	THE JOHNS HOPKINS HEALTH SYSTEM CORPORATION AND THE JOHNS HOPKINS HOSPITAL HUMAN RESOURCES POLICY and PROCEDURE MANUAL	Policy Number	ELR610
		Effective Date	November 1, 2000
	<u>Subject</u> Staff Request Not To Participate In Patient Care	Page	Page 1 of
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## **POLICY**

It is the policy of the Johns Hopkins Health System Corporation (JHHSC) and The Johns Hopkins Hospital (JHH) to allow employees or employee candidates to request not to participate in an aspect of patient care including treatments that conflicts with their personal cultural values, personal ethics or religious beliefs.

## **PURPOSE**

To establish guidelines to ensure that patients will be treated with respect and that their care and treatment will not be adversely or negatively affected if the request of an employee or an employee candidate not to participate in an aspect of patient care including treatment is granted.

To ensure Hopkins has guidelines that outline the method by which employees and employee candidates may request not to participate in an aspect of patient care including treatments that conflict with their personal cultural values, personal ethics or religious beliefs.

To ensure employees and employee candidates are informed that they may request not to participate in an aspect of patient care including treatments that conflict with their personal cultural values, personal ethics or religious beliefs.

To establish guidelines for supervisors and managers to follow when an employee or an employee candidate request not to participate in aspect of patient care including treatments that conflict with their personal cultural values, personal ethics or religious beliefs.

## **REFERENCE**

JCAHO Standard HR.6.2  
Title VII of the Civil Rights Act of 1964

## **RESPONSIBILITIES**


### **Manager/Supervisor shall:**

1. Assure that all employee requests are handled in accordance with this policy statement.
2. Carefully consider the employee's request and reasoning, the availability of other staff members to perform the aspect of patient care or treatment which the employee requests not to perform, the effect that granting the request would have on patient care, the nature and urgency of the aspect of patient care, and other pertinent matters when deciding whether to accommodate an employee's request.
3. Attempt to accommodate employee requests by arranging for another staff member to perform the aspect of patient care or treatment which the employee requests not to perform, as long as this can be accomplished without affecting patient care or treatment adversely.
4. Excuse the employee from duty if reassignment is not possible, as long as this can be accomplished without affecting patient care or treatment adversely.
5. Notify Human Resources and Department Head of an employee's request not to participate in an aspect of patient care or treatment and document the outcome of the request.

### **The employee shall:**

1. Notify their supervisor or manager, in writing, that a conflict exists between their personal values, personal ethics, or religious beliefs and an aspect of patient care or treatment. (Verbal requests

are discouraged, but will be considered on the basis of existing circumstances.)

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2. Perform all duties as assigned if their supervisor or manager determines that their request for accommodation cannot be met because it would adversely affect patient care or treatment.
3. Consider a temporary duty reassignment if it can be accomplished without adversely affecting patient care or treatment.
4. Seek and accept assignment in a different job or department through the bidding process.
5. Consider being excused from duty without regular pay or using eligible paid time off in cases where accommodating the request may adversely affect patient care including treatments.
6. Consider resignation if accommodation cannot be made without adversely affecting patient care including treatments.

**Human Resources (Office of Employee & Labor Relations) shall:**

1. Review and exercise every effort to develop a satisfactory solution if management cannot resolve the employee's request.
2. In cases where an employee's request cannot be met, initiate bidding efforts in a different work area that may accommodate the employee's request.
3. If no positions can be identified that will accommodate the employee's personal cultural values, personal ethics or religious beliefs, the employee will be placed on an "inactive status" pending successful bidding to a different position.
4. If after 30 days in the inactive status no position can be located, the employee will be separated from Hopkins.

**PROCEDURES**

Hopkins is committed to the delivery of quality health care to all patients. This commitment extends to situations where an employee's personal cultural values, personal ethics and religious beliefs may conflict with some aspects of patient care or treatments. When the commitment to patient care delivery conflicts with an employee's personal cultural values, personal ethics or religious beliefs, the conflict must be resolved in such a way that patient care is not negatively affected.

The following are examples of orders or procedures which may conflict with an employee's personal cultural values, personal ethics or religious beliefs. Other conflicts may exist, and these examples are not the only ones in which this policy can be applied.


