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	Department Human Resources	Version No. 2.0	Effective Date 9/18/2020
EMPLOYEE DISCIPLINARY ACTION POLICY Issued: 01/18/18			

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1.0 **Purpose**

This Policy establishes Constellis’ (the Company and its subsidiaries) guidelines for implementing fair and consistent disciplinary action when employees violate a Company Policy, Procedure, or other type of work instruction; perform unsatisfactorily; and/or conduct themselves inappropriately. It is not practical to list every act of misconduct or job performance issues which may require disciplinary action so this policy is not all inclusive of occurrences which may result in disciplinary action.

2.0 **Policy Summary**

Constellis prides itself on providing exceptional service to our customers and maintaining a safe, orderly and efficient work environment. To accomplish this, our employees must maintain the highest standards regarding conduct, quality of job performance, personal integrity, and professionalism. Our goal is to encourage employees to correct problems when issues occur. Employees are responsible for complying with all company policies and procedures, performing satisfactorily, and conducting themselves appropriately, as determined by management.

These disciplinary guidelines do not create a contract of employment or binding terms and conditions of employment and do not alter the at will employment relationship. Either the Company or the employee may terminate the employment relationship at any time, with or without cause, or notice.

When a Discipline Policy/Procedure, Standard Operating Procedure (SOP), and/or Directive exists at the contract/program level, these too must be followed; as well as discipline policies/procedures included in an applicable Collective Bargaining Agreement.

3.0 **Scope**

This Policy applies to all Constellis employees; where employees are covered by a Collective Bargaining Agreement (“CBA”) or a program or project issued Progressive Discipline Procedure or document with a similar name, the CBA and the locally issued Progressive Discipline Procedure will take precedence if there are any conflicts between them and this Policy.

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4.0 Policy

All employees will be disciplined for failure to adhere to Company Policies and Procedures, performance failures, and other conduct deemed improper by the Company (hereinafter, “Improper Conduct”). The Company may, in its sole discretion, use whatever form of discipline it deems appropriate based on the circumstances surrounding the Improper Conduct, up to and including termination of employment. This Policy and/or the use of progressive discipline in any given situation does not require the Company to engage in any progressive process prior to terminating or otherwise disciplining an employee and is not intended to limit, in any manner, the Company’s ability and right to impose disciplinary action up to an including termination at its discretion without first imposing lesser forms of discipline or corrective action. Specific types of conduct, listed in Appendix A to this Policy, may result in immediate termination.

Depending on the nature of the employee conduct or performance issue in question, the Company will determine what disciplinary action is appropriate. When it is determined that discipline is necessary, it will be applied consistent with actions taken with other similarly-situated employees and in proportion to the seriousness of the violation.

When deemed appropriate by the Company, progressive discipline will be utilized. The purpose of progressive discipline is to provide employees with an opportunity to correct behavior and improve performance. The various forms of disciplinary action include, but are not limited to:

- **Verbal Counseling:** creates an opportunity for managers to meet with employees and bring attention to existing performance, conduct or attendance issues. Managers will discuss with the employee the nature of the problem or the violation of company policies and procedures and describe expectations and steps the employee must take to improve performance or resolve the problem.
- **Written Warning:** involve more formal documentation of the performance, conduct or attendance issues and consequences. Managers will meet with the employee to review any additional incidents or information about the performance, conduct or attendance issues as well as any prior relevant corrective action plans. Management will outline the consequences for the employee of his or her continued failure to meet performance or conduct expectations. HR should be in attendance for delivery.
- **Suspension:** There may be performance, conduct or safety incidents so problematic that the temporary removal of the employee from the workplace is warranted. When immediate action is necessary to ensure the safety of the employee or others, the immediate manager in coordination with HR may suspend the employee pending the results of an investigation.
- **Termination:** The most serious step in the progressive discipline procedure is a recommendation to terminate employment. Generally, Constellis will try to exercise the progressive nature of this policy by first providing verbal counseling, written warning, or suspension from the workplace before proceeding to a recommendation to terminate employment. However, Constellis reserves the right to combine and skip steps depending on the circumstances of each situation and the nature of the offense.

Supervisors should work with their Human Resources point of contact when documented warnings are issued up through the termination stage, as deemed appropriate, to seek advice or gain concurrence for approvals for termination. Managers must consult with Human Resources prior to issuing final warnings or suspensions and provide Human Resources with the documentation to establish cause for the action for the employee’s

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personnel file. The Constellis Delegation of Authority Policy requires the approval of the Chief Human Resource Officer, the Vice President of Legal and applicable EMT member, unless otherwise delegated, for all terminations.

RELATED DOCUMENTS

- **Appendix A - Improper Conduct (attached)**
- **Delegation of Authority Policy**
- **Employee Disciplinary/Corrective Action Notice**

VERSION HISTORY

	Version	Version Date	Author	Description
1	1.0	01/18/2020	Human Resources	Initial version
2	2.0	09/18/2020	Beth Skoletsky	Revisions to Section 4.0; created Appendix A

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APPENDIX A: Improper Conduct

Below is a list of Prohibited Conduct that may result in immediate dismissal. It is also not practical to list every act of misconduct or job performance issues which may require disciplinary action therefore, this Appendix is not all inclusive of occurrences which may result in disciplinary action.

- Refusal to work or follow instructions.
- Insubordination or other disrespectful conduct.
- Not complying with company policies and procedures.
- Unprofessional behavior or conduct that negatively affects the Company’s business interests or reputation.
- Engaging in threats or acts of violence during working hours or on customer or company property to include violations of workplace violence policy.
- Intoxication on the job or reporting to work in an impaired state or any other violation of the drug and alcohol policy. (This applies to alcohol, drugs, or any substance that alters perception or awareness and that inhibits normal human response).
- Theft, vandalism, dishonesty, fraud or bribery.
- Removing or borrowing customer or company property without prior authorization.
- Unauthorized taking, reproduction, and/or distribution of company and/or customer proprietary or confidential information.
- Willful or reckless destruction of customer or company property.
- Unauthorized use of mobile phones, tape players, televisions, computers, tablets, DVDs or other electronic devices not specifically authorized.
- Unauthorized or careless use of firearms or other weapons on company or customer property to include unintentional discharge.
- Possessing unauthorized weapons on company or customer property.
- Prohibited harassment (including sexual or discriminatory) of employees, customer employees or members of the public in violation of the Company’s Equal Opportunity and Harassment policies.
- “Horseplay” or any other activity with potentially serious consequences such as personal injury or property damage.
- “No call, No show” absence(s).
- Excessive unexcused absenteeism, lateness, or time away from the workstation.
- Unauthorized absence from assigned work area.
- Unsatisfactory Job performance
- Conviction of or pleading guilty to any criminal act which is job related and the Company has a business necessity to take disciplinary action
- Failure to immediately report to your supervisor your arrest, when required for your position, or your conviction.
- Falsification or fraudulent alteration of any company or customer-provided document or record.
- Sleeping on duty
- Inattention while on duty.
- Unlawful conduct off the work premises or during nonworking hours which affects the Company’s property, reputation, or goodwill in the community.
- Aiding a competitor or any other act that intends to inflict injury upon the Company or its customers.
- Unnecessary use of force.
- Immoral conduct or indecency while at work.
- Failure to return to work upon expiration of a company approved leave of absence.
- Inability to obtain and maintain certifications, licenses, clearances, etc. required for the position.
- Soliciting or accepting bribes or kickbacks.
- Violations or disregard of major safety rules and regulations which may potentially endanger the safety and/or life of the employee or others.
- Any other reason that the Company determines, in its sole discretion, warrants termination.