

BOARD OF GOVERNORS

Executive Committee Meeting

January 22, 2025 • 2:00 PM

Lobby Conference Room 100

1055 W. 7th Street, Los Angeles, CA 90017

*L.A. Care offices have moved to 1200 W. 7th Street, Los Angeles, CA 90017.
Public meetings will continue to be held in the Board Room at 1055 W. 7th Street.*

DRAFT



AGENDA

Executive Committee Meeting

Board of Governors

Wednesday, January 22, 2025, 2:00 P.M.
1055 West 7th Street, Conference Room 100, 1st Floor
Los Angeles, CA 90017

Members of the Committee, staff and the public can attend the meeting in person at the address listed above. Public comment can be made in person at the meeting. A form will be available at the meeting to submit public comment.

To listen to the meeting via videoconference please register by using the link below:

<https://lacare.webex.com/lacare/j.php?MTID=mb6075573451dbc07ac24f347294522fe>

To listen to the meeting via teleconference please dial: +1-213-306-3065

Meeting Number 2488 211 3092 Password: lacare

The purpose of public comment is an opportunity for members of the public to inform the governing body about their views. The Committee appreciates hearing the input as it considers the business on the Agenda.

The process for public comment is evolving and may change at future meetings.

All votes in a teleconferenced meeting shall be conducted by roll call.

If you are an individual with a disability and need a reasonable modification or accommodation pursuant to the Americans with Disabilities Act (ADA) please contact L.A. Care Board Services staff prior to the meeting for assistance by text to 213 628-6420 or by email to BoardServices@lacare.org.

Welcome

Alvaro Ballesteros, MBA

1. Approve today's Agenda *Chair*
2. Public Comment *(Please read instructions above.)* *Chair*
3. Approve the November 20, 2024 Meeting Minutes *Chair*
4. Chairperson's Report *Chair*
 - Discuss the ad hoc Nomination Committee to carry out the process for nominating a member to the L.A. Care Board.
5. Chief Executive Officer Report *Martha Santana-Chin*
 - Fire Disaster Response and Recovery Support Efforts *Chief Executive Officer*
 - Government Affairs Update *Cherie Compartore*

Senior Directors, Government Affairs

Committee Issues

6. Approve changes to regular meeting schedule of Technical Advisory Committee and Compliance & Quality Committee meetings **(EXE 100)** *Linda Merkens*
Senior Manager, Board Services

7. Human Resources Policy HR 214 (Employee Conduct and Discipline) **(EXE A)** Terry Brown
8. Approve Consent Agenda Items for February 6, 2025 Board of Governors Meeting *Chair*
- December 5, 2024 Board of Governors Meeting Minutes
 - Changes to regular meeting schedule of Technical Advisory Committee and Compliance & Quality Committee meetings
 - OptumInsight, Inc. Contract Amendment to continue to support L.A. Care with post-payment Data Mining services
 - Delegate to Martha Santana-Chin, Chief Executive Officer, discretionary authority to approve vendors to perform capital improvements and purchase equipment to build-out floors 1, 5, 6 and 7 in the 1200 W. 7th Street Building
 - 2025 Compliance Work Plan
 - 2025 Compliance Program Plan
9. Public Comment on Closed Session Items *(Please read instructions above.)* *Chair*

ADJOURN TO CLOSED SESSION (Est. time: 40 mins.)

- Chair*
10. REPORT INVOLVING TRADE SECRET
Pursuant to Welfare and Institutions Code Section 14087.38(n)
Discussion Concerning New Service, Program, Technology, Business Plan
Estimated date of public disclosure: *January 2027*
11. CONTRACT RATES
Pursuant to Welfare and Institutions Code Section 14087.38(m)
- Plan Partner Rates
 - Provider Rates
 - DHCS Rates
12. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LIT
Significant Exposure (3 cases)
Pursuant to paragraph 2 of subdivision (d) of Section 54956.9 of the Ralph M. Brown Act
13. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION
L.A. Care Health Plan’s Notice of Contract Dispute under Contract No. 04-36069
Department of Health Care Services (Case No. Unavailable)
14. THREAT TO PUBLIC SERVICES OR FACILITIES
Government Code Section 54957
Consultation with: Acacia Reed, *Chief Operating Officer*, Noah Paley, *Chief of Staff*, Terry Brown, *Chief Human Resources Officer*

15. PUBLIC EMPLOYEE PERFORMANCE EVALUATION, PUBLIC EMPLOYMENT and CONFERENCE WITH LABOR NEGOTIATOR
Sections 54957 and 54957.6 of the Ralph M. Brown Act
Title: CEO
Agency Designated Representative: Alvaro Ballesteros, MBA
Unrepresented Employee: Martha Santana-Chin

RECONVENE IN OPEN SESSION

ADJOURNMENT

Chair

The next Executive Committee meeting is scheduled on Wednesday, February 26, 2025 at 2:00 p.m. and may be conducted as a teleconference meeting.

The order of items appearing on the agenda may change during the meeting.

The order of items appearing on the agenda may change during the meeting.

ACTION MAY NOT BE TAKEN ON ANY MATTER RAISED DURING THE PUBLIC COMMENT PERIODS UNTIL THE MATTER IS SPECIFICALLY LISTED ON A FUTURE AGENDA, according to California Govt Code Section 54954.2 (a)(3) and Section 54954.3. AGENDA and PRINTED MEETING MATERIALS ARE AVAILABLE FOR INSPECTION 72 HOURS BEFORE THE MEETING:

1. At L.A. CARE'S Website: <http://www.lacare.org/about-us/public-meetings/board-meetings>
2. L.A. Care's Reception Area, Lobby, at 1055 W. 7th Street, Los Angeles, CA 90017, or
3. by email request to BoardServices@lacare.org

Any documents distributed to a majority of the Executive Committee Members regarding any agenda item for an open session after the agenda and meeting materials have been posted will be available for public inspection by email request to BoardServices@lacare.org

An audio recording of the meeting is made to assist in writing the minutes and is retained for 30 days.

Meetings are accessible to people with disabilities. Individuals who may require any accommodations (alternative formats – i.e., large print, audio, translation of meeting materials, interpretation, etc.) to participate in this meeting and wish to request an alternative format for the agenda, meeting notice, and meeting packet may contact L.A. Care's Board Services Department at (213) 628 6420. Notification at least one week before the meeting will enable us to make reasonable arrangements to ensure accessibility to the meetings and to the related materials.

BOARD OF GOVERNORS

Executive Committee

Meeting Minutes – November 20, 2024

1055 West 7th Street, 1st Floor, Los Angeles, CA 90017



L.A. Care
HEALTH PLAN

Members

Alvaro Ballesteros, MBA, *Chairperson*
 Ilan Shapiro MD, MBA, FAAP, FACHE, *Vice Chairperson*
 Stephanie Booth, MD, *Treasurer*
 John G. Raffoul, *Secretary**
 G. Michael Roybal, MD

Management/Staff

John Baackes, *Chief Executive Officer*
 Sameer Amin, MD, *Chief Medical Officer*
 Augustavia J. Haydel, Esq., *General Counsel*
 Todd Gower, *Interim Chief Compliance Officer*
 Alex Li, MD, *Chief Health Equity Officer*
 Noah Paley, *Chief of Staff*
 Acacia Reed, *Chief Operating Officer*
 Afzal Shah, *Chief Financial Officer*

