

SECTION 6

Final Written Warnings (Normally the Third Offense)

**(At manager discretion, may also include a
Performance Opportunity Plan (POP))**

Counseling and Corrective Action – Final Written Warnings

A Final Written Warning is normally the third step in the Discipline Process. This section clarifies the role of Final Warnings and how to effectively apply them.¹

¹For Bargaining Unit employees – the process outlined by contract would prevail.

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*Manager's may use either the Word version or the Goodman form documenting corrective action. Copies of these are also included on the Zone under Manager Tools – "Counseling and Corrective Action."

1. DEFINITION AND OVERVIEW

Just as with a Written Warning, a Final Warning is also a conversation and a written document with an employee about a discipline problem. The problem is usually one that continues even after conversations and counseling, a Verbal Warning and a Written Warning. In cases of serious conduct violation, and in which Verbal or Written Warnings would be inappropriate, this step may be the appropriate first step.

2. PURPOSE

The purpose of the Final Warning is to ensure the employee is aware of the serious nature of the discipline problem.

3. WHEN TO USE

The Final Written Warning is normally used after a Written Warning has been given and no change or appreciable change in performance or conduct has resulted.

In keeping with long standing practice, a Final Written Warning is also reached “when an Employee has accumulated five absence related occurrences or six tardy occurrences in a rolling 12 month period. See also Section 1, Goodman Manufacturing policy – Conduct & Progressive Discipline policy for details.

4. CONTENTS OF A FINAL WRITTEN WARNING

A Final Written Warning does not necessarily have to be on a Goodman form, but it must contain the following information:*

- A. The employee's full name
- B. The date of the conversation
- C. The specific rule violation or performance problem that has occurred
- D. A statement that this is a Final Written Warning, and what further action could take place if the problem is not corrected
- E. Reference to any related casual conversations and/or Verbal Warnings, (regardless of reason), including date(s)
- F. A statement of the specific change in the employee's performance or behavior required
- G. A statement reaffirming Goodman's expectations of sustained acceptable conduct and performance
- H. Any comments or rebuttal statements the employee wishes to include or attach to the Final Written Warning. (Employee Optional)
- I. A signature line for the employee (Employee Optional). Should he/she decline to sign, simply note (employee declined to sign on the signature line).
- J. Issuing Manager's name and signature

* At Business Unit or HRBP discretion, a Goodman logoed form may be required

Note: **Employees are not required to sign the Final Written Warning.**

However, failure to include signature opportunity for the employee could negate the Final Written Warning in the event of legal challenge. If the employee chooses not to sign the document, you should record the fact on the employee's signature line. In this event, call another manager in as a witness, and in the presence of the employee, have the manager write "Witnessed by (first/last name) near the signature lines.

5. PERFORMANCE OPPORTUNITY PLAN (POP)

At management discretion, a Performance Opportunity Plan (POP), (previously known as a Performance Improvement Plan, or PIP), is an optional addendum to a Written Warning. A POP is designed to expand on specific expectations of management for problem resolution. In this form, it is not considered unto itself to be a Written Warning. However, if the POP also includes the 10 required elements of a Written Warning, (see above Contents of a Written Warning, then it can be considered a Written Warning. A sample POP form is at the end of section and an electronic copy is located the Zone under Manager Tools – “Counseling and Corrective Action.”

6. SPECIAL NOTE REGARDING A SECOND FINAL WRITTEN WARNING

Section 12 – “Conduct & Progressive Discipline” also dictates that receiving two Final Warnings in a 24 month period will result in termination. See the policy for details.

7. APPROVAL REQUIREMENTS

Before giving an employee a Final Warning status, the manager must seek consultation with and gain agreement from the HRBP. The HRBP must, in turn, obtain approval from the HR Director having responsibility for the Business Unit in question.

8. TIMING

Final Written Warnings, just as with any positive or negative reinforcement, is best administered as quickly after the event as possible. In the case of negative behavior, drawing immediate attention to the transgression is the best way to correct it. As time passes, memory and urgency tend to fade. Legally, this is also preferred because in the eyes of the law, if the transgression was important enough to note, it should be noted quickly. As a matter of policy, Final Written Warnings should be administered within two days of the transgression unless there are extenuating circumstances (employee still off, investigation took four days, manager out of town, etc.)

9. BEFORE THE MEETING

- A. Conduