

SOP Subject	Disciplinary Action, Grievances & Other Policies	Authorized By	Ken Fong
Category	Human Resources	Status	Draft
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Introduction	
Purpose	Provide standard policies relating to discipline, grievances and termination for cause
Personnel Concerned	All ResQSoft staff
Directives Cancelled	None
Distribution	Email and SharePoint
Originator	ResQSoft Office of Human Resources

Revision History	
1.0	

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1.0 Standard Operating Procedure Summary: Disciplinary Action, Grievances and Other Policies

- ResQSoft is vitally concerned that all employees have clear guidelines that will enable them to perform their duties with maximum efficiency and job satisfaction, to work effectively and efficiently with co-workers and to be informed of their rights as employees and their responsibilities to ResQSoft.
- ResQSoft specifically reserves the right to discipline employees for conduct as it, in its sole discretion, deems appropriate.
- If an employee believes his or her employment rights or entitlements to be violated, the employee may file a grievance claim in accordance with procedures set forth herein.

2.0 Standard Procedures

2.1 Disciplinary Guidelines

ResQSoft is vitally concerned that all employees have clear guidelines that will enable them to perform their duties with maximum efficiency and job satisfaction, to work effectively and efficiently with co-workers and to be informed of their rights as employees and their responsibilities to ResQSoft. ResQSoft specifically reserves the right to discipline employees for conduct as it, in its sole discretion, deems appropriate.

In many instances, common sense will dictate whether or not offenses have been committed that would warrant disciplinary action. Employees who fail to meet the requirements of employee conduct will be subject to disciplinary action, which may range from a simple warning to termination of employment. In each case of misconduct or unsatisfactory performance, the appropriate disciplinary action will be determined at ResQSoft's discretion, on the basis of the particular facts and circumstances that may include, but are not limited to, the frequency, severity and seriousness of the misconduct. ResQSoft is not required to progress through any step prior to termination of an employee. Employees of ResQSoft are employees-at-will and, as such, may be terminated at any time, with or without cause except as may be agreed to in writing between ResQSoft and the employee.

Conduct that may warrant disciplinary action, and this list is to be used as a point of reference rather than being exhaustive, may include:

1. Failure to abide by Human Resources Policies or Standard Operating Procedures generally
2. Truancy without prior notice and supervisor approval
3. Treating co-workers or clients in an offensive or otherwise inappropriate manner
4. Misappropriation of or intentional damage to company property
5. Violation of company intellectual property rights and agreements, including failure to maintain confidentiality
6. Failure to respect the personal property of others
7. Failure to deliver work product or complete tasks as assigned by supervisors
8. Falsifying records, including time records and expense forms
9. Substance abuse
10. Violating company Leave policies, including Sick Leave and Administrative Leave



11. Failure to acknowledge or obey work or conduct requests of supervisors.

The following procedures are permissive and discretionary. Any listed procedure may be applied in any order deemed appropriate under the circumstances in question, and none of the listed procedures is a prerequisite to termination or dismissal.

2.2 Definitions

2.2.1 Verbal Warning

A verbal warning is administered by an employee's immediate supervisor whenever an employee has engaged in a relatively minor form of misconduct for which such warnings are appropriate. Verbal warnings are administered in individual conference between the supervisor and employee, during which the supervisor undertakes to explain fully the nature of the violation and the means by which the employee can ensure the violation will not be repeated. Evidence that the verbal warning was delivered is documented and signed by both parties, but the documentation is only retained by the immediate supervisor and is not made part of the employee's official personnel file.

2.2.2 Reprimand

An employee who persists in committing minor offenses for which a verbal warning has been issued previously or who commits a more substantial form of misconduct may be subject to a reprimand. A reprimand is a written statement that contains a specific description of the conduct for which the employee is being disciplined. Reprimands may be initiated only by the employee's immediate supervisor but must be approved, as evidenced by concurrent signature, of the supervisor's superior or a member of the ResQSoft Management Team. When an employee receives a reprimand, he or she must sign it to indicate that the reprimand has been properly received and noted. One copy of the reprimand must be given to the employee and another copy placed in the employee's official personnel record. The employee may, if desired, provide a written response to the reprimand, which will also be included in the official personnel file.