**Absent*

AGENDA ITEM/PRESENTER	MOTIONS / MAJOR DISCUSSIONS	ACTION TAKEN
CALL TO ORDER	Alvaro Ballesteros, MBA, <i>Chairperson</i> , called to order at 2:06 pm the meetings of the L.A. Care Executive Committee and the L.A. Care Joint Powers Authority Executive Committee. The meetings were held simultaneously. He welcomed everyone to the meetings. He provided information on how to submit public comments.	
APPROVE MEETING AGENDA	The Agenda for today’s meeting was approved.	Approved unanimously. 4 AYES (Ballesteros, Booth, Roybal, and Shapiro)
PUBLIC COMMENT	There was no public comment.	
APPROVE MEETING MINUTES	The minutes of the October 23, 2024 meeting were approved as amended. Board Member Booth has submitted proposed revisions to her statements reflected in the minutes, and a correction on page six.	Approved unanimously with amendments. 4 AYES
CHAIRPERSON’S REPORT	<u>Public Comment</u> <i>Andria McFerson commented that RCAC members are asking for better access to their coverage in receiving everything according to the doctor's orders when they have a chronic illness. There is a particular RCAC member that has a breathing issue and it was ruled that she has this chronic illness and that she can pass away</i>	

DRAFT

AGENDA ITEM/PRESENTER	MOTIONS / MAJOR DISCUSSIONS	ACTION TAKEN
	<p><i>day by day if she does not have that particular equipment, but it's a fight every single month to receive the proper access to everything that she needs in order to breathe, and it's important that we talk about that, discuss it, and L.A. Care members have better access to care.</i></p> <p>Board Member Shapiro thanked her for highlighting that. L.A. Care strives to address that type of issue. There are HIPAA privacy protections. If that member can bring their concern to L.A. Care, staff will address it. L.A. Care would like to address these important issues.</p> <p>There was no report from the Chairperson.</p>	
CHIEF EXECUTIVE OFFICER'S REPORT	<p>John Baackes, <i>Chief Executive Officer</i>, reported L.A. Care is prepared for the new federal administration, although there is still no clear action other than nominees for critical posts. There has been no policy direction or potential legislation proposed by the President-elect. The main concerns stem from Project 2025. As mentioned in the Finance & Budget Committee meeting, L.A. Care finances are positive and the reserve fund is robust, compared to other health plans. That will be helpful in weathering potential issues in the next two years in particular with regard to a potential change in control of Congress. There is concern and anxiety in the air that no one is talking about. It will be incumbent on L.A. Care to respond quickly when changes come. L.A. Care belongs to four trade associations in Washington, D.C., which send daily updates. L.A. Care's lobbyist in Washington D.C., John Russell, a Partner at Dentons Global Advisors Group Government Relations, also sends extensive intelligence from Washington D.C. This committee will need to be alert and respond to management suggestions on coping with events. It may be a tough road ahead. Mr. Baackes is glad that L.A. Care is in good shape financially and operationally, because leadership will be more able to focus on whatever comes along.</p>	
<ul style="list-style-type: none"> Government Affairs Update 	<p>Cherie Compartore, <i>Senior Director, Government Affairs</i>, reported:</p> <ul style="list-style-type: none"> On the state level, the Legislative Analyst's Office released the 2025-26 California budget projection for a \$2 billion budget deficit. Among the key issues that will impact Medi-Cal in the upcoming budget is the passage of Proposition 35. There were budget measures passed last year that relied on funds that would have been available if Prop 35 did not pass. Legislators will likely look for creative ways to fund those proposals, or those proposals will have to be dropped. 	

AGENDA ITEM/PRESENTER	MOTIONS / MAJOR DISCUSSIONS	ACTION TAKEN
	<ul style="list-style-type: none"> • There's an increase projected in the caseload in Medi-Cal due to the elimination of the asset limit tests for seniors. As a result, more seniors will be enrolling in Medi-Cal. The LAO report was released this morning so there may be more information at the December Board Meeting. <p>Board Member Shapiro thanked her for the report and asked if there have been any decisions or discussion on how the Prop 35 funds will be distributed. Ms. Compatore deferred to Afzal Shah, <i>Chief Financial Officer</i>, for information on the distribution of funds.</p> <p>Mr. Baackes responded and offered to provide a term sheet to Board Members, which was developed to indicate how funds are to be distributed. He noted that the bulk of the funds will go to primary care and specialty care providers. Hospitals were supportive because without more providers participating in Medi-Cal, patients will use hospital emergency room. He invited Mr. Shah to comment on how the funds are to be distributed. Mr. Baackes noted that the original discussion was that the managed care organization (MCO) tax proceeds would increase base rates, and to date, the state has implemented a targeted rate increase (TRI) that is complicated and cumbersome, and once the money is sent for TRI, it will be hardly noticed because the method is so fragmented.</p> <p>Mr. Shah agreed that the TRI includes risk for L.A. Care and other health plans. An all plan letter (APL) requires by December 31, 2024, that health plans attest to all clean claims received as of November 30 will be paid, not just by L.A. Care, but its plan partners and delegated entities. Health plans are still negotiating 2025 contracted rates. Final TRI 2024 rates were received from California Department of Health Care Services (DHCS) in late September 2024. L.A. Care plans to send advances to a majority of the provider groups now so they can start changing their systems and paying claims. He noted the risk of compliance with funding. Mr. Shah reported that DHCS draft rates for 2025 include the TRI rate for an existing set of benefits. The existing enhancement is for primary care, non-specialty behavioral health, and obstetrics (OB) up to 87.5 percent. The equivalent amount for 2025 will be included in rates by December. He expects that all the new enhancements for specialty care, emergency room, et cetera, in the term sheet that Mr. Baackes will forward will be delayed as DHCS takes time to look at the utilization of the services and calculates the Medi-Cal fee schedule equivalence code. It is likely that the TRI will be paid retroactively. The TRI for the enhancements could be delayed until summer of 2025 or later.</p>	

AGENDA ITEM/PRESENTER	MOTIONS / MAJOR DISCUSSIONS	ACTION TAKEN
	<p>Mr. Baackes reported that there will be a committee of stakeholders formed to advise DHCS. It would be incumbent on L.A. Care to have a representative participate from L.A. Care or from Los Angeles County. He emphasized that the idea of getting the funding in the base rate should not be given up, so that providers will be paid coincident with the provision of the services.</p>	
COMMITTEE ISSUES		
<p>Impact of L.A. Care’s advertising investments for the past several years</p>	<p>John Cota, <i>Senior Director, Creative & Marketing</i>, reported on L.A. Care’s marketing efforts, specifically around advertising efforts. He thanked Board Member Booth for her questions which led to this presentation.</p> <p>He reported that in 2014, L.A. Care began an intentional comprehensive marketing campaign. Prior to that, marketing fundamentally addressed member communication and member engagement. L.A. Care has been working to mature its advertising efforts and to create a framework for marketing efforts.</p> <p>He reported that marketing work is outsourced to advertising agencies and marketing agencies. The costs reflect a range of 15 to 25% paid to agencies for administrative services on investments in the marketing channels. He noted that 72 % of L.A. Care’s advertising efforts are focused on digital marketing, which enables more tracking and measurement. He noted that around 80% of the advertising budget is for “pass through” funds paid to media partners such as TV stations, out of home placements and other channels of communication.</p> <p>There are three primary marketing types. The first is brand, a significant effort with the objective of saturating the market with L.A. Care information and raising awareness so L.A. Care is prominent in the market. The next type is product marketing, which is intended to expand and retain members. The third is community engagement, where value is provided along with engagement, to understand the market and what consumers are looking for, what questions they have, and what intrigues them.</p> <p>Mr. Cota explained that every year a strategy is developed for each product. Every campaign kicks off in the first quarter of the fiscal year and is executed throughout the rest of the year. The vendor helps significantly with strategy and through media buys. A competitive analysis is critical, in that it provides an understanding of how competitors are conducting advertising and what L.A. Care needs to do to stay competitive in the market.</p>	

