



APP

MINISTRY OF NATIONAL GUARD HEALTH AFFAIRS ADMINISTRATIVE POLICY AND PROCEDURES

NUMBER : 1432-23
TITLE : DISCIPLINARY ACTIONS AND TERMINATIONS
STEWARD DEPARTMENT : CORPORATE LEGAL AFFAIRS (9603)
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1. PURPOSE

To provide a process and guidelines relating to disciplinary actions and termination at the Ministry of National Guard Health Affairs (MNGHA) and all its affiliated facilities.

2. APPLICABILITY

To all employees involved in administration of disciplinary actions and termination process of the Program.

3. RELATED REFERENCES

- 3.1 APP 1414-04: Delegation of Signatory Authority
- 3.2 APP 1424-05: Staff Grievance Review
- 3.3 APP 1428-08: Staff Attendance and Punctuality
- 3.4 APP 1429-19: Conflict of Interest
- 3.5 APP 1432-07: Incarcerated Employee's Status
- 3.6 APP 1433-39: Damage to or Loss of Program Property, Consumable Items and Other Inventory Items
- 3.7 APP 1439-02: Code of Ethics and Professional Conduct
- 3.8 Employee Relations Manual (ERM)
- 3.9 Employment Agreement
- 3.10 MNGHA Organizational By-Laws

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- 3.11 Saudi Labor Law
- 3.12 Saudi Central Board Accreditation of Healthcare Institutions (CBAHI), National Hospital Standards, 3rd Edition (2015) - HR.1.3 and HR.1.3.1 to HR.1.3.3
- 3.13 Joint Commission International Accreditation Standards for Hospitals, 7th Edition (2021) - GLD.13 ME 1-4

4. DEFINITIONS

- 4.1 **Disciplinary Action** refers to written action taken by the Program against an employee for violation of law, regulation, By-Laws or policies and procedures.
- 4.2 **Employee**, for the purpose of this APP, refers to a Program Direct Hire (PDH) or a Saudi Arabia National Guard (SANG) Direct Hire (SDH) staff employed with the Program.
- 4.3 **Fine** refers to a salary deduction from an employee's daily wage and does not exceed five (5) days' wages in a month.
- 4.4 **Harassment** refers to unwelcome and uninvited behavior considered as offensive in a majority of cultures. It can be verbal or physical repeated behavior that causes a person to feel offended, humiliated or intimidated by using any method possible, modern technology included.
- 4.5 **Healthcare Providers (HCPs)** refers to physicians, nurses, pharmacists, technicians and any other staff providing direct patient care.
- 4.6 **Notification of Disciplinary Action** refers to a written communication from the employee's department, which identifies a violation, indicates the corresponding penalty for the violation and the punishment for a repeated violation excluding cases escalated for investigation, in which case the respective investigation department will be responsible for immediately notifying the employee's department of the disciplinary action.
- 4.7 **Program** refers to the Ministry of National Guard Health Affairs (MNGHA) and all its affiliated facilities.
- 4.8 **Suspension** refers to not allowing the erring employee to report to work for a period not exceeding five (5) days in one (1) month, with or without pay.
- 4.9 **Termination** refers to any involuntary departure of an employee from the Program. Involuntary termination of an employee can be termination during the probationary period, termination with notice (with Saudi Service Award), termination without notice (without Saudi Service Award) or termination due to medical reason(s).
- 4.10 **Termination without Award** refers to the termination of employment without notice whereby the employee is not paid their Saudi Service Award for committing a violation under the provisions of Saudi Labor Law Article 80 (**Appendix A**).

5. POLICY

- 5.1 All employees must adhere to the laws, customs and traditions of the Kingdom of Saudi Arabia, as well as the rules, regulations, administrative policies and procedures established by the Program.

