



Standard Operating Policies – SOP # 6 Disciplinary Action & Termination

Title:	Disciplinary Action and Termination	Effective Date:	10/27/2003
Author:	Chief Compliance Officer	Last Review Date:	12/01/2021
Location:	All Locations	Last Revision Date:	12/01/2021
Functional Area:	ADMINISTRATION		

POLICY

Liberty will take prompt and appropriate action whenever a violation of compliance has been discovered. In instances involving individual misconduct, the individuals involved will either be restricted, re-trained and/or disciplined or, if appropriate, terminated and/or reported to external authorities. Corporate officers, managers and supervisors, medical staff and other healthcare professionals including all Liberty Workforce members are also accountable for failing to comply with, or for the foreseeable failure of their subordinates to adhere to, applicable standards, laws and procedures. Disciplinary action may be appropriate when a supervisor's failure to detect a violation is attributable to his/her own negligence or reckless conduct. If any individual has shown a propensity to engage in practices that raise compliance or competency concerns, corrective action must be taken to prevent or remove such individuals from exercising discretion in that area. Sanctions and/or discipline, up to and including termination, in accordance with Liberty's standard disciplinary policies and procedures, may be necessary to ensure that any and all specific compliance issues are addressed and prevent the recurrence of similar problems to the greatest extent possible.

PROCEDURE

1. Expert guidance in disciplinary process.

In Liberty's Corporate Compliance Program (Program), the Vice President of Human Resources (VP-HR) is recognized at the foremost expert in providing guidance regarding disciplinary actions for corporate officers, managers, employees, physicians and other healthcare professionals including all Liberty Workforce members who fail to comply with Liberty's Code of Conduct, policies, procedures, or federal and state laws and regulations. Employment related issues should always be reviewed and approved by the VP-HR so that appropriate checks and balances are in place to ensure proper management and fairness to every Liberty Workforce member.

2. Determination of individual misconduct.

The on-site Program Director or designee of a given program will confer with the appropriate Contract Manager and the Chief Compliance Officer (CCO) to determine if individual misconduct has been implicated during an audit or investigation. If misconduct has been identified and disciplinary action is needed, the Contract Manager, the VP-HR and the CCO will determine the appropriate disciplinary action in accordance with Liberty's personnel policies and procedures.

3. Disciplinary sanctions must be appropriate to situation.

There is no template or formula for determining what disciplinary sanction is appropriate in every instance of misconduct because each case has its own distinguishing characteristics. Nevertheless, Liberty strives to apply disciplinary measures with consistency across similar types of violations.

The range of disciplinary actions can include re-training, verbal warnings, written reprimands, termination, restitution of damages, or referral for criminal prosecution for illegal acts. The VP-HR must be consulted for guidance at each level of the progressive disciplinary process. In determining the form of disciplinary action, the nature of the misconduct is the most important consideration. Intentional or reckless noncompliance will subject transgressors to significant sanctions, including immediate discharge. Other factors that are relevant to

determining the appropriate level of discipline include, but are not limited to, the individual's prior disciplinary record; length of service; prior record of work performance; evidence of willful or knowing misconduct; attitude; willingness to cooperate in the process of investigation of self and others, if applicable, and willingness to make restitution.

Note: Indispensability or difficulty in obtaining a replacement for a given staff person should never be considered when taking disciplinary action, including termination. If the proposed disciplinary action falls outside the parameters set by Liberty's existing policy, the parties will confer with the Senior Vice President/Chief Operating Officer of Liberty.

4. Termination procedure.

Before any Liberty Workforce member is terminated, the termination must be reviewed with a written sign off for final approval by the VP-HR.

- a. The proposed termination letter should be forwarded to and reviewed by the VP-HR prior to any formal review with management and/or the Workforce member. The letter should also include any documentation that will help justify the termination recommendation and copies of pertinent policies and procedures regarding the infraction(s).
- b. The VP-HR reviews the proposed termination letter and the supporting documentation and discusses the termination recommendation with the appropriate Contract Manager.
- c. General Counsel is notified by the VP-HR following the review of all documents and the discussion with the Contract Manager.
- d. The VP-HR will notify in writing the appropriate Liberty leadership following this review with General Counsel.
- e. The Workforce member is terminated.

5. Adherence to the Compliance Program should be evaluated annually.

The annual employee evaluation process should assess and document the employee's failure to adhere to the Compliance Program, including specific details about misconduct or violation of compliance policies and procedures. Supervisors and managers will be evaluated on whether they have monitored and enforced the Compliance Program in their substantive areas of responsibility.

Approved By: _____

Revision History

Version	Date	Author	Summary of Changes
#1	10/27/2003	Judith Ann Shields	Initial ISF release – refactor and update of previous security policies into distinct documents
#2	08/20/2004	Judith Ann Shields	Annual review, Attorney reviewed no changes. Added inactivity lock requirement
#3	01/18/2005	Judith Ann Shields	Annual review, Attorney reviewed no changes. Added inactivity lock requirement
#4	12/22/2006	Judith Ann Shields	Annual review, Attorney reviewed no changes. Added inactivity lock requirement
#5	12/22/2007	Judith Ann Shields	Annual review, Attorney reviewed no changes. Added inactivity lock requirement
#6	12/22/2008	Judith Ann Shields	Annual review, Attorney reviewed no changes. Added inactivity lock requirement

#7	11/15/2009	Judith Ann Shields	Annual review, Attorney reviewed no changes. Added inactivity lock requirement
#8	8/20/2010	Judith Ann Shields	Annual review, Attorney reviewed no changes. Added inactivity lock requirement
#9	01/18/2011	Judith Ann Shields	Annual review, Attorney reviewed no changes. Added inactivity lock requirement
#10	12/22/2012	Judith Ann Shields	Annual review, Attorney reviewed no changes. Added inactivity lock requirement
#11	12/22/2013	Judith Ann Shields	Annual review, Attorney reviewed no changes. Added inactivity lock requirement
#12	12/22/2014	Judith Ann Shields	Annual review, Attorney reviewed no changes. Added inactivity lock requirement
#13	11/15/2015	Judith Ann Shields	Annual review, Attorney reviewed no changes. Added inactivity lock requirement
#14	08/20/2016	Judith Ann Shields	Annual review, Attorney reviewed no changes. Added inactivity lock requirement
#15	12/22/2017	Judith Ann Shields	Annual review, Attorney reviewed no changes. Added inactivity lock requirement
#16	12/22/2018	Judith Ann Shields	Annual review, Attorney reviewed no changes. Added inactivity lock requirement
#17	11/13/2019	Judith Ann Shields	Annual review, Attorney reviewed no changes. Added inactivity lock requirement
#18	11/03/2020	Judith Ann Shields	Annual review, Attorney reviewed © LHC, Author Title not name, Policy Title. Added inactivity lock requirement
#19	12/01/2021	John Beck	Annual review, minor changes. Added inactivity lock requirement