AGENDA ITEM/PRESENTER	MOTIONS / MAJOR DISCUSSIONS	ACTION TAKEN
	<p>Creative support from vendors is supplementary. Data analysis and reporting are vital. Within a campaign there are different channels, referred to as specific campaigns or sub campaigns, and the vendor helps manage all those efforts. Campaign ad cost refers to the cost on an engagement level and on a conversion level. Conversion is the action by consumers. He reviewed the prior year’s campaign for L.A. Care Covered (LACC) showing the touch points and the different channels used to leverage tactics through radio, television, hotspot, mailing and out of home digital. L.A. Care’s Customer Support Center (CSC) supports the campaign with robo calls, outbound calls and monthly call volume support. The Sales team also supports the campaign. Communication staff supports a campaign with publications and media interviews. He reviewed the progress of a campaign, beginning as the open enrollment period (OEP) or annual enrollment period (AEP) launches. In the ensuing period of time the campaign begins dominating communication channels, leading to market saturation, until trickling down and then shifting to sustaining visibility in the market. There may be multiple campaigns operating at the same time.</p> <p>Looking back to 2015, LACC had 15,400 members. Since then, membership has increased to more than 190,000, with marketing yielding over a 1,000% increase. Membership in L.A. Care’s Dual eligible Special Needs Plan (DSNP) has also increased. He noted that Medi-Cal has gone through many changes recently, and marketing and advertising supported L.A. Care’s brand awareness. L.A. Care reminds members to take action to renew coverage. L.A. Care’s presence in the market has contributed to the enrollment increase.</p> <p>Mr. Cota reviewed the metrics used to measure campaign efforts and campaign strategy through engagement, with the objective to drive consumers to take action using the different conversion channels, such as telephone, web forms or L.A. Care’s website, measured by “click the rate (CTR). CTR is the digital rate people are clicking and engaging online. The cost per conversion is calculated based on CTR for digital engagement, impressions, and is a way to measure the success and performance of a digital advertising campaign.</p> <p>In response to a question, Mr. Cota noted that over the top (OTT) refers to live streaming, such as for radio or TV.</p> <p>Board Member Shapiro asked about optimizing CTR for different channels. He noted better uptake and better results with less cost for search engine marketing, and asked if there are plans to optimize certain channels more than others. Mr. Cota responded that</p>	

AGENDA ITEM/PRESENTER	MOTIONS / MAJOR DISCUSSIONS	ACTION TAKEN
	<p>there are gaps primarily because a significant vehicle that is leveraged for this information was Google analytics. Last year, health plans throughout California had to discontinue use of Google analytics because of trackers. L.A. Care continues to leverage other sources to obtain the data securely. A new secure system is being implemented. Digital marketing must be maintained to keep the engagement level up, it's fundamentally important to keep the presence and stay current with search engine tactics, although some may not show a measurable yield. Work is continuing on tightening the analytics and sources of data.</p> <p>Mr. Cota reviewed a future dashboard that will be implemented next year to demonstrate the investment and members enrolled as a result. It will demonstrate trends and retention. The dashboards will be made available for review.</p> <p>In response to a question about an increase in the advertising budget, he noted that time and circumstance has affected the cost of advertising. In 2014, there was one cyclical advertising campaign for LACC. L.A. Care began an annual brand campaign. In 2024, there are about 18 campaigns, including the brand campaign and product campaigns. Most recently, political advertising took up available media spots and increased the cost of media. During the COVID pandemic, L.A. Care switched quickly from a traditional campaign to 100% digital. Campaign reach is not just about geography, it includes the difference in the targeted markets. L.A. Care's campaigns have matured and are becoming more targeted. Recently L.A. Care added digital billboards as a channel of communication and an expansion of tactics, which increased cost. L.A. Care began using email campaigns in the last year or so which including building a security structure.</p> <p>Chairperson Ballesteros asked about targeting various segments of the population viewing through impressions measured online by engagement and click through ratios. He noted that the younger population may be more online. Mr. Cota noted that different consumers are targeted based on their behavior and campaigns are tailored around that behavior. Mr. Cota will develop a presentation when more analytics are available and he will share that information. Chairperson Ballesteros suggested it would be helpful to have examples of which of the display ads had a better click through ratio and completion rates to get a visual sense of what works.</p> <p>Board Member Shapiro asked about how the Board can support marketing. Mr. Cota noted that as Mr. Baackes mentioned, it is not known what the policies are of the new administration, or the potential impact of any changes on L.A. Care's marketing. Mr. Cota responded that information would benefit this work.</p>	

AGENDA ITEM/PRESENTER	MOTIONS / MAJOR DISCUSSIONS	ACTION TAKEN
	<p>Mr. Baackes acknowledged Mr. Cota’s work as a long long-term employee. He is the creative genius behind L.A. Care’s “wings” campaign and has saved a fortune in agency fees. He is one of the most valuable employees.</p> <p>Board Member Booth asked, if the potential member is not asked why they did or did not enroll, how do you know enrollment is due to the marketing? Mr. Cota responded that engagement and activity can be measured and correlated with available data. This helps in understanding the impact of the marketing. The department will become more data driven to be able to provide the metrics and will be better able to answer that question.</p> <p>Board Member Booth asked about data available since 2014. Mr. Cota noted they are working on holding focus groups to engage with consumers, to understand what is needed to effectively engage consumers.</p>	
<p>Approve Revisions to the Conflict of Interest Code of the L.A. Care Health Plan</p>	<p><u><i>Public Comment</i></u> <i>Andria McFerson asked about the approve revision of conflict of interest code and who is affected, specifically. She was not quite sure and did not have this ahead of time so she could research every single agenda item. She was not aware of each agenda item.</i></p> <p>Augustavia Haydel, <i>General Counsel</i>, responded that the conflict of interest code is brought routinely to the Board for approval. It identifies the individuals that need to file a Form 700 and the level of financial disclosure or financial interests. It includes L.A. Care staff, the Board and certain consultants if they meet those requirements. The conflict of interest code includes changes since the last Board approval, removing job titles that are no longer in place and adding new job titles. The conflict of interest code is filed with the Los Angeles County Board of Supervisors for approval.</p> <p><u><i>Public Comment</i></u> <i>Ms. McFerson commented that the code of conduct should be carried out, signed by all staff and honored.</i></p> <p>Ms. Haydel clarified that it is a list of individuals that not the actual financial disclosure, and is not an instruction about how to comply with ethics requirements, which is in other documents.</p>	

AGENDA ITEM/PRESENTER	MOTIONS / MAJOR DISCUSSIONS	ACTION TAKEN
	<p><u>Motion EXE 100.1224</u> To approve revisions to the Conflict of Interest Code of the L.A. Care Health Plan, as attached, for submission to the Los Angeles County Board of Supervisors and delegate authority to the CEO and General Counsel (including their respective designees) to make any non-substantive changes or changes that may be required by the County upon their review.</p>	<p>Approved unanimously. 4 AYES</p> <p>The Committee approved adding EXE 100 to the Consent Agenda for the December 5, 2024 Board of Governors meeting.</p>
<p>Approve Revisions to General Legal Services Policy LS-010 (Delegation of Authority to Approve, Compromise, and/or Settle Certain Pre- Litigation Claims and Pending Litigation)</p>	<p><u>Public Comment</u> <i>Andria McFerson's comment consists of the disparities that many genuine people go through as members of L.A. Care while trying to withhold human rights, address systematic injustices in the health care services, like when emergency rooms commit malpractice. But yet there is no follow up to the complaints of the L.A. Care members who express their life threatening concerns, not only to the human resource departments of the hospitals and service providers, but here at L.A. Care committee meetings. She attended the majority of RCAC meetings for the last past few months and was approached by many people who felt reluctant to say something because they felt they went through all the channels and it was uneventful. And their health has just worsened, not only due to their chronic illness, disability or mental condition, but the mental distress of not having general feedback. They do have a RCAC motion that is being contrived to have L.A. Care investigate different service providers who are not giving proper care. With that have some sort of investigation process particularly approved by the Board and just better the overall finishing product to when you have a complaint and just different things like that. Follow up to that particular member and react to it in a certain way to where they know that L.A. Care is responding and it would better their own situation If it is relative to their coverage with L.A. Care.</i></p> <p>Board Member Booth suggested amending the limit to match the thresholds for vendor contracts in L.A. Care's Policy AFS-006. Ms. Haydel clarified that the proposed change to Section 4.2 .1 in Policy LS-010 would be the same as the purchase thresholds.</p> <p>Settlements</p> <ul style="list-style-type: none"> Up to \$3 million require CEO and CFO approval. From \$3 million to \$5 million require Executive Committee approval. Over \$5 million require Board approval. <p>The Board receives an annual report on litigation matters.</p>	