- |   |  |
|---|--|
| 1. Therapeutic abortions                        | 2. Withdrawing life-sustaining support                 |
| 3. Blood transfusions, blood product management | 4. Use of experimental drugs, procedures or treatments |
| 5. Withholding nourishments and fluids          | 6. Vaccines and immunizations                          |

**Pre-employment:** (Employee Candidates)

During the employment interview process, applicants will be advised of the job requirements and duties of the position. It is the candidate's responsibility to notify the interviewing official of a conflict between the job duties and the individual's personal cultural values, personal ethics and/or religious beliefs.

All employee candidates are to complete the Disclosure (see Attachment 1) before a job may be

offered.

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If a conflict is identified during the employment interview, the following steps will be initiated (A copy of the form is to be sent to Office of Employee & Labor Relations who is to be contacted by interviewing official for primary consultation):


1. Other positions will be explored with the job applicant. Accommodation in positions will not normally be made unless such accommodation is to the benefit of patient care or treatments and Hopkins.
2. If no other position can be found or accommodation is not deemed appropriate, employment of the candidate will not be pursued.

**Post-employment:** (Current Employees)

Situations may arise that would create a conflict between patient care or treatment plans and an employee's personal cultural values, personal ethics or religious beliefs.

When there is a conflict the following shall be initiated:

1. An employee is to notify their immediate supervisor of the conflict and the desire not to perform the treatment or procedure for the assigned patient(s) and complete the Disclosure (See Attachment 1). The Office of Employee & Labor Relations is to be contacted by the supervisor for primary consultation and a copy of the form is to be sent to the Employee & Labor Relations office.
2. The employee's immediate supervisor should notify the Department Director/Manager of the employee's desire not to participate. The employee's request will require the supervisor to explore the following options with the employee:
  - a. The supervisor may accommodate the employee's personal cultural values, personal ethics or religious beliefs by changing patient care assignments with other employees. However, any accommodation made must be in the best interest of patient care and Hopkins's overall operational demands. Reassignments that compromise patient care will not be considered.
  - b. Where accommodation cannot be made that is in the best interest of patient care and Hopkins, or the employee refuses to accept the accommodation, the employee may exercise the following options:
    1. The employee can be excused from duty and use eligible benefit paid time off once the patient(s) have been reassigned to other staff.
    2. The employee may resign their position in the area where the conflict exists and may attempt to locate a position in Hopkins whereby the job duties of the position will not conflict with the employee's personal cultural values, personal ethics and/or religious beliefs. If no position can be located within a reasonable time, the resignation will be effective from Hopkins as well.
  - c. In emergency or life threatening situations, employees will carry out direct patient care or treatment orders until other arrangements can be made.
  - d. A previously made accommodation may not be possible 100% of the time depending on the existing circumstances.

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### **Department Responsibilities:**

The Department Director has the overall responsibility for ensuring that patient care or treatment is not negatively affected should an employee request not to treat a patient based on the employee's personal cultural values, personal ethics or religious beliefs.

The Department Director/Manager may utilize whatever means necessary to meet responsibility of patient care/treatment. Such measures may include, but are not limited to the following:

1. Reorganizing staff assignments
2. Authorizing use of overtime for staff to cover patient needs
3. Calling in additional staff to meet patient needs
4. Consulting with Office of Employee & Labor Relations

Department Manager/Supervisor has the responsibility for patient care or treatments and Hopkins' overall operational demands must have priority.

### **Human Resources (Office of Employee/Labor Relations) Responsibilities:**

When contacted by a Manager/Supervisor regarding a conflict, the office shall assist in developing options for resolution including recommending contacting the following areas, if appropriate:

(Note - none of these offices should be contacted directly by the supervisor/manager or the employee. It is imperative to follow the intent and the procedures of the Policy.)

1. Office of Diversity and EEO/AA
2. Department of Pastoral Care
3. Members of Hopkins Ethics Committee
4. Nursing Administration
5. Legal Office of Employment Affairs

### **SPONSOR**

Vice President, Human Resources

### **REVIEW CYCLE**

3 Years

### **APPROVAL**

\_\_\_\_\_  
Vice President, Human Resources  
Human Resources

\_\_\_\_\_  
Date