I. PURPOSE

To ensure protection of the rights of patients, employees and visitors.

II. POLICY

Any complaint or allegation of, malicious, unethical or serious negligence illegal behavior by an employee at SUNY/DMC must be immediately reported to the appropriate authority (i.e., Campus Police or Labor Relations) to ensure that a prompt and thorough investigation is conducted.

III. DEFINITION(s)

None

IV. RESPONSIBILITY

Hospital Administration and Labor Relations are responsible for implementing this policy.

V. PROCEDURES/GUIDELINES

1. Supervisors are responsible for filing a report and for forwarding a written recommendation to their Department Head or clinical Chairperson or his/her
designee immediately upon notification of the occurrence. This obligation relates to all Department of Health-reportable incidents as well as any other occurrence that may warrant discipline.

2. Within one business day of notification of the occurrence, the Department Head or the clinical Chairperson will make a written request to the Director of Labor Relations to initiate a disciplinary investigation, if appropriate. A copy of the request generated by the Department Head or clinical Chairperson will be simultaneously sent to the Chief Medical Officer, Chief Administrative Officer or the Vice President for Managed Care, as applicable for review and concurrence.

3. The referral should contain a detailed description of the incident including any statements given by witnesses. Documentation supportive to the case, i.e., policy and procedure, prior counseling sessions (as applicable to the case) should be included. (See Attachment A for sample referral.) Where appropriate, the Office of Opportunity and Diversity and/or University Police must also be contacted after review by the Department Head or Designee.

PROCEDURE/GUIDELINES

Where there is uncertainty as to whether the matter warrants disciplinary action, the Department Head or his/her designee should contact Labor Relations to discuss the appropriate action. In the following instances, Labor Relations should be contacted.

Below is a list of typical as well as some unusual allegations, each of which should be regarded as a basis for disciplinary referral. Where there is uncertainty as to whether the matter warrants disciplinary action, the Department Head or his/her designee should contact Labor Relations to discuss the appropriate action. In the following instances Labor Relations should be contacted.

1. Physical Abuse
   a. Physical abuse of a patient or visitor
   b. Physical abuse of a co-worker or supervisor or other staff or students

2. Verbal Abuse
   a. Verbal abuse towards a co-worker, supervisor, patient or visitor
   b. Shouting, cursing, racial or other epithets in the workplace.

3. Insubordination (failure or refusal to follow a directive)

4. Sexual Abuse
   a. Sexual harassment of a patient, co-worker or supervisor or other staff or students or visitor
   b. Improper touching of a patient, co-worker or supervisor or visitor
   c. Patient abandonment
   d. Conflict of interest – breach of Public Officers Law
   e. Threats

5. Breach of confidentiality

6. Theft of state or personal property or services

7. Falsification of state or medical records
8. Deliberate misrepresentation of authority

9. Working while impaired by a substance; possession of an alcoholic or illicit substance

10. Unauthorized absence from work location

11. Other events deemed appropriate by Department Head for discipline

After the referral has been made to Labor Relations, the department or service may not continue its own investigation without consulting Labor Relations. Any further investigation from the department without coordination with Labor Relations may hinder the filing of possible disciplinary charges. Moreover the Department must review with Labor Relations any administrative change that may impact the terms and conditions of employment of the subject employee before it is implemented.

Upon completion of the investigation, Labor Relations will consult with Hospital Administration and determine the proper course of action. Penalties and disciplinary action can only be recommended and imposed on an individual basis by Labor Relations. Departments are encouraged to recommend actions to Labor Relations. Resolution may consist of a finding of no charges against the employee, a notice of discipline or a settlement that may provide for other penalties, including probation. The employee will be formally notified in writing of the outcome of the investigation by Labor Relations.

If the penalty reached as a result of discipline includes a settlement of a probationary period or a fine held in abeyance, it is the supervisor’s responsibility to ensure the employee’s adherence to the settlement specifications. The supervisor must monitor the employee’s performance and determine whether the behavior demonstrated during the probationary period violates the settlement. If the settlement is violated, the supervisor must contact Labor Relations by telephone and by memo promptly.

VI. ATTACHMENTS

A. Sample Disciplinary Referral

VII. REFERENCES

Joint Commission Standards

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<tr>
<th>Date Reviewed</th>
<th>Revision Required (Circle One)</th>
<th>Responsible Staff Name and Title</th>
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<tr>
<td>7/05</td>
<td>Yes</td>
<td>David Pappalardo, Dir. Of Labor Relations</td>
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<tr>
<td>7/05</td>
<td>Yes</td>
<td>Hendrina Goeloe-Alston, Dir. Of Personnel</td>
</tr>
<tr>
<td>8/08</td>
<td>(Yes)</td>
<td>Stephan Kass, VP for Human Resources</td>
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<tr>
<td>5/2013</td>
<td>(Yes)</td>
<td>Executive Performance Improvement Council</td>
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