2.2.3 Disciplinary Probation

Employees who repeatedly engage in misconduct for which a reprimand has been issued or who engages in serious misconduct may be placed on disciplinary probation. Disciplinary probation must be made in writing and signed by the employee's immediate supervisor and two members of the ResQSoft Management Team, detailing the employee's misconduct, to be signed by the employee and with copy provided to the employee and another copy placed in the employee's official personnel file.

Disciplinary probation lasts for 1 calendar month, during which the immediate supervisor must conduct inquiry into the misconduct and notify the employee of the results of the inquiry. Disciplinary probation may be with or without pay. An employee subject to disciplinary probation without pay is not permitted to report for work until instructed to do so in writing.



2.3 Termination for Cause

Termination of an employee may occur as a result of one of the following:

1. The employee has engaged in major misconduct, including but not limited to moral turpitude, commission of a felony or gross insubordination.
2. The employee has, within a 12 month period, received more than one reprimand or has been placed on disciplinary probation.
3. The employee has demonstrated neglect of duty or otherwise evidenced incompetence or inability to perform his/her duties properly.

Any recommendation to terminate an employee for cause should be initiated by the employee's supervisor with concurrence of a simple majority of the ResQSoft Management Team. Only the CEO or the Technical Director has authority to terminate an employee and such notice must be sent in writing to the employee with copy in the employee's official personnel file.

Termination may take effect on the date of notification if, in the CEO's judgment, the seriousness of the cause is such that keeping the employee on the job would be detrimental to ResQSoft, the employee or other employees. If the CEO does not believe that immediate termination is necessary, a minimum of 2 weeks advance notice should be given or as may otherwise be stipulated in the relevant contract.

If an employee elects to resign prior to being informed that he or she will be terminated for cause, his/her official personnel record will reflect only that he/she resigned employment voluntarily.

Employees who are terminated for cause may appeal their termination in accordance with ResQSoft's grievance procedure, as detailed in Section 2.4 herein.

Employees terminated involuntarily must complete Exit Interview with Human Resources as a prerequisite to receiving the employees' final paychecks.

2.4 Grievance Procedure

A grievance is an allegation by an employee that the employee's employment rights and entitlements have been affected adversely resulting from a violation, misapplication or misinterpretation of ResQSoft's policies, regulations and procedures. A grievance may be filed by an individual employee or any number of employees who believe that they may have been adversely affected by the same action or actions and may be directed against the action(s) of one or more supervisors. All grievances shall be processed in accordance with the procedures set forth in this Section.

Grievances shall be filed and processed in accordance with the following:

1. A grievance must be filed in writing within 20 working days of the time the affected employee(s) knew or reasonably should have known of the event(s) giving rise to the grievance. The written grievance shall, at a minimum, indicate the action(s) being grieved and the dates of such action(s), the rule, regulation, practice or procedure allegedly violated and the remedy being sought. The grievance shall be filed with Human Resources.



2. Human Resources shall respond to the grievance in writing within 20 working days of the receipt of the grievance.
3. If Human Resources fails to respond within the required period, or if the response is unacceptable to the employee(s), the grievance may be escalated to the ResQSoft Management Team. The appeal must be made within 10 working days of the receipt of the grievance response from Human Resources or the date such response was due, whichever occurs earlier.
4. The ResQSoft Management Team, through one or more of its members, shall respond to the appeal in writing within 10 working days of receipt of the appeal.

The appeal response by the ResQSoft Management Team is final.

2.5 Sexual Harassment Policy

ResQSoft strives to provide a working environment for all employees that is free from sexual harassment. Sexual harassment in any form is unacceptable behavior and will not be tolerated. It is a form of misconduct that undermines the organizational mission of ResQSoft. Sexual harassment may be defined as unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct or written communication of a sexual nature when: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment experience; (ii) submission to or rejection of such conduct is used as the basis for employment decisions affecting such individual; or (iii) such conduct has the purpose or effect of unreasonably interfering with an individual's work or creating an intimidating, hostile or offensive work environment.