AGENDA ITEM/PRESENTER	MOTIONS / MAJOR DISCUSSIONS	ACTION TAKEN
	<p><u>Motion EXE 101.1224</u> To approve revisions to General Legal Services Policy LS-010 (Delegation of Authority to Approve, Compromise, and/or Settle Certain Pre- Litigation Claims and Pending Litigation) as submitted.</p> <p>Ms. Haydel thanked staff members Bill Seldeen and Jessica Gillette for their work on this policy revision.</p>	<p>Approved unanimously. 4 AYES</p> <p>The Committee approved adding EXE 101 to the Consent Agenda for the December 5, 2024 Board of Governors meeting.</p>
<p>Employee Annual Incentive Program FY 2023-24</p>	<p>Terry Brown, <i>Chief Human Resources Officer</i>, presented a motion approving payment of the annual incentive to employees, as budgeted. The request is for the approval of \$12.63 million to be dispersed to 2362 employees, in recognition of reaching organizational targets for fiscal year 2023-24.</p> <p>Currently, employees are eligible to participate based upon job classification, and under one of the following components of the Annual Incentive Program:</p> <ul style="list-style-type: none"> • Monthly Production Incentives Program based on predetermined criteria; • Individual Annual Incentives Program based on predetermined goals; and, <p>The Production Incentive Program was budgeted and paid monthly according to policy.</p> <p><u>Motion EXE 102.1224</u> To authorize the disbursement of funds not to exceed \$12.63 million for the Individual Annual Incentive Program, based on the completion of pre-determined individual goals and targets in support of L.A. Care’s FY 2023-24 Organizational Goals. Distribution of the annual incentive payout shall be guided by Human Resource Policy No. 602, Annual Organizational Incentive Program.</p>	<p>Approved unanimously. 4 AYES</p>
<p>Human Resources Policies HR-210 (Meal Breaks and Rest Periods), HR-230 (Learning Management System), HR-233 (HR-233 Introductory Period), and HR-313 (Reemployment and Reinstatement)</p>	<p><u>Public Comment</u> <i>Andria McFerson commented that it was read to her but the human resource policies, she had absolutely no idea specifically what it entailed. She did want to comment during the last Board meeting. She did speak about improving outreach and engagement department in itself with the staff honoring the committee members rights of course, Brown Act Roberts Rules of Order expanding components of health care services by listening, time constraints and broadening coverage and member rights to talk about how it affects them during these meetings as well. So that just means that people who have health disparities, they have an open conversation and with that, people feel reluctant to speak because it's not an open forum of</i></p>	

AGENDA ITEM/PRESENTER	MOTIONS / MAJOR DISCUSSIONS				ACTION TAKEN																
	<p><i>conversation and it's timed. So they need better outreach in doing so. So, as far as that goes, having human resources policies come up with some sort of actions to have the staff come up with some sort of way that they can have a meeting with the staff and better intercommunication.</i></p> <p>Board Member Booth asked about committees that supposed to address those kinds of issues, there are two kinds of committees now.</p> <p><u>Public Comment</u> <i>Ms. McFerson commented that she's not saying that, but she hates to be forward, but it's uneventful.</i></p> <p>Terry Brown, <i>Chief Human Resources Officer</i>, introduced four policies for revision. The revisions are minor, and take into account current technology and minor procedural changes that have occurred within the organization. For HR 02:10, meal breaks and rest period, the reference to premium pay is removed since it does not apply to L.A. Care through a state or federal law.</p> <p>The revised policy is written to comply with changes to Regulatory, Legislative and Judicial changes, and reflect changes in L.A. Care's practices.</p> <table border="1" data-bbox="491 841 1583 1419"> <thead> <tr> <th data-bbox="491 841 606 948">Policy Number</th> <th data-bbox="606 841 949 948">Policy</th> <th data-bbox="949 841 1201 948">Section</th> <th data-bbox="1201 841 1583 948">Description of Modification</th> </tr> </thead> <tbody> <tr> <td data-bbox="491 948 606 1055">HR-210</td> <td data-bbox="606 948 949 1055">MEAL BREAKS AND REST PERIODS</td> <td data-bbox="949 948 1201 1055">Employee Relations</td> <td data-bbox="1201 948 1583 1055">Annual Review</td> </tr> <tr> <td data-bbox="491 1055 606 1203">HR-230</td> <td data-bbox="606 1055 949 1203">LEARNING MANAGEMENT SYSTEM</td> <td data-bbox="949 1055 1201 1203">Learning & Development</td> <td data-bbox="1201 1055 1583 1203">Transfer policy into new template and updates to section 5.2 and 5.3</td> </tr> <tr> <td data-bbox="491 1203 606 1419">HR-233</td> <td data-bbox="606 1203 949 1419">HR-233 INTRODUCTORY PERIOD</td> <td data-bbox="949 1203 1201 1419">Employee Relations</td> <td data-bbox="1201 1203 1583 1419">Annual Review and added 3.2 Employment beyond the introductory period does not change the at-will nature of a person's employment with L.A. Care</td> </tr> </tbody> </table>				Policy Number	Policy	Section	Description of Modification	HR-210	MEAL BREAKS AND REST PERIODS	Employee Relations	Annual Review	HR-230	LEARNING MANAGEMENT SYSTEM	Learning & Development	Transfer policy into new template and updates to section 5.2 and 5.3	HR-233	HR-233 INTRODUCTORY PERIOD	Employee Relations	Annual Review and added 3.2 Employment beyond the introductory period does not change the at-will nature of a person's employment with L.A. Care	
Policy Number	Policy	Section	Description of Modification																		
HR-210	MEAL BREAKS AND REST PERIODS	Employee Relations	Annual Review																		
HR-230	LEARNING MANAGEMENT SYSTEM	Learning & Development	Transfer policy into new template and updates to section 5.2 and 5.3																		
HR-233	HR-233 INTRODUCTORY PERIOD	Employee Relations	Annual Review and added 3.2 Employment beyond the introductory period does not change the at-will nature of a person's employment with L.A. Care																		

AGENDA ITEM/PRESENTER	MOTIONS / MAJOR DISCUSSIONS			ACTION TAKEN	
	HR-313	REEMPLOYMENT AND REINSTATEMENT	Employment	Annual Review and Rearranged sections	<p>Approved unanimously. 4 AYES</p> <p>Motion EXE A does not require full Board approval.</p>
Approve Consent Agenda	<p>Approve the list of items that will be considered on a Consent Agenda for December 5, 2024 Board of Governors Meeting.</p> <ul style="list-style-type: none"> • November 7, 2024 meeting minutes • Revisions to the Conflict of Interest Code of the L.A. Care Health <ul style="list-style-type: none"> ○ <i>Revisions to the Conflict of Interest Code of the L.A. Care Health Plan Joint Powers Authority</i> • Revisions to General Legal Services Policy LS-010 (Delegation of Authority to Approve, Compromise, and/or Settle Certain Pre- Litigation Claims and Pending Litigation) • Availity, LLC Contract to support L.A. Care with Electronic Claims Clearinghouse Services • Claris Health (formerly Santé Analytics) Contract Amendments: <ul style="list-style-type: none"> ○ Scope of Work 2 (A3) to support L.A. Care with a centralized overpayment repository with workflow capabilities to allow L.A. Care to manage and warehouse internal payment integrity audits and vendor audits ○ Scope of Work 5 (A3) to continue supporting L.A. Care with Pareo Analytics to ensure continued progress in optimizing L.A. Care’s payment integrity efforts and maximizing savings ○ Scope of Work 6 (A2) to continue to support L.A. Care by providing Pareo clinical analytics algorithms, medical record request operations, a full time Claris Health clinical healthcare expert, and access to Claris Health’s Optical Character Recognition (OCR) software ○ Scope of Work 7 (New Contract) Pareo Pre-Pay analytics services 			<p>Approved unanimously. 4 AYES</p>	

