

Exhibit A

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

JEANNE RHOADES,

Plaintiff,

vs.

BJC HEALTH SYSTEM, et al.,

Defendants.

Case No.

**AFFIDAVIT OF CAITLIN O'BRIEN IN SUPPORT  
OF DEFENDANTS' MOTION TO DISMISS**

I, Caitlin O'Brien, having been duly sworn on my oath, hereby declare and state as follows:

1. I am employed by Defendant BJC Health System. I am authorized to make this affidavit on behalf of Defendants BJC Health System and the other named Defendants, which are affiliate organizations of BJC Health System. I am over the age of eighteen and am competent to testify regarding the matters described herein.

2. I have worked for Defendant BJC Health System since December 15, 2013. My current job title is Project Manager. In the regular course of my job duties, I am familiar with business records relating to Defendants' personnel policies. Before I began working for Defendant BJC Health System, I was employed by Defendant Barnes Jewish Hospital from March 29, 2010 until December 14, 2013.

3. I have reviewed the documents attached to Plaintiff's Complaint as Exhibits A, B, C, and D. Exhibits A, B, C, and D to Plaintiff's Complaint are true and correct copies of some personnel policies pertaining to certain employees of Defendants at different periods of time.

4. Exhibits A, B, C, and D to Plaintiff's Complaint only reflect some of the policies that are part of a much larger collection of policies applicable to various employees of Defendants.

Attached to this affidavit as BJC-1 is a true and correct copy of the Table of Contents for personnel policies issued by Defendants. This table references the policies attached as Exhibits A, B, C, and D to Plaintiff's Complaint.

5. Attached to this affidavit as Exhibit BJC-2 is a true and correct copy of another current personnel policy issued by Defendants. This policy is part of the same set of personnel policies that contains Exhibits A, B, C, and D attached to Plaintiff's Complaint.

I have read this Affidavit of 5 paragraphs and 3 pages (including this page), and am competent to testify to the matter stated herein, and swear that it is true and correct.

Caitlin O'Brien

Caitlin O'Brien

STATE OF Missouri )

COUNTY OF St. Louis )

SS

Subscribed and sworn to before me this 28<sup>th</sup> day of September, 2017.

Sarah L. Keller

Notary Public

My Commission Expires:



SARAH L. KELLER  
My Commission Expires  
April 11, 2020  
St. Louis County  
Commission #12326494

31271984.1

31369513.1

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## **BJC HEALTHCARE**

**APPLIES TO:** ALL BJC HEALTHCARE SERVICE

**ORGANIZATIONS TITLE:** POLICY ON POLICIES

**NUMBER:** 2.01

**PURPOSE:** To maintain a clear and consistent process and controls for the creation, review, revision or elimination of BJC HealthCare's human resources policies. This policy will further help to ensure that all human resources (HR) policies adopted are legally compliant, have administrative integrity and support BJC's vision as well as proactive employee relations philosophy. This policy supersedes any and all prior policies regarding the creation, revision, approval, or deletion of BJC HR policies.

- A. **Contents.** A "policy" is defined as a statement of principles, values or intents to guide the activities toward organizational goals. Policies have broad application and help to ensure compliance with applicable laws and regulations, promote operational efficiencies, and ensure the equitable and fair treatment of our employees. (While a "practice," defined as habitual or customary performance may become engrained in an organization's culture, it is not considered policy.) When necessary, policies will also contain procedural guidelines for carrying out the policy.
- B. **Responsibility.** The Human Resources Executive Council (HREC), which includes BJC's Senior Vice President and Chief Human Resources Officer (SVPCHRO), has responsibility for the creation, review, revision, elimination and approval of BJC's human resources policies.
- C. **Compliance.** It is the responsibility of all members of management and those with supervisory roles to abide by and support BJC policy. Moreover, all employees have responsibility to report violations of policy to their manager, their human resources representative, or the BJC Compliance Department.
- D. **Process for Creation, Review, Revision, Elimination, and Approval of a Policy.**
  1. **Coordination.** This process will be coordinated by the Director of Human Resources, BJC HealthCare.
  2. **Determination of Need.**
    - a. Creation, review, revision or elimination of a policy is appropriate when necessary to:
      - Ensure consistent application of policy or work standards, identify unwritten practices, or clarify current policies;
      - Ensure legal compliance with new or existing legislation;
      - Ensure proactive employee relations;
      - Ensure best practices or market considerations that will contribute to our ability to stay competitive; and/or
      - Further BJC's vision.

