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HR-003-010 Progressive Action Policy (Corrective Action & Performance Improvement Plan)

I. Purpose

Broward Health encourages the resolution of work related matters through open communication between a Supervisor and his/her Employee. In instances where there is no improvement, Broward Health's progressive action process (corrective action and performance improvement plan) may be utilized depending on the circumstances. This policy is designed to provide a balanced and structured progressive action processes to address and facilitate work conduct, duties, responsibilities and performance consistent with all applicable organizational and departmental policies, practices, values, expectations and laws.

II. Performance Improvement Plan

A. GUIDELINES:

1. A Performance Improvement Plan may be initiated for poor and/or deficient performance and to indicate areas for improvement; and is also required for a "failed annual performance appraisal". An interim appraisal must follow a failed annual performance appraisal within 90 days.
2. Failure to meet the goals of the Performance Improvement Plan and/or Interim Appraisal may result in further disciplinary action up to and/or including termination. (See HRAM policy #004.020).

B. ELIGIBILITY:

A performance improvement plan may be initiated for full-time and part-time eligible employees, who have more than three months of continuous service in an eligible status. Employees within their 90-day probationary period, pool and temporary employees do not qualify for the full performance improvement process. BH Management may qualify for a performance improvement plan depending on the circumstances and at the discretion of their supervisor.

III. Procedure

1. The Supervisor will identify: any performance deficiencies and/or basis for the failed performance appraisal, expectations, strategies and/or actions required to achieve the desired performance. The Supervisor will set the status review dates pursuant to the Performance Improvement form (Exhibit A) and a reasonable timeline for improvement. The Department Manager will consult with the Human Resources Representative prior to meeting with the employee.

2. The supervisor will then meet with the Employee in a confidential setting to review the document and finalize the strategies/actions required. Supervisors are encouraged to take into consideration the employee's input for strategies etc. The supervisor will establish reasonable timelines for improved performance on each expectation/deficiency. During the meeting the supervisor will establish consequences for failure to meet and sustain improved performance.
3. The employee should sign and date the appropriate forms indicating receipt and comprehension of the coaching/performance improvement plan. An employee's signature does not indicate agreement with the contents of the Performance Improvement Plan. An employee's refusal to sign a Performance Improvement Plan should be clearly noted on the form and could result in further action up to and including termination. Performance Improvement Plans are not eligible for the Employee Advocacy/Appeals process.
4. Status reviews of the plan and employee's performance will be conducted on a regular basis with the employee. At the end of each performance improvement meeting, the supervisor and employee will review and sign the updated Performance Improvement Plans and forward the original to the Regional Human Resource Department to be included in the employee's Human Resource File. The supervisor should retain a copy of the document and provide a copy to the employee.
5. At the end of the performance improvement plan period, the supervisor will determine and notate whether the performance plan was satisfactorily completed; forward the final Performance Improvement Plan and any supporting information to Human Resources for retention in the employee's file; and if additional action is necessary consult with Human Resources.

IV. **Corrective Action Plan**

A. **GUIDELINES:**

Eligible non-management employees may be subject to progressive corrective action if their conduct or applicable performance does not comply with Broward Health's values, policies and expectations, applicable laws or fails to improve.

B. **ELIGIBILITY:**

Full-time eligible and part-time eligible non-management employees who have more than three months of continuous service in an eligible status are eligible for the progressive corrective action process. Employees within the 90-day probationary period, pool and temporary employees do not qualify for the full corrective action process. BH Management does not qualify for the corrective action process.

C. **PROCEDURE:**

Depending on the severity, frequency of the situation and/or other pertinent factors, progressive corrective action may include any of the following steps: 1) written level one corrective action 2) written level two corrective action 3) final written corrective action with/without disciplinary suspension 4) termination. Some situations require immediate action and therefore, steps in the corrective action process may be omitted at the discretion of BH depending on the severity of the conduct, the employee's discipline record and all relevant information. Previous coaching/corrective actions may be considered on a case by case basis. Similarly, if an employee has not received a corrective action for 12 months from the last corrective action, any new counseling may be implemented at one step lower than the previous action.