AGENDA ITEM/PRESENTER	MOTIONS / MAJOR DISCUSSIONS	ACTION TAKEN
	<ul style="list-style-type: none"> • WiPro Contract to perform claims processing, Provider Dispute Resolution processing, claims adjustment processing, and Payment Integrity pre-payment data mining validation and processing services • Quarterly Investment Report for the quarter ending September 30, 2024 	
PUBLIC COMMENTS ON CLOSED SESSION ITEMS	<p><i>Andria McFerson, RCAC 5, commented that she wants to honor Mr. Baackes. She respect and honor all services that he gave to the community as a member of L.A. Care. And she appreciates him taking the time out to actually listen. She had motions on the floor for a resource guide and he passed that through even though the ECAC was unresponsive. She had a motion on the floor to better healthcare for the homeless, and it was not approved by ECAC, but yet it was followed through. And those type of things they really appreciate, when that happens, people like her first hand, she was homeless when she made that motion and with the chronic illness, she had brain surgery, did all of that while she was advocating here and she was actually listened to so that bettered her transparency and just approaching everyone with the different things that she was going through to communicate to them and let them know that they can be here and talk about different issues and they will get addressed by firsthand experience. So she appreciates him for taking the time out to listen and his services, and will miss him.</i></p>	
ADJOURN TO CLOSED SESSION	<p>The Joint Powers Authority Executive Committee meeting adjourned at 3:11 pm.</p> <p>Augustavia J. Haydel, Esq., <i>General Counsel</i> announced the items for discussion in closed session. She announced there is no report anticipated from the closed session. The meeting adjourned to closed session at 3:11 pm.</p> <p>REPORT INVOLVING TRADE SECRET Pursuant to Welfare and Institutions Code Section 14087.38(n) Discussion Concerning New Service, Program, Business Plan Estimated date of public disclosure: <i>November 2026</i></p> <p>CONTRACT RATES Pursuant to Welfare and Institutions Code Section 14087.38(m)</p> <ul style="list-style-type: none"> • Plan Partner Rates • Provider Rates • DHCS Rates • Plan Partner Services Agreement 	

AGENDA ITEM/PRESENTER	MOTIONS / MAJOR DISCUSSIONS	ACTION TAKEN
	<p>CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION Pursuant to Section 54956.9(d)(1) of the Ralph M. Brown Act HRRP Garland, LLC v. Local Initiative Health Authority for Los Angeles County L.A.S.C. Case No. 21STCV47250</p> <p>CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION Pursuant to Section 54956.9(d)(1) of the Ralph M. Brown Act <i>KND Development 52, LLC, et al. v. Local Initiative Health Authority for Los Angeles County</i>, L.A.S.C. Case No. 24STCV15962</p> <p>CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION Significant Exposure (3 cases) Pursuant to paragraph (2) of subdivision (d) of Section 54956.9 of the Ralph M. Brown Act</p> <p>CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION Pursuant to Section 54956.9(d)(1) of the Ralph M. Brown Act L.A. Care Health Plan’s Notice of Contract Dispute under Contract No. 04-36069 Department of Health Care Services (Case No. Unavailable)</p> <p>PUBLIC EMPLOYEE PERFORMANCE EVALUATION, PUBLIC EMPLOYMENT and CONFERENCE WITH LABOR NEGOTIATOR Sections 54957 and 54957.6 of the Ralph M. Brown Act Title: Chief Executive Officer Agency Designated Representative: Alvaro Ballesteros, MBA</p>	
RECONVENE IN OPEN SESSION	The meeting reconvened in open session at 3:58 pm. No reportable actions were taken during the closed session.	
ADJOURNMENT	The meeting adjourned at 3:58 pm	

Respectfully submitted by:
Linda Merkens, *Senior Manager, Board Services*
Malou Balones, *Board Specialist III, Board Services*
Victor Rodriguez, *Board Specialist II, Board Services*

APPROVED BY:

Alvaro Ballesteros, MBA, *Board Chairperson*
Date: _____



Board of Governors
MOTION SUMMARY

Date: January 22, 2025

Motion No. EXE 100.0225

Committee:

Chairperson: Alvaro Ballesteros, MBA

Issue: Approval of the following changes to 2025 Board and Committee regular meeting schedules

- 1) Technical Advisory Committee January 9, 2025 meeting moved to January 30, 2025 at 2:00 PM
- 2) Compliance & Quality Committee June 19, 2025 moved to Monday, June 16 due to Juneteenth Holiday.

Background:

Member Impact: Public input is welcome at all Board and Committee meetings.

Budget Impact: None.

Motion: Approval of the following changes to 2025 Board and Committee regular meeting schedules:

1. Technical Advisory Committee January 9, 2025 meeting moved to January 30, 2025 at 2:00 PM, and
2. Compliance & Quality Committee June 19, 2025 moved to Monday, June 16 due to Juneteenth Holiday.

2025 Regular Board and Committee Meeting schedule

BoG: Board of Governors, meets 1st Thursdays of the month at 1:00 pm, and meets all day in September for strategic discussion

C&Q: Compliance and Quality Committee, meets 3rd Thursdays of the month at 2:00 p.m.

Exec: Executive Committee meets 4th Wednesdays of the month at 2:00 p.m.

F&B: Finance & Budget Committee meets 4th Wednesday of the month at 1:00 p.m.

PRAC: Provider Relations Advisory Committee meets Quarterly 3rd Wednesday of meeting month at 9:30 a.m.

CHCAC: Children’s Health Consultant Advisory Committee meets 3rd Tuesdays every 2 months at 8:30 a.m.

ECAC: Executive Community Advisory Committee meets 2nd Wednesdays of the month at 10:00 a.m.

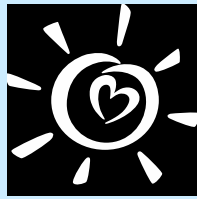
TAC: Technical Advisory Committee meets 2nd Thursday of meeting month at 2:00 PM

JPA and LACH: Joint Powers Authority and L.A. Care Community Health Plan meet concurrently with a BoG meeting

Meetings are usually held at 1200 W. 7th Street, 90017, Except where *offsite* meetings are indicated below or if a different address is posted on the meeting agenda.