Sexual harassment may take many forms, and the determination of what constitutes sexual harassment will vary according to the particular circumstances. Sexual harassment may be described generally as unwelcome sexual behavior that a reasonable person would find offensive and that adversely affects the working environment. Sexual harassment may involve behavior by a person of either gender against a person of the same or opposite gender.

It is the responsibility of supervisors and the ResQSoft Management Team to ensure that employees under their direction or supervision are informed of this policy.

2.5.1 Reporting Incidents of Sexual Harassment

An individual who experiences sexual harassment shall immediately report that fact to his/her supervisor or, if the supervisor is the subject of the complaint, the report shall be made to Human Resources or a member of the ResQSoft Management Team. The initial complaint may be oral, but a formal investigation of the matter will not begin until the complaint is submitted in written form signed by the complainant. A member of the ResQSoft Management Team shall serve as the investigating officer for all such written complaints.

2.5.2 Investigating Reported Incidents of Sexual Harassment

Prior to initiating the investigation, the supervisor will notify the accused person(s) of the sexual harassment charge and of the impending investigation. The investigating officer set identified in Section 7.5.1 of these policies and procedures shall be disinterested.



The investigation will be non-adversarial and, as such, attorneys for either party will not be permitted to intercede during the investigation.

The investigating officer will interview and obtain relevant testimony from any and all persons who may have knowledge of the matter. Upon completion of the investigation, the investigating officer will make a determination of whether there was (i) no violation of the sexual harassment policy or (ii) suspected or probably cause violation of the policy. The determination shall be filed, along with the findings supporting such determination and any recommended further action to be taken, by the investigating officer in a formal report to the ResQSoft Management Team. The ResQSoft Management Team may approve or disapprove of the investigating officer's report and conduct further investigation into the matter or delete sanctions.

2.6 Drug-Free and Alcohol-Free Workplace

ResQSoft is committed to providing employees with a drug-free and alcohol-free workplace. The negative and mental effects of the use of alcohol and other drugs are well-documented and use may cause blackouts, poisoning, overdose, physical and psychological dependence, organ damage, inability to learn and remember information and psychological problems such as depression, psychosis and severe anxiety. ResQSoft prohibits the unlawful possession, use or distribution of illicit drugs and alcohol by any employee on its property and client sites or as part of any of its activities. Employees who violate this policy are subject to the full range of criminal penalties, including fines and imprisonment. In order to comply with Federal law, ResQSoft requires that an employee notify a supervisor in writing of any criminal drug statute conviction no later than 5 days after such conviction. ResQSoft must notify any Federal contracting agency or prime contractor, as applicable, within 10 days of having received notice that an employee engaged in the performance of such contract has had a criminal drug statute conviction for a violation occurring in the workplace. ResQSoft will impose sanction on, or require satisfactory participation in a drug/alcohol abuse assistance or rehabilitation program by any employee who is so convicted. Violations of these rules by an employee will be reason for evaluation/treatment for substance use disorder or for disciplinary action.

This policy applies to all employees. New employees will be briefed on and must acknowledge receipt of this policy during new employee orientation.

2.7 Garnishment of Employee Wages

ResQSoft is required by law to honor garnishment against an employee's wages. Affected employees will be notified when a garnishment order is received. He/she will be notified of the total amount of the garnishment and the starting date of the compensation deduction. The amount of deduction is determined by court decree, and that amount will be deducted from the employee's salary on a regular basis until the total debt is deemed satisfied.

3.0 Questions and Comments Relating to Disciplinary Action, Grievances and Other Policies



Any questions or comments relating to this SOP should be directed to the employee's or consultant's immediate supervisor. Any deviations from policy must be requested and approved in writing by the [ResQSoft PMO](#).

PMO Use Only

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