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- 5.2 All employees must sign a memorandum certifying the Program and department policies were clearly explained, that they have fully understood them, and that they are aware of the penalties against infractions of any of these policies.
- 5.3 The Program must demonstrate bonafide/valid reasons based on any or all of the following in cases resulting in terminations:
 - 5.3.1 Labor regulations and other applicable laws
 - 5.3.2 Contractual obligations
 - 5.3.3 Social, religious and customary laws
 - 5.3.4 Organizational By-Laws and policies and procedures
 - 5.3.5 Business consideration
 - 5.3.6 Equity and fairness.
- 5.4 Disciplinary actions must be imposed on an employee progressively as per the Table of Violations and Penalties (**Appendix B**).
- 5.5 An employee has the right to approach Staff Experience or a related department to protest/object/dissent any penalty or procedure applied to them by the department.
 - 5.5.1 The grievance request must be submitted within three (3) working days starting from the date knowledge of the procedure or penalty to Staff Experience.
 - 5.5.2 The employee must not be harassed or pressured for applying their grievance.
- 5.6 Employees must not be dismissed for the first breach of discipline except for gross misconduct as per **Appendix A**, which must lead to immediate termination for cause without service award.
- 5.7 The Program can consider suspension without pay not exceeding five (5) days or cancellation/delay of eligible promotion or incremental pay raise for one (1) time only.
 - 5.7.1 The Program can consider suspension with pay not exceeding five (5) days if the alleged violation is still under investigation or until disciplinary action is taken.
 - 5.7.2 The level of suspension to be given to erring employees must be based on the respective employee's reference such as Saudi Commission for Health Specialties, Saudi Labor law, Civil Service Law and Saudi Military Law.
 - 5.7.3 Suspended employees:
 - 5.7.3.1 Are not allowed to report to work for any reason, apart from questioning
 - 5.7.3.2 Cannot be held at the workplace or Program facilities and must be sent home until the end of the suspension period.

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- 5.8 An employee must not be accused of a violation that has been discovered for more than thirty (30) days, and disciplinary action must not be imposed after the date of completion of the investigation of the violation and its confirmation against the worker for more than thirty (30) days.
- 5.9 Termination cases due to unauthorized absence will be directly submitted to the Office of the Chief Executive Officer (CEO).
- 5.10 Staff Experience must be involved in all unresolved cases before and after disciplinary action is taken to:
 - 5.10.1 Ensure consistency and fairness across the Program
 - 5.10.2 Advise and assist department heads/Chairmen on disciplinary procedures
 - 5.10.3 Ensure disciplinary action complies with Saudi Labor Law and Program policies.
- 5.11 The offenses listed in **Appendix B** must constitute cause for disciplinary action and can lead to termination of employment.
 - 5.11.1 When the employee continues to violate the same offense beyond the fourth time and the offense does not result in termination on the fourth occurrence, the employee must receive the same penalty for the fourth offense repeatedly.
 - 5.11.2 Repetitive occurrences of the listed actions in **Appendix B** lead to the investigation of these offenses by Corporate Legal Affairs.
- 5.12 Relevant department heads/Chairmen or designees are authorized to impose penalties by completing the Notification of Disciplinary Action Other Than Termination (**Appendix C**).
 - 5.12.1 The completed **Appendix C** must be uploaded in the Oracle system and the original copy must be sent to Staff Experience.
- 5.13 The list of offenses must be posted on the website or maintained in each department by the department head or Chairman or appropriate official, preferably on the departmental bulletin board.
- 5.14 If the employee recommits the offense after one hundred and eighty (180) days from the date that the employee is informed of the penalty, it will be considered as first-time offense.
- 5.15 The employee must not be fined more than five (5) days' pay for a single violation or more than five (5) days' pay in one (1) month.
- 5.16 If an employee is absent for more than ten (10) consecutive days without authorization or a justifiable reason, the employee will be alerted by written Notification of Absence (**Appendix D**). If the absence continues for more than fifteen (15) consecutive days, excluding weekends and official holidays, the employee will be notified that they will be terminated as per Article (80) of the Saudi Labor Law.
- 5.17 If an employee is intermittently absent for a period of twenty (20) days during one contract year without proper authority or justified excuse, the employee will be alerted by written notification as per **Appendix E**, whereas intermittent absence for

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more than thirty (30) days within the same year will lead to termination as per Article 80 of Saudi Labor Law.

5.18 Committing any type of harassment must result in disciplinary action against the individual responsible.

5.18.1 The victim has the right to file a legal complaint with the appropriate authorities, regardless of any disciplinary action.

6. PROCEDURES

6.1 When a violation is discovered, the responsible supervisor or department head will notify the employee involved of the offense through **Appendix C**.

6.1.1 The employee will be allowed to present their defense.

6.2 If a penalty is justified, an **Appendix C** signed by the concerned supervisor or department head, will be issued in both English and Arabic and discussed with the employee.

6.3 The disciplinary action will carry a penalty determined by the department head based on the Table of Violations and Penalties (**Appendix B**) and will indicate the type, amount and duration of the punishment.

6.3.1 Written Warning.

6.3.2 Deduction.

6.3.3 Ineligibility for a promotion or an incremental pay raise for one year.

6.3.4 Termination.

6.3.4.1 Termination without Notice. Offenses that will be grounds for immediate termination without notice and Saudi Service Award are set out in **Appendix A**.

