For serious offenses the following monetary sanctions may apply and will be documented in the employee's personnel file as well as the next performance appraisal:
1. Suspension Without Pay for hourly FLSA non-exempt employees. For FLSA exempt employees, suspensions without pay must be made for one day or more. The number of hours or days of such a suspension will be related to the severity of the offense.
 2. Reduction in Pay may be made for any employee who is found to be guilty of misconduct or has exhibited severe and repetitive unsatisfactory performance. A reduction in pay may be time limited or permanent until the employee's next performance appraisal. A reduction in pay cannot be lower than the starting salary for the employee's current position.
 3. Demotion to a previously held position may be appropriate when the employee has demonstrated an inability to perform satisfactorily in their current position, or when the misconduct has been severe and the employee has not demonstrated that he/she understands the importance of correcting the behavior leading to the misconduct.
 4. Termination may be warranted when an employee's misconduct is so severe or the performance is so egregious that the care of any EFI client has been jeopardized in any way, or when any of EFI's assets have been severely damaged or compromised. Terminable offenses may include but are not limited to client or staff abuse or neglect, neglect of duty, negligence, lying, repeated insubordination, malfeasance, repeated and willful violation of EFI's policies/standards, theft, or willful damage or disregard for EFI property or security. More examples of behaviors resulting in discipline up to and including termination may be read below in 2. B. 1. and 2. below.
2. Rules of Conduct:
- A. The EFI Rules of Conduct are the rules, principles, [values](#), and expectations of behavior and relationships that EFI considers significant and believes are fundamental to its successful and safe operation. Such rules are established with the goal of achieving mutual understanding with the employees regarding the limits of acceptable behavior.



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- B. The following examples of serious misconduct shall not be considered as an exhaustive list but rather shall serve as an indication of unacceptable behavior and possible consequences. The absence of a particular example of unacceptable conduct does not mean that discipline for such conduct may not occur. This list does not constitute a contract of employment or a promise of specific treatment in specific circumstances. Employment can be terminated with or without notice at any time by either the employee or EFI.
1. An employee who chooses to act in an irresponsible manner in one or more of the ways listed below may be subjected to corrective/disciplinary action, up to and including termination.
 - a. Failure to complete and sign time sheets in accordance with established procedures; this includes filling out a time sheet before working scheduled shift which constitutes time fraud.
 - b. Failure to report to work in a timely manner or leaving prior to the end of the shift.
 - c. Failure to communicate to supervisor/director of intended absences or tardiness.
 - d. Failure to use EFI property in a careful and considerate manner.
 - e. Failure to observe safety rules and regulations.
 - f. Failure to contribute to acceptable company discipline and efficiency.
 - g. Unacceptable correction of unsatisfactory job performance or practices.
 2. An employee who chooses to act in an irresponsible manner in one or more of the ways listed below may be subjected to suspension with or without pay and/or termination.
 - a. Accused of any form of harassment or creating a hostile work environment.
 - b. Accepting gifts or favors from EFI program participants or anyone that EFI does business with.
 - c. Engaging in any activity which represents a conflict of interest with EFI operations.
 - d. Falsification of any EFI records.
 - e. Deliberately accessing confidential files, information or data without approval.
 - f. Removing EFI property or the property of others from the premises without proper authorization.
 - g. Theft of employee, client, or EFI property.
 - h. Defacing, destroying, or damaging EFI property or the property of others.



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- i. Possession of weapons or explosives on EFI premises.
- j. Any intimidating, bullying, or threatening conduct directed at an individual in the Kimbel building or a supported living home.
- k. Violating EFI's drug and alcohol policy or refusing to undergo a drug test based on suspicion.
- l. Insubordination, which is defined as a refusal, or failure to follow the directive of a supervisor or member of management or refusal to comply with an established procedure.
- m. Making false or malicious statements concerning any employee or client at EFI.
- n. Violation of the confidentiality or HIPAA information of Clients at EFI or employees.
- o. Sleeping on the job.
- p. Fighting on company premises.
- q. Walking off the job.
- r. A no-call no-show for scheduled shifts.
- s. Continued absenteeism where an employee is not making an effort to correct the issue.
- t. Failure to maintain eligibility to operate EFI vehicles.