

ADMINISTRATIVE POLICY NO. 630

1. SUBJECT: CORRECTIVE ACTION POLICY

2. OBJECTIVE:

2.1. All Beartooth Electric Cooperative, Inc. (BEC) employees are expected to accept certain responsibilities, adhere to acceptable business principles in matters of personal conduct, exhibit a high degree of personal integrity at all times. This not only involves respect for the rights and feelings of others but also demands that employees refrain from any behavior that might be harmful to coworkers, or BEC as an organization, that might be viewed unfavorably by current or potential members or by the public at large. This includes, among other things, adherence to BEC's policies and the laws of Montana and Wyoming. Whether an employee is on or off duty, his/her conduct reflects on BEC. This policy and procedure specifies how BEC will respond when employees fail to meet this standard.

3. POLICY:

3.1. Corrective/Disciplinary Action

3.1.1. BEC retains the discretion to determine appropriate corrective disciplinary action and the exclusive right to evaluate employee performance and to take disciplinary action. Management has the discretion to determine whether disciplinary action is to be taken in a given instance and to decide what type of action is appropriate. Each disciplinary action will be handled on a case-by-case basis, there is no routine procedure or sequence of disciplinary action. Management will decide in each case what action is appropriate based on the facts and circumstances. Employees are expected to exhibit common sense and good judgment in their personal conduct. Union personnel are entitled to the provisions outlined in their contract.

3.2. Inappropriate Conduct

3.2.1. Listed below are types of behavior and conduct that BEC considers inappropriate and which could lead to disciplinary action up to and including an unpaid suspension or termination of employment. This list is not all-inclusive and is not intended to preclude discipline for other behaviors for which BEC deems discipline appropriate. It includes, but is not limited to, the following:

3.2.1.1. Falsifying employment or other BEC records;

3.2.1.2. Violating BEC's nondiscrimination and/or sexual harassment policy;

- 3.2.1.3. Soliciting or accepting gratuities from members or others with whom BEC does business;
  - 3.2.1.4. Establishing a pattern of unexcused excessive absenteeism or tardiness;
  - 3.2.1.5. Engaging in excessive, unnecessary, unauthorized use of BEC's supplies, particularly for personal purposes;
  - 3.2.1.6. Reporting to work intoxicated or under the influence of non-prescribed drugs;
  - 3.2.1.7. Illegally manufacturing, possessing, using, selling, distributing and/or transporting drugs;
  - 3.2.1.8. Bringing or using alcoholic beverages on BEC property or using alcoholic beverages while engaged in BEC business off BEC premises;
  - 3.2.1.9. Fighting or using obscene, abusive, threatening language or gestures;
  - 3.2.1.10. Stealing property from coworkers, customers or clients of BEC;
  - 3.2.1.11. Having unauthorized firearms or other weapons on BEC premises or while on BEC business;
  - 3.2.1.12. Disregarding safety or security regulations;
  - 3.2.1.13. Engaging in insubordination;
  - 3.2.1.14. Failing to maintain the confidentiality of BEC, customer or client information;
  - 3.2.1.15. Engaging in off-duty misconduct that reflects negatively on BEC or causes or has the potential to cause harm to BEC or its reputation and
  - 3.2.1.16. Violation of state and federal law which affects the employee's ability to perform the functions of his or her job which affects the business of BEC.
- 3.2.2. If an employee's performance, work habits, overall attitude, conduct or demeanor becomes unsatisfactory in the judgment of BEC, based on violations either of the above or of any other BEC policies, rules or regulations, the employee will be subject to disciplinary action, up to and including an unpaid suspension or termination.
- 3.2.3. An employee may also be subject to discipline for or termination based on an employee's failure to satisfactorily perform the duties and responsibilities of the employee's job.

### 3.3. Degrees of Discipline

3.3.1. Degrees of discipline are generally progressive and are used to ensure that the employee has the opportunity to correct his or her performance. There is no set standard of how many oral warnings must be given prior to a written warning or how many written warnings must precede termination. Factors to be considered are:

3.3.1.1. how many different offenses are involved.

3.3.1.2. the seriousness of the offense.

3.3.1.3. the time interval and employee response to prior disciplinary action(s).

3.3.1.4. previous work history of the employee.

### 3.4. Exceptions

3.4.1. For serious offenses, such as fighting, theft, insubordination, threats of violence, the sale or possession of drugs or abuse of alcohol on BEC property, etc., termination may be the first and only disciplinary step taken. Any step or steps of the disciplinary process may be skipped at the discretion of BEC after investigation and analysis of the total situation, past practice and circumstances.