<u>January 2025</u> <i>No Board meeting</i> 1/21 – CHCAC 1/16 – C&Q 1/22 –F&B, Exec 1/30 - TAC	<u>February 2025</u> 2/6 – BoG 2/12 – ECAC 2/19 – PRAC 2/20 – C&Q 2/26 –F&B, Exec	<u>March 2025</u> 3/6 BoG (tentative) 3/12 – ECAC 3/18 – CHCAC 3/20 - C&Q 3/26 – F&B, Exec TBD – GOV
<u>April 2025</u> 4/3 – BoG 4/9 – ECAC 4/10 - TAC 4/17 – C&Q 4/23 – F&B, Exec	<u>May 2025</u> 5/1– BoG 5/14 – ECAC 5/15 – C&Q 5/20 – CHCAC 5/21 - PRAC 5/28 – F&B, Exec	<u>June 2025</u> 6/5 – BoG (<i>offsite</i>)* 6/16 – C&Q 6/11 – ECAC 6/25 – F&B, Exec
<u>July 2025</u> <i>No Committee Meetings</i> 7/9 - ECAC 7/24 – BOG	<u>August 2025</u> <i>No Board meeting</i> <i>No ECAC meeting</i> 8/14 – TAC 8/21 – C&Q 8/19 – CHCAC 8/20 - PRAC 8/27 – F&B, Exec TBD – Audit	<u>September 2025</u> 9/4 – BoG (<i>all day retreat</i>) 9/10 - ECAC 9/18 – C&Q 9/24 - F&B, Exec TBD –GOV
<u>October 2025</u> 10/2 BoG (tentative) 10/9 - TAC 10/8 – ECAC 10/16 – C&Q 10/21 - CHCAC 10/22 - F&B, Exec	<u>November 2025</u> 11/6 – BoG 11/12 – ECAC 11/19 – PRAC 11/19 - F&B, Exec** <i>**Due to Thanksgiving holiday</i> 11/20 – C&Q	<u>December 2025</u> 12/4 – BoG 12/10 – ECAC TBD – Audit <i>No other meetings</i>

*Offsite locations are tentative ***Revisions as highlighted**



L.A. Care
HEALTH PLAN®

Board of Governors
MOTION SUMMARY

Date: January 22, 2025

Motion No. EXE A.0125

Committee: Executive

Chairperson: Alvaro Ballesteros, MBA

Issue: L.A. Care Policy HR-501 requires that the Executive Committee annually review substantial changes to the Human Resources Policies.


New Contract **Amendment** **Sole Source** **RFP/RFQ was conducted**

Background: The revised policy is written to comply with changes to Regulatory, Legislative and Judicial changes, and reflect changes in L.A. Care’s practices.

Member Impact: L.A. Care members will benefit from this motion by receiving more efficient service from L.A. Care staff members, who will be thoroughly versed on L.A. Care Human Resource policies.

Budget Impact: None

Motion: **To approve the Human Resources Policy HR-214 (Employee Conduct & Discipline), as presented.**

	PROGRESSIVE — EMPLOYEE CONDUCT AND DISCIPLINE	HR-214
DEPARTMENT	HUMAN RESOURCES	
Supersedes Policy Number(s)		

DATES					
Effective Date	5/30/1996	Review Date	9/26/2024	Next Annual Review Date	9/26/2025
Legal Review Date	8/5/9/2024 6/2019	Committee Review Date	Click here to enter a date.		

LINES OF BUSINESS			
Cal MediConnect	L.A. Care Covered	L.A. Care Covered Direct	MCLA
PASC-SEIU Plan	Internal Operations		

DELEGATED ENTITIES / EXTERNAL APPLICABILITY			
PP – Mandated	PP – Non-Mandated	PPGs/IPA	Hospitals
Specialty Health Plans	Directly Contracted Providers	Ancillaries	Other External Entities

ACCOUNTABILITY MATRIX			

ATTACHMENTS	

ELECTRONICALLY APPROVED BY THE FOLLOWING		
	OFFICER	DIRECTOR
NAME	Terry Brown	Ruben Simental Jyl Russell
DEPARTMENT	Human Resources	Human Resources
TITLE	Chief Human Resources Officer	Senior Senior Director, Human Resources Business Support Services, Learning Experience and Organizational Excellence



AUTHORITIES

- HR-501, “Executive Committee of the Board: HR Roles and Responsibilities”
- California Welfare & Institutions Code §14087.9605

REFERENCES

- [Policy CM-004, Social Media](#)

HISTORY

REVISION DATE	DESCRIPTION OF REVISIONS
12/4/2009	Revision
4/1/2014	Review
11/10/2016	Revision
8/20/2020	Review
9/26/2024	Revision, added definitions, title change to Employee Conduct and Discipline; list of conduct violations updated; disciplinary process updated to include Human Resources Business Partner. Moved types of conduct to a different section and other minor edits
9/26/2024	Moved types of conduct to a different section and other minor edits

DEFINITIONS

Please visit the L.A. Care intranet for a comprehensive list of definitions used in policies:
<http://insidelac/ourtoolsandresources/departmentspoliciesandprocedures>



1.0 OVERVIEW:

1.1 This policy is intended to enhance supervisor-employee relationships by promoting the exercise of sound business judgment and fair treatment of all employees in the areas of disciplinary corrective action and involuntary separation from employment, depending upon the particular circumstances involved. This policy serves as a management guideline and does not create contractual rights. It is not intended to provide an exception to or modify L.A. Care's employment at-will which provides that the employment relationship is voluntary and may be terminated at-will by either the employee or L.A. Care at any time with or without cause and with or without advance notice.

2.0 DEFINITIONS:

Whenever a word or term appears capitalized in this policy and procedure, the reader should refer to the "Definitions" below.

2.1 Standard of Conduct: - L.A. Care's performance and behavioral expectations of an employee's conduct while on duty or representing L.A. Care as specified in the L.A. Standard of Conduct policy.

2.2 Performance Improvement Plan (PIP)- A Performance Improvement Plan (PIP) is a plan that is drafted for the purpose of defining and aligning with management's performance expectations of the employee.

2.12.3 Disciplinary Action- A corrective action in response to employee's misconduct, policy violation, and/ or poor performance. Depending on the severity of the infraction, a disciplinary action can take different forms.

3.0 POLICY:

3.1 ~~Degrees of discipline are generally progressive and are used to ensure that the employee has the opportunity to correct his/ or her performance.~~ All persons employed by L.A. Care are responsible for observing applicable policies and procedures and a Standard of Conduct that requires truthfulness, honesty and personal integrity in all work activities. An employee's professional life is expected to be conducted in a manner that reflects positively on L.A. Care. Degrees of discipline are used to ensure the employee has the opportunity to correct his/her their performance or conduct. There is no set standard of how many documented discussions must be given by the supervisor prior to the issuance of a Pperformance IImprovement pPlan (PIP) or how many written warnings must precede termination. Determination of the level of discipline is at the discretion of the supervisor, manager, director or officer in conjunction with a Human Resources Business Partner (HRBP) and consideration of the following factors:

- 3.1.1** how many different offenses are involved
- 3.1.2** the seriousness of the offense
- 3.1.3** the time interval between previous disciplinary actions



3.1.4 previous work history of the employee

3.2 The following is a non-exhaustive list of the types of conduct that will result in immediate termination of employment:

3.2.1 Insubordination, improper conduct toward a supervisor or refusal to perform tasks appropriately assigned by a supervisor.

3.2.2 Possession, distribution, sale, use or being under the influence of alcoholic beverages, marijuana or illegal drugs while operating a vehicle or potentially dangerous equipment while on duty or while on any L.A. Care property premises. This also applies to any L.A. Care business, regardless of location, and during L.A. Care initiated gatherings or sponsored events, whether onsite or offsite, or during after work hours.

3.2.3 Actual or threatened violence against another person or L.A. Care property (e.g. attempt/use of force with the intent to commit injury or damage).

3.2.4 The unauthorized release, disclosure, publication (including posting on social media) or sharing of confidential information (including without limitation Personal Health Information [PHI], confidential personal information, any proprietary or trade-secret information, any information covered by employee’s confidentiality agreement, or is confidential under the law, L.A. Care policies, procedures, expectations or practice).

3.2.5 Theft or unauthorized removal or possession of property from L.A. Care, fellow employees, members or anyone on L.A. Care property.

3.2.6 Altering or falsifying any time-keeping record or destroying such a record.

3.2.7 Falsifying, altering or making a material omission on an employment application or any other L.A. Care record.

3.2.8 Fighting (verbal or physical) on L.A. Care property or while on duty at any L.A. Care event. Roughhousing, fighting, or behaving in a hostile manner while on L.A. Care property or while attending an L.A. Care business event, either on or off L.A. Care property.

3.2.9 Excessive personal use of L.A. Care’s property or resources during working hours.

3.2.10 Bringing on L.A. Care premises, property or work place dangerous or unauthorized materials, such as explosives, firearms or other similar items.

