

EMPLOYEE FAIR TREATMENT/BOARD OF REVIEW PROCEDURE

To assure that employment related decisions are made based on legitimate business factors and are void of, among other things, considerations based on race, color, religious creed, age, sex, ancestry, sexual orientation, national origin, AIDS, or HIV status or disability, the Manager will implement the following fair treatment procedure:

STEP 1

Within three (3) days of when the employment issue arises or as soon as possible thereafter, the employee may bring the problem to the attention of his/her immediate supervisor. The supervisor should provide him/her with an explanation or solution.

STEP 2

If the employee is not satisfied with the action by the supervisor or should the supervisor fail to respond within three (3) days of the incident, the employee may bring the issue to the attention of the department manager within five (5) days of the incident. The department manager should discuss the issue with both the supervisor and the employee to ensure he/she gets all the facts. If witnesses are involved, the department manager should meet with the witness(es). The department manager should explain his/her decision to the employee within three (3) days after the incident was brought to his/her attention

STEP 3

If the employee reasonably believes their issue has not been adequately addressed, he/she should contact an Employee Relations Representative in Human Resources, who will review and research the situation and make every effort to amicably resolve the issue. Employee Relations will, after its review, follow up with the parties involved. Employee Relations, at its discretion, may take the issue to a Vice President and/or a Director to facilitate a resolution. The Vice President and/or Director will follow up within their department as necessary.

STEP 4- Board of Review

The Manager has established a "Board of Review" procedure for the review of certain disciplinary action. The Board of Review is available to an eligible employee to whom management has issued either of the following:

- A.) Disciplinary Final Written notice; or
- B.) Termination of Employment

The employee may request to have the final written notice or termination considered by a Board of Review Panel, provided he/she makes a written request to Employee Relations

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within five (5) days of receiving the final written notice or notification of their termination. Employee Relations shall review the Board of Review Request and ascertain whether the employee is eligible. An employee who might otherwise be eligible for a Board of Review is determined to be eligible; Employees Relations will schedule and administer the Board of Review.

Eligibility for the Board of Review/Administrative Request

All full time and part time employees holding positions below the "Manager" level who have successfully completed the ninety-day (90) development period and who have not been excluded by any applicable regulatory body are eligible to request a Board of Review/Administrative Request.

Attendance violations and administrative requests made through Employee Relations are not eligible for a Board of Review. In such cases, Employee Relations will research the situation and respond to the employee in a timely fashion. At this point, if the eligible employee remains unsatisfied, the employee may submit an Administrative review Request Form, provided he/she makes a written request to Employee Relations within five (5) days of receiving notification and explanation from their department. These results will be forwarded to the Chief Human Resources Officer for further consideration.

An employee who might otherwise be eligible for a Board of Review may be declared ineligible in the event his or her request is submitted after this five (5) day period.

If the employee is determined to be eligible for the Board of Review, Employee Relations shall schedule and administer the Board of review.

The Board of Review Panel will consist of three (3) randomly selected members. The shift manager-or-above will not be directly in the employee's chain-of-command. The panel will be comprised of the following:

- a.) One (1) shift manager-or-above level employee.
- b.) One (1) employee of the same/comparable level from within the employee's department/division who is in good standing (may not have an active or pending final notice) and has been employed with the company for at least ninety (90) days.
- c.) One (1) non-supervisory employee from any other department who is in good standing (may not have an active or pending final notice) and has worked for the company for at least ninety (90) days.

Hourly employees who serve on the Board of Review will get paid for the hours at the Board of Review Hearing.

The employee from the department will be selected randomly from a list of three (3) employees chosen by the employee seeking review, and of a comparable level to the

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employee requesting the Panel. The remaining employee will be selected randomly from a list of full/part time non-supervisory employees who have volunteered to be a part of this process. This third member of the panel may only serve on the board once every six (6) months unless the list of employees have been exhausted. Panel members may not be immediate family members as defined in our Employment of Relatives Policy or have any direct involvement in the case. Additionally, any other conflict of interest should be brought to the attention of Employee Relations. If necessary, appropriate changes will be made.

The Board of Review shall convene promptly following selection of the panel members. The Board of Review shall proceed in an informal manner. The employee may, but is not required to, present a written summary of his/her position and a statement of reasons why the disciplinary final warning or termination should be rescinded or modified. The employee may only call witnesses who have direct knowledge of the incident in question. Only employees may be included in the Board of Review process. The Board of Review Panel shall consider the employee's statements, documents, or the statements of witnesses, and may also consider statements or documents submitted by the manager or director who issued the disciplinary notice. These statements or documents include all materials in the employee's personnel file regardless of the date issued. Please note: Tape or video recording of the Board of Review is not permitted.

Employee Relations will assist the panel and administer the process but will not be a voting member of the panel. The panel normally will convene within seven (7) days of the date of request and will not exceed fourteen (14) days.

Prior to the Board of Review hearing date, Employee Relations will brief the panel members on the issue(s) involved and the positions taken by the employee and management.

Securing witnesses is the responsibility of each party, although, should the employee experience difficulty in getting employees released from work, Employee Relations will assist.

The order of presentation is at the panel's discretion. It shall hear the testimony of the employee, manager/supervisor who took the action and witnesses separately and privately. It may recall the parties and witnesses as necessary. It may call such additional witnesses as it deems necessary.

Once the panel has heard all the testimony, it will arrive at a decision. In arriving at the decision, each member will have an equal vote. All decisions of the Board of Review shall be by a majority vote. The panel will then prepare notes stating those facts on which the decision is based. Employee Relations will notify the employee and the manager that a final decision will be reached within twenty four (24) hours. Employee Relations will reduce the

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decision to writing. All panel members will approve and sign the decision and Employee Relations will communicate the final decision to both parties.

STEP 5 – General’s Manager’s Review

The Board of Review recommendation may be reviewed by the General Manager upon application from either the employee or the manager or director who issued the disciplinary final written notice or termination decision.

Any application for review by the General Manager must be made within five (5) days of the announcement of the Board’s decision. The application shall be in writing on a form provided by the Human Resources.

The General Manager’s decision accepting, rejecting, or modifying the Board of Review recommendation shall be final.

ROLE OF THE BOARD OF REVIEW PANEL & SPECIAL CONSIDERATIONS

The Board of Review Panel may recommend:

- Reinstatement of an employee who has been terminated;
- Reduction of disciplinary action;
- Uphold the action

In cases when a Board of Review panel decides to uphold a termination for performance, the panel may recommend that the amount of time required for the employee to be considered for re-hire is reduced to sixty (60) days.

In these cases, the employees must attend a career development assessment in Human Resources prior to re-applying for employment.

The decision to re-hire an individual will ultimately be made by the department. Through the Board of Review Process, the panel may discover opportunities for policy enhancements. Any potential modifications or changes to policies/procedures will be addressed by Employee Relations and, if necessary, with the respective department.

Presentation of the department’s position will be made only by that level of supervision directly involved in the action resulting in the Board of Review request, unless other supervisory levels are requested to testify by the Review Panel.

Only employees may testify or present evidence at a Board for Review. Individuals not employed by the company are not allowed to attend, be present or present any written testimony during a Board of Review, including representation by an attorney. Additionally, this program does not include cross examination by the department and/or the employee or include witnesses without first-hand knowledge of the case under review. The

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employee and supervisor/manager involved must represent themselves before the panel. No attorneys or outside spokespersons shall be permitted.