3. Proposal for Change

- a. All proposals for the creation, review, revision, elimination, and approval of a policy will be proposed via the Policy Worksheet (Attachment A) and must include:
  - An executive summary identifying the current issues or opportunities;
  - A problem or opportunity statement containing the potential impact to employee relations, business, financial and community impact;
  - The purpose of the policy (if applicable i.e., for newly created policies)
  - The scope of the policy and other necessary considerations (if applicable i.e., for newly created policies);
  - An analysis of the impact on other BJC policies, and any related recommendations; and
  - Key stakeholders.
- b. Senior leaders at any HSO may propose a policy change to their local HR representative or HR leader by initiating the Policy Worksheet (Attachment A).
- c. The HR representative will partner with the senior leader or designee to determine appropriateness of request and completion of the worksheet.
- d. Once the worksheet is completed, the HR representative will submit the form to the most senior local HR leader (if necessary) for further consideration.
- e. Once approved for further consideration, the senior HR leader will submit the worksheet to the Director of HR, BJC HealthCare.
- f. The Director of HR, BJC HealthCare will then review and gain support of change from the SVPCHRO and/or HREC before further action is taken.
  - If the change is approved, proceed to section D, Research and
    - Development of Policy.
  - If the change is not approved, the decision will be communicated back to the Director of HR, BJC HealthCare, who will communicate the outcome to the requesting HR representative.

4. Research and Development of the Policy

- a. Responsibility for research and development of the policy may be assigned to ad hoc work groups by the SVPCHRO or designee. Such workgroups must contain at least one subject matter expert.
- b. It may also be necessary to consult key stakeholders within BJC such as local HR leaders, nursing leadership, finance, information technology, and legal. These groups can make recommendations based on the impact of the policy on BJC as well as on its viability and legitimacy.
- c. The ad hoc group will use the Policy Worksheet (Attachment A) as an initial starting point for review of proposed change.
- d. A summary of significant changes will be created and accompany the proposed policy.

5. Policy Approval

- a. Following legal review, the first draft of an HR policy will be submitted by the Director of HR, BJC HealthCare to the HREC for review at least two (2) weeks prior to discussion by the group. The members will discuss the proposed draft with their hospital or service organization's leadership groups and solicit input/feedback as necessary.
- b. The feedback from the first draft will then be reviewed and discussed by the HREC.
- c. Recommendations for further revisions will then be reviewed at the next available HREC meeting. A timeline for submission of a final draft will be identified and documented on the Policy Worksheet (Attachment B).

- d. The assigned subject matter expert or ad hoc work group will then:
      - Identify and resolve any outstanding issues identified by the HREC;
      - Revise the first draft; and
      - Submit a final draft to the SVPCHRO for final review and approval.
    - e. The SVPCHRO will determine whether a policy will need to be submitted to the
    - f. BJC's Senior Leadership.
    - g. The HREC, which includes the SVPCHRO, will approve the final draft by signing the policy worksheet attachment B or he/she will return the document to the Director of HR, BJC HealthCare for additional revisions.
2. Policy Review Timeline. A review of BJC HR policies will be conducted, at minimum every three years, by a team designated by the SVPCHRO. Policies may also be reviewed when necessary to support proactive employee relations, ensure legal compliance, or otherwise meet the needs of the organization or further BJC's vision. Such reviews will include an evaluation of:
  - a. Whether the policy is supporting BJC's goals and objectives;
  - b. Consistency of application among all BJC hospitals and service organizations;
  - c. Legal compliance; and
  - d. Its continued support of proactive employee relations.
3. Communication of Policy Changes. The approved newly created, revised, or eliminated policy will be given to the Director of HR, BJC HealthCare to work with the BJC HR Communications Team to determine and execute the communication and change management strategy. The Director of HR, BJC HealthCare will ensure the new approved policy is posted on BJC's HR website.
4. Retention and Revision History. Out of date revised or eliminated policies will be retained within BJC's HR department. These policies will be retained for at least three (3) years (or longer, depending upon legal and/or regulatory requirements) within BJC's HR department. The summary of changes should accompany the new, revised policy.

ORIGINAL EFFECTIVE DATE: September 1, 2009

REVIEW DATE: NA

APPROVED BY: Human Resource Executive Council