1. **Written Level One Corrective Action**

A Written Level One Corrective Action may follow previous verbal communication or be the first discussion between employee and supervisor on the basis for action.

2. **Written Level Two Corrective Action**

A Written Level Two Corrective Action represents a progression in the disciplinary process and indicates behavior which was not previously corrected or the beginning of a serious problem which needs to be corrected.

3. **Final Written Corrective Action with/without Disciplinary Suspension**

- a. A Final Written Corrective Action represents the final step in the progressive corrective action process before termination and is usually for egregious offenses or consistent failure to remediate prior conduct. Final written corrective action must clearly indicate that if improvement or correction does not occur, termination will follow.
- b. Disciplinary suspension may be warranted in addition to a Final Written Corrective Action in instances of confirmed serious misconduct or continued failure to remediate unacceptable conduct or performance. Disciplinary suspensions may be up to 5 days depending on the severity of the situation and will be unpaid unless specified otherwise by FLSA.

An investigative suspension is used for instances of alleged serious misconduct in order to make a full investigation to determine the facts of the case and the appropriate resolution. Investigative suspensions may last longer than 5 days depending on the investigative measures necessary. However good faith effort must be made to limit the suspension period whenever possible. A suspension may be disciplinary or investigative in nature and is a period of time where an employee is relieved of his/her duties.

Disciplinary suspension may be given in addition to or concurrently with the investigative suspension or as reprimand for the violation.

If after the investigation:

- a. the discharge is warranted, the employee shall not be paid for the period of investigative suspension, and the discharge shall be effective on the date of notification to the employee.
- b. misconduct is determined, but not of sufficiently serious nature to warrant discharge or suspension, the employee shall receive a written corrective action at the appropriate level and will be paid for time lost as a result of the investigative suspension unless specified otherwise by FLSA.
- c. No misconduct is determined, the employee shall return to work within the prescribed period and be paid for the time lost as a result of the investigative suspension.

4. **Termination**

If the progressive corrective action process has failed to address or resolve the issue(s) or if the situation is severe enough to warrant, termination of employment will occur.

Supervisors shall complete the necessary information required on Attachment B (Corrective Action Form) and consult with their Human Resource department prior to executing a corrective action with an employee regardless of the level of corrective action. The Corrective Action should include a description of the matter, mention of any policies or practices that were violated, the specific steps necessary to successfully correct it if applicable, and a timeline for improvement. The document should also indicate that unless the performance or behavior issue is corrected, further disciplinary action, up to or including termination may occur.

The supervisor shall meet with the employee in a confidential setting to review the document and obtain the employee's signature. A Human Resource representative may be present for corrective action meetings with employees at/or above a written Level Two corrective action. A copy of the corrective action will be provided to the employee and the original copy forwarded to the Human Resources Department for inclusion in the employee's file. If prior verbal counseling of the same nature occurred, it should be documented in the corrective action form. All levels of corrective action shall be forwarded to Human Resources for inclusion in the employee's Human Resources file.

An employee may also provide a response to a corrective action within seven (7) weekdays of the issuance of the corrective action plan for addition in the file. If an employee in good faith disagrees with the corrective action, at/or above a written Level II, eligible employees may utilize the Employee Advocacy/Appeals program. To be eligible for the Employee Advocacy/Appeals program, employees are required to sign the Corrective Action Acknowledgment Statement on the Corrective Action form. An employee's refusal to sign the Corrective Action Acknowledgement shall forfeit the employee's opportunity to pursue the Employee Advocacy/Appeals process.

Interpretation and Administration

Interpretation and administration of this policy is the responsibility of the Regional HR Directors. Consistency of System-wide application and final interpretation is the responsibility of the Senior Vice President, Chief Human Resources Officer or designee.

Attachments

[Exhibit A - Performance Improvement Plan Form.docx](#)

[Exhibit B - Personnel Action Form.docx](#)