6.3.4.2 Termination with Notice is initiated by giving the employee at least sixty (60) days written notice. The sixty (60) days period will start from the date of notice to the employee. The Program can elect to pay the employee an amount equal to sixty (60) days instead of such notice. The employee will be paid the Saudi Service Award.

6.4. Investigation Services will initiate the investigation process, if necessary, and notify the employee's department head or Chairman and Corporate Legal Affairs accordingly.

6.4.1 The investigation process will be the sole responsibility of Investigation Services; however, essential support will be extended by Corporate Legal Affairs as deemed necessary.

6.5 When it is proven that the employee has committed a violation and the type and degree of penalty have been determined, disciplinary action will be imposed within thirty (30) days from the conclusion of the investigation and establishment of the employee's guilt.

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6.6 The employee will acknowledge receipt and sign a notification of disciplinary action. If they refuse to sign the notification, the department head will sign the notification and two (2) witnesses will attest that it was presented to the employee.

6.6.1 If the employee is unavailable to acknowledge the notification, it will be forwarded to their MNGHA e-mail address to document the process, in addition, an excerpt of the notification will be sent through SMS to their registered phone number.

6.7 The notification of disciplinary action will be uploaded to the Oracle system and submitted to Staff Experience as per **Appendix E**.

6.7.1 Staff Experience will receive the notification of disciplinary action and proceed with the following:

6.7.1.1 Evaluating the letter to ensure it complies with Saudi Labor Law and Program policy and procedures

6.7.1.2 Determining the nature of the offense committed and the appropriateness of the recommended penalty

6.7.1.3 Verifying the accuracy of the information and required documents submitted

6.7.1.4 Notifying Corporate HR (or equivalent in the regions) and forwarding the documents for appropriate action.

6.8 The responsible supervisor or department head will advise the employee accordingly on the impact of the disciplinary measures.

6.9 Investigation Services will refer all requests for termination of employees' contracts to Corporate Legal Affairs for review.

6.9.1 Termination cases due to unauthorized absence will be directly submitted to the Office of the Chief Executive Officer (CEO).

6.9.2 The CEO has sole and final approving authority on cases requiring service termination of employees, excluding employees under probation period.

6.9.3 SANG Employee

6.9.3.1 The violations committed by non-military SANG employees will be investigated by the Civil Service Employees' Violations Review Committee which established to implement all regulatory measures and recommend appropriate penalties to the person in authority.

6.9.3.2 The violations committed by SANG employees who receive Program bonus will be processed as their PDH counterparts.

6.9.3.3 The violations committed by SANG employees who do not have Program bonus will be transferred to the Civil Service Employees' Violations Review Committee for processing.

6.9.3.4 The violations committed by a Military SANG employee will be handled by their reference accordingly.

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6.9.4 HCPs' administrative violations will be transferred to Staff Experience, and non-administrative violations will be transferred to Medical Services.

6.10 The responsible supervisor or department head will notify the employee in writing of the decision to impose a termination penalty immediately.

6.11 Corporate HR (or equivalent in the regions) will record all fines imposed on employees in a special record, showing the employee's name, wages, amount and date of fine, and reasons.

7. RESPONSIBILITY

7.1 Corporate Legal Affairs and all relevant departments are responsible for ensuring implementation of and adherence to the provisions stipulated in this APP.

7.2 Internal Audit will randomly monitor compliance with the provisions of this APP.

8. APPROVALS

PREPARED BY:


TURKI AL ESHAIWY
General Director
Corporate Legal Affairs, MNGHA

29/9/24

DATE

CONCURRED BY:


DR. MANAL BAWAZEER
Deputy Executive Director, Staff Experience
Quality and Patient Safety, MNGHA

30/9/24

DATE


DR. ALI AL KHATHAMI
Executive Director
Quality and Patient Safety, MNGHA

DATE

REVIEWED BY:


DR. MOHANAD AL EEBAN
General Director
Corporate Planning and Regulatory Affairs, MNGHA

20 OCT 2024

DATE

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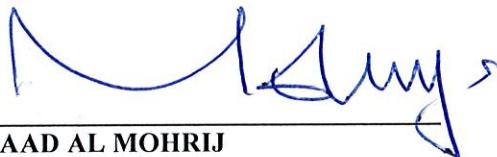
RECOMMENDED BY:



SAAD AL OTAIBI
Chief Operating Officer
Ministry of National Guard Health Affairs

20-oct-2024

DATE



DR. SAAD AL MOHRIJ
Chief Medical Officer
Ministry of National Guard Health Affairs

22/10/24

DATE

APPROVED BY:



H.E. DR. BANDAR AL KNAWY
Chief Executive Officer
Ministry of National Guard Health Affairs

29 OCT 2024

EFFECTIVE DATE

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