3.2.11 Rude, vulgar or inappropriate behavior or communications when speaking or dealing with L.A. Care staff, members, vendors, consumers, independent contractors or other non-employees of L.A. Care.

3.2.12 Sexual harassment or other unlawful harassment, whether verbal, physical, visual or on-line (any form of social media) and/or retaliation in violation of L.A. Care’s policies and procedures.



- 3.2.13 Making social media posts that are inconsistent with L.A. Care’s Social Media Policy CM-004.
- 3.2.14 Unauthorized recording of any conversation, telephone call, meeting or other occurrence.
- 3.2.15 Excessive absenteeism and tardiness or patterned absenteeism and tardiness on a recurring basis.
- 3.2.16 Inappropriate or offensive behavior including intimidating or coercing any other employee.
- 3.2.17 Unsatisfactory job performance.
- 3.2.18 Violating safety or health rules or practices or engaging in conduct that creates a safety or health hazard.
- 3.2.19 Sleeping while on duty.
- 3.2.20 Job abandonment resulting in three days of no call no show or other absences resulting in voluntary resignation or abandonment of job pursuant to applicable L.A. Care policies and procedures.
- 3.2.21 Working unauthorized overtime.
- 3.2.22 Failure or refusing to work assigned overtime.
- 3.2.23 Gambling on L.A. Care property, premises, work space or while on duty is prohibited.
- 3.2.24 Violation of L.A. Care policies, procedures, Code of Conduct or Standards of Conduct.
- 3.2.25 Horseplay or any other action that endangers others, company property or disrupts work.
- 3.2.26 Failure to complete mandatory compliance or other assigned training on time.
- 3.2.27 Violation of L.A. Care’s dress code.
- Any actions or situations that may negatively affect the business or work environment.

3.2.28

- ~~Exceptions~~ ~~f~~For serious offenses, such as without limitation
- ~~f~~Fighting (verbal or physical altercations);
- ~~T~~hreats of violence.
- ~~T~~heft;
- ~~I~~nsubordination;
- ~~t~~he sale or possession of drugs while on duty or on L.A. Care’s property or premises.

~~or a~~Abuse of alcohol or mind altering substance drugs while on duty or on L.A. Care’s property or premises, including but not limited to those specified below, termination may be the first and only disciplinary action taken.

~~3.1.5~~ The possession, distribution, sale, use, or being under the influence of alcoholic beverages, mind altering or intoxicating substance (legal or illegal) while on L.A. Care property, whether while on or off duty, or while operating a vehicle, or potentially dangerous equipment, while representing L.A. Care in the community, or while otherwise performing their work duties away from L.A. Care’s premises. This also



~~applies to any L.A. Care business, regardless of location, and during L.A. Care initiated gatherings or sponsored events, whether onsite or offsite, or during after work hours.~~

~~Violating the confidentiality of member and L.A. Care Information in accordance with applicable laws and regulations.~~

~~**3.3** Any step of the disciplinary process may be skipped at the discretion and/or approval of L.A. Care the Senior Director, Human Resources Business Support Services and Organizational Excellence, after appropriate assessment and analysis of the total situation, past practice and circumstances.~~

~~**3.23.4** All disciplinary actions are active for 12 months from time of being served.~~

~~**3.3** In general, documented discussions by your an employee's supervisor may be followed by a PIP and up to two written warning(s) or a PIP followed or by termination of employment. The following is a non-exhaustive list of the types of conduct that may result in any level of disciplinary action up to and including immediate termination of employment:~~

~~**3.4** Disciplinary Action Guidelines for Specific Serious Offenses~~

~~**3.5** Grounds for Immediate Termination~~

~~**3.5.1** Insubordination, including improper conduct toward a supervisor or refusal to perform tasks appropriately assigned by a supervisor.~~

~~**3.5.2** Possession, distribution, sale, use or being under the influence of alcoholic beverages, marijuana or illegal drugs while operating a vehicle or potentially dangerous equipment while on duty or while on any L.A. Care property property, while on duty, or premises while operating a vehicle or potentially dangerous equipment leased or owned by L.A. Care.~~

~~**3.5.3** Actual or threatened violence.~~

~~**3.5.4** Unauthorized release of trade secrets or confidential information about L.A. Care or its members. The unauthorized release, disclosure, publication (including posting on social media) or sharing of confidential information (including without limitation Personal Health Information [PHI], confidential personal information, any proprietary or trade secret information, any information covered by employee's confidentiality agreement, or is confidential under the law, L.A. Care policies, procedures, expectations or practice).~~

~~**3.5.5** Theft or unauthorized removal or possession of property from L.A. Care, fellow employees, members or anyone on L.A. Care property.~~

~~**3.5.6** Altering or falsifying any time keeping record or destroying such a record.~~

~~**3.5.7** Falsifying, altering or making a material omission on an employment application or any other L.A. Care record.~~



- ~~3.5.8 Fighting (verbal or physical) on L.A. Care property or while on duty at any L.A. Care event.~~
- ~~3.5.9 Excessive personal use of L.A. Care’s property or resources during working hours.~~
- ~~3.5.10 Bringing on L.A. Care premises, property or work place dangerous or unauthorized materials, such as explosives, firearms or other similar items.~~
- ~~3.5.11 Rude, vulgar or inappropriate behavior or communications when speaking or dealing with L.A. Care staff, members, vendors, consumers, independent contractors or other non-employees of L.A. Care.~~
- ~~Sexual harassment or other unlawful harassment, whether verbal, physical, visual or on-line (any form of social media) and/or retaliation in violation of L.A. Care’s policies and procedures.~~
- ~~Making social media posts that are inconsistent with L.A. Care’s Social Media Policy CM-004.~~
- ~~Unauthorized recording of any conversation, telephone call, meeting or other occurrence.~~
- ~~Unexcused absence(s) not including three days no call no show or other absences resulting in voluntary resignation or abandonment of job pursuant to applicable L.A. Care policies and procedures.~~
- ~~Excessive absenteeism and tardiness or patterned absenteeism and tardiness on a recurring basis, excluding absenteeism resulting in voluntary resignation or abandonment of job pursuant to applicable L.A. Care policies and procedures.~~
- ~~Excessive tardiness.~~
- ~~Inappropriate or offensive behavior including intimidating or coercing any other employee.~~
- ~~Unsatisfactory job performance.~~
- ~~Violating safety or health rules or practices or engaging in conduct that creates a safety or health hazard.~~
- ~~Sleeping while on duty.~~
- ~~Job abandonment resulting in three days of no call no show or other absences resulting in voluntary resignation or abandonment of job pursuant to applicable L.A. Care policies and procedures.~~
- ~~Working unauthorized overtime.~~
- ~~Failure or refusing to work assigned overtime.~~
- ~~Gambling on L.A. Care property, premises, work space or while on duty.~~
- ~~Violation of L.A. Care policies, procedures, Code of Conduct or Standards of Conduct.~~
- ~~Horseplay or any other action that endangers others, company property or disrupts work.~~
- ~~Failure to complete mandatory compliance or other assigned training on time.~~
- ~~Violation of L.A. Care’s dress code.~~



~~Any actions or situations that may negatively affect the business or work environment.~~

~~3.5.12~~

~~3.6~~ Ground for Verbal, Written Warnings and ultimate Termination

~~3.6.1~~ Unexcused absence not including three days no call no show or other absences resulting in voluntary resignation or abandonment of job pursuant to applicable L.A. Care policies and procedures.

~~3.6.2~~ Excessive absenteeism or patterned absenteeism on a recurring basis, excluding absenteeism resulting in voluntary resignation or abandonment of job pursuant to applicable L.A. Care policies and procedures.

~~3.6.3~~ Excessive tardiness.

~~3.6.4~~ Inappropriate or offensive behavior including intimidating or coercing any other employee.

