

## ARTICLE 7 – EMPLOYMENT STATUS

- A. Management Rights. - It is agreed that the operation of the Medical Center and the direction of the employees, including the making and enforcing of rules to assure orderly, safe and efficient operation, the right to hire, to transfer, to promote, to demote and to lay off for lack of work are rights (the above listing is not all inclusive but indicates the types of matters which belong to or are inherent to management) vested exclusively in the Medical Center and are subject to its sole discretion except as abridged by this Agreement.
- B. Introductory Period. - A Registered nurse employed by the Medical Center shall not become a regular employee and shall remain an introductory employee until they have been continuously employed for a period of one-hundred and eighty (180) calendar days. However, the Medical Center may extend, in writing, an introductory period should additional time be necessary to evaluate a Registered nurse's competency/performance.
- C. Cause for Discipline. - The Medical Center shall have the right to discipline, suspend or terminate Registered nurses for proper cause. A regular full-time, part-time or resource Registered nurse who feels they have been suspended, disciplined, or terminated without proper cause may present a grievance for consideration under the grievance procedure.
- D. Discipline/Corrective Action.
1. Investigatory Meetings under the *Weingarten* rule. A Registered nurse has the right to request a representative of the Association be present for an interview by the Medical Center as part of an investigation that might lead to discipline.
  2. Review of Performance Following Discipline. Upon request from a Registered nurse who has received discipline, the Medical Center will

## 1-9 ONA Counterproposal Article 7

review the Registered nurse's performance and provide a written summary addressing the Registered nurse's efforts at resolving the issues that led to the discipline. In responding to such requests, the time between the original disciplinary action and the Registered nurse's request for a follow up review may be taken into account and reflected in the summary. The statement will be given to the Registered nurse and placed in the Registered nurse's Human Resource file.

3. Removal of Materials. After two (2) years, if no further disciplinary action for the same infraction is applied, the employee may submit a written request seeking that written disciplinary notices be removed from their file. For discipline based on documented instances of actual patient harm, significant theft, conduct threatening or endangering the safety of others in the workplace, or discrimination, harassment or assault/violence against another person, any removal of material from the personnel file shall be at the sole discretion of the Chief Nursing Officer and Human Resources Director, which shall not be unreasonably withheld. The Medical Center may keep a copy of otherwise removed disciplinary notices in a separate confidential litigation file if it chooses to do so.

### E. Individual Development/Work Plans.

1. Development plans or work plans are not disciplinary actions. The goal of a work plan is to provide a tool to enable a Registered nurse to develop skills and/or improve performance.
2. Work plans will outline job requirements, performance expectations, and objectives. The Medical Center will seek input from a Registered nurse in the development of a plan, but the parties acknowledge that the Medical Center has the right to determine when to implement a plan and to decide on the terms set forth in the development or work plan.

1-9 ONA Counterproposal Article 7

3. If a plan is in place and there is a significant change in circumstances (e.g., significant change in workload or assignment), the Registered nurse may request an adjustment to the plan to address the changed circumstances.
  4. A work plan will only be referenced in a later corrective action within a one (1) year period after completion of the work plan.
- F. Reports to the Oregon State Board of Nursing. - Under normal circumstances, the Medical Center will make a reasonable effort to inform a Registered nurse if the Medical Center is making an official report of the Registered nurse to the Board. Any action taken by the Medical Center will not be impacted by the Medical Center's ability to inform a Registered nurse of a report to the Oregon State Board of Nursing.
- G. Access to Human Resource Files. - A Registered nurse may review the contents of their Human Resource file upon request, in accordance with ORS 652.750.
- H. FTE Change. An RN may request an FTE increase or reduction of .1 or .15 from their Nursing manager one time each rolling twelve months. The Nursing manager may approve or decline this request at their discretion, based on business needs. If approved, there will be no posting requirement. No RN will be allowed this option more than one time in a rolling twelve-month period. It is the RN's responsibility to understand any potential benefit and/or PTO accrual impact(s) to this change.
- I. Attendance. - The parties acknowledge the importance of Registered nurses arriving to work on time and that reliable attendance is critical to ensuring care for the Medical Center's patients and for good teamwork in the department. Registered nurses are expected not to exceed ten (10) occurrences of unscheduled, unapproved absences or tardy events in a rolling twelve (12)

1-9 ONA Counterproposal Article 7

month period. Absences protected by state and/or federal law are not counted as unscheduled/unapproved absences in conjunction with the Medical Center's attendance policy. Notice of Resignation. - Registered nurses are encouraged to give as much advance notice of resignation as possible to facilitate posting and recruitment such that resignations do not negatively impact unit staffing. All Registered nurses shall give the Medical Center no less than two (2) weeks' written notice of an intended resignation. A failure to give such notice shall result in a forfeiture of any unpaid PTO/vacation compensation. The Medical Center will give consideration to situations that would make lack of notice by a nurse excusable.

- J. Notice of Termination. - The Medical Center shall give regular full-time, part-time or resource nurses two (2) weeks' notice of the termination of their employment or, if less notice is given, then the number of working days within such period for which notice has not been given shall be paid the Registered nurse at their regular rate of pay. However, no such advance notice or pay in lieu thereof shall be required for Registered nurses who are terminated for violation of professional nursing ethics or terminated for cause.
- K. Exit Interview. A Registered nurse shall, if they so request, be granted an interview upon the termination of their employment.