### 3.5. Documentation/Communication

3.5.1. The BEC supervisors and managers will document performance and conduct issues and related corrective and/or disciplinary action. The documentation will include a description of the issue, the action the employee must take to correct the problem and any actions the supervisor believes are appropriate to assist the employee. This includes documenting verbal warnings. Such documentation should be discussed with the employee at issue and given to him or her to sign. The employee's signature acknowledges receipt and explanation of the document, not necessarily agreement with its content. If an employee refuses to sign the document, the supervisor will record the employee's refusal to sign. Employees may prepare responses or rebuttals to be entered into their personnel file.

### 3.6. Review

3.6.1. Supervisors generally will review disciplinary actions on difficult issues with the General Manager, particularly when disciplinary action, such as suspension and/or discharge, is under consideration.

### 3.7. Corrective and/or Disciplinary Action

3.7.1. The correction of misconduct or performance deficiency may include the

following actions:

3.7.1.1. Oral Reprimand

- 3.7.1.1.1. Ordinarily, an employee should be verbally admonished (oral reprimand) for minor misconduct. The supervisor should talk privately with the employee and cover the following:
- 3.7.1.1.2. Review exactly what is expected of the employee and why.
- 3.7.1.1.3. Explain to the employee why his conduct is unsatisfactory.
- 3.7.1.1.4. Allow the employee to give his/her side of the story.
- 3.7.1.1.5. Specify what disciplinary action will be taken if similar problems continue.

3.7.1.2. Written Warning

- 3.7.1.2.1. This is generally used for more serious offenses, repetition of or failure to correct a minor offense, commission of another type of minor offense within a reasonable time or persistent performance deficiencies. A written warning typically will be issued after the employee has received one or more verbal warnings for misconduct, whether of the same nature or not. The written warning should identify the problem and any improvement required, refer to any previous warnings or actions taken and explain the consequences of repeated infractions or failure to correct performance. The employee should sign the warning and receive a copy. A copy will be placed in the employee's personnel file.

3.7.1.3. Administrative Leave

- 3.7.1.3.1. Administrative Leave imposed before, after or in combination with other corrective actions may be used to permit an investigation, allow BEC time to determine what corrective or disciplinary action is appropriate or remove an employee from BEC property. Its completion does not guarantee continued employment at the end of the leave period or limit additional corrective and/or disciplinary actions. Administrative leave will not exceed thirty (30) days unless, at the discretion of BEC, additional time is required to complete an investigation.

3.7.1.4. Suspension Without Pay

- 3.7.1.4.1. Suspension without pay imposed before, after or in combination with other corrective actions, may be used as a disciplinary action for serious offenses when management believes a penalty should be imposed on an

employee short of termination of employment.

3.7.1.4.2. During suspension, the employee will be relieved of his or her job and shall forfeit lost pay.

3.7.1.5. Discharge

3.7.1.5.1. This action is generally used in cases of a serious offense or repeated or uncorrected offenses following a written warning, continued performance deficiencies (usually previously documented in a written warning) or an unacceptable response to a corrective action. The supervisor will document the decision to discharge an employee by identifying the reasons for the termination, the previous attempts to correct misconduct or poor performance and the terms of the termination. Following the review and approval of the discharge by the General Manager, the supervisor, with a witness present, will communicate management's decision to the employee. The notice of termination will be placed in the employee's personnel file.

3.7.1.5.2. Termination will be immediate. The supervisor will give the terminated employee time to collect their personal items and then escort the employee from the building.

3.7.1.5.3. The discharge decision should be documented by the employee's direct supervisor in a memorandum, which identifies the reason(s) for the termination, the previous attempts to correct the situation, if any, and the terms of the termination. The termination memorandum will be placed in the employee's personnel file.

3.7.1.5.4. All documents necessary to process a discharge, including documents filed with the state employment services, shall be processed through and reviewed by the General Manager.

4. GRIEVANCE PROCEDURE:

4.1. If a non-represented employee wishes to appeal discharge, layoff or a change in working conditions, he or she must present a written statement to the General Manager within ten (10) days after he or she is informed of the discharge or change in the working conditions. The written statement will contain the facts, which the employee believes should be considered and shall state the resolution the employee believes is appropriate. The General Manager shall consider and advise the employee or former employee of the final decision regarding the employee's grievance within ninety (90) days after the employee initiates the process.

5. RESPONSIBILITY:

5.1. All BEC supervisors shall be responsible for enforcing this policy fairly and uniformly.

5.2. The General Manager or the Board shall ensure that the provisions of this policy are followed.

Adopted: 02/22/2013

Revised: 06/30/2015

Reference: LV Policy 620, BEC VI-A-11, 122, 20, 23, 44

Review Date: June 2017

Attest:           /s/ Richard Nolan            
Secretary/Treasurer

Attest:           /s/ Roxie Melton            
Board President