~~3.6.5~~ Unsatisfactory job performance.

~~3.6.6~~ Violating safety or health rules or practices or engaging in conduct that creates a safety or health hazard.

~~3.6.7~~ Sleeping while on duty.

~~3.6.8~~ Job abandonment.

~~3.6.9~~ Working unauthorized overtime.

~~3.6.10~~ Failure to work assigned overtime.

~~3.6.11~~ Gambling on L.A. Care property, premises, work space or while on duty.

~~3.6.12~~ Violation of L.A. Care policies, procedures or Standards of Conduct.

~~3.6.13~~ Horseplay or any other action that endangers others, company property or disrupts work.

~~3.6.14~~ Failure to complete mandatory compliance or other assigned training on time.

~~3.6.15~~ Violation of L.A. Care's dress code.

~~3.6.16~~ Any actions or situations that may negatively affect the business or work environment

4.0 PROCEDURES:

~~4.1~~ 4.1 Coaching may take place any time before or during the time that formal disciplinary action takes place. ~~DISCIPLINE—GENERAL GUIDELINES~~

~~4.1.1~~ Discipline may be initiated for various reasons. - The severity of the discipline generally depends on the nature of the offense and an employee's record and may range from verbal counseling to immediate termination.



4.1.24.1.1 Where appropriate, the ~~progressive~~ discipline procedure consists of:

4.1.2.14.1.1.1 ~~Performance Improvement Plan (PIP)~~ Documented Verbal Reminder

~~A formal plan of action where an HRBP is present to document performance issues and provide the employee with an opportunity to improve within a reasonable timeframe. A PIP may affect the employee’s annual merit increase and their his/her monthly or annual incentive bonuses. If an employee takes a leave of absence before the end of the restriction period, the period resumes when he/she returns to work. A documented verbal reminder is an official documented conversation that is the first formal step in the progression of discipline. It serves to remind the employee of the gap between expected performance/behavior and actual performance/ behavior.~~

4.1.2.24.1.1.2 ~~Written Warning~~

~~Creates a period of restriction for a specified period of time in which the employee cannot transfer or promote to another position. A written warning may affect monthly and annual incentive bonuses. If an employee takes a leave of absence before the end of the restriction period, the period resumes when he/she returns to work. An official documented conversation in which where an the HRBP may be is present and employee is formally notified of substandard work performance/ behavior. A written warning need not pertain to the same or similar offense for which a verbal counseling was given.~~

4.1.2.34.1.1.3 ~~Final Written Warning~~

~~An official documented conversation where an in which the HRBP is present present, and the employee is formally notified that The employee is they are given being provided with one final opportunity to improve his/her their performance/ behavior. A final written warning creates a period of restriction for a specified period of time in which the employee cannot transfer or promote to another position. - A final written warning may affect the employee’s annual merit increase and his/her the employee’s monthly or annual incentive bonuses or receive monthly or annual incentive bonuses. If an employee takes a leave of absence before the end of the restriction period, the period resumes when he/she returns to work.~~

4.1.34.1.2 ~~Discharge/Termination~~

Any or all of these steps may be utilized depending upon individual circumstances and the nature of the infraction. Suspension can occur at any



time in the disciplinary process. Moreover, exceptions or deviations from this procedure may occur whenever L.A. Care deems it appropriate. Determination of the level of discipline is at the discretion of the supervisor, manager, director or officer in conjunction with Human Resources and consideration of the following factors:

- 4.1.3.14.1.2.1 how many different offenses are involved
- 4.1.3.24.1.2.2 the seriousness of the offense
- 4.1.3.34.1.2.3 the time interval between disciplines
- 4.1.2.4 previous work history of the employee

4.1.3.4

~~Progressive d~~Discipline should be timely and follow, as closely as possible, the incident requiring the disciplinary action.

4.2 — PROCEDURE — PROGRESSIVE DISCIPLINE

4.2.14.1.3 With the exception of performance problems and/or violations of L.A. Care policies, procedures, Code of Conduct or applicable laws requiring more stringent action, employees should normally be counseled at least once verbally by their supervisor before receiving disciplinary action.

4.2.24.1.4 All discussions must be documented by the supervisor.

4.2.34.1.5 In the event of a another performance problem where, a PIP ~~should~~ is be issued, the following guidelines should be adhered to:-

4.2.3.14.1.5.1 The PIP should be signed and dated by the employee. If the employee refuses to sign the PIP, the witness to the ~~disciplinary~~ meeting (usually the ~~HR Representative~~HRBP) should sign and note that the employee was provided a copy but refused to sign the document.

4.2.3.24.1.5.2 The PIP should inform the employee of the possible consequences of not successfully completing the PIP including ~~further~~ disciplinary action up to and including termination of employment.

~~The department manager or supervisor (with the HRBP approval) may terminate employment while at any time during the PIP is period active and/or if he/shethey believes that the prospects of continued employment are not satisfactory or viable.~~



~~4.2.3.3~~

~~4.1.5.3~~ A PIP ~~need not pertain~~ is not exclusive to the same or similar offense for which a ~~verbal counseling~~ disciplinary action was given.

~~4.2.3.44.1.5.4~~ A PIP close out memo is provided at the conclusion of a PIP which will provide the status of performance to the plan.

~~4.2.44.1.6~~ In the event of ~~another a~~ performance problem ~~where~~, a written warning ~~should be~~ issued. the following guidelines should be adhered to:-

~~4.2.4.14.1.6.1~~ The warning should be signed and dated by the employee. If the employee refuses to sign the warning, the witness to the disciplinary meeting (usually the ~~HR Representative~~ Human Resources Business Partner (HRBP)) should sign and note that the employee was provided a copy but refused to sign the warning.

~~4.2.4.24.1.6.2~~ The warning should inform the employee of the possible consequences of not improving and sustaining performance expectations which could include further disciplinary action up to and including termination of employment.

~~4.2.4.3~~ A written warning ~~need not pertain to the same or similar offense for which a verbal counseling was given.~~

~~4.2.4.4~~ If a third offense occurs within the restriction period of a previous written warning, a final written warning should be issued.

~~4.2.4.5~~ The warning should be signed and dated by the employee. If the employee refuses to sign the warning, the witness to the disciplinary meeting (usually the ~~HR Representative~~) should sign and note that the employee was provided a copy but refused to sign the warning.

~~4.2.4.6~~ The warning should inform the employee that termination may result if further performance problems occur.

~~4.2.4.74.1.6.3~~ A final written warning need not ~~pertain be~~ exclusive to the same or similar offense for which any prior PIP or written warning was issued.



~~4.2.5~~ If the employee fails to improve his/her level of performance, termination may result.

~~4.2.64.1.7~~ Managers/Supervisors must contact their HRBP Chief ~~Human Resources Officer~~ or the ~~or designee~~ Senior Director, Human Resources Business Support Service, Learning Experience and Organizational Excellence prior to the termination of an employee.

~~4.2.74.1.8~~ L.A. Care reserves the right to deviate from this policy if and when it feels that circumstances warrant such a deviation. Immediate termination for one offense may therefore occur if the employer deems it appropriate. In addition, ~~progressive~~-discipline is not applicable to staff reductions and layoffs.

~~4.34.2~~ Documented Verbal Reminder, PIP, written, and final written and PIPs, warnings must be documented on HR approved forms and should not be issued without the support and consent of Human Resources ~~an HRBP~~.

~~5.0~~ **MONITORING:**

~~5.15.0~~ Human Resources reviews its policies routinely to ensure ~~that~~ they are updated appropriately and has processes in place to ensure that the appropriate required steps are taken under this policy.

~~6.0~~ **REPORTING:**

~~6.16.0~~ Any suspected violation of this policy should be reported to your Human Resources Business Partner ~~HRBP~~.

7.0 L.A. Care reserves the right to modify, rescind, delete, or add to this policy at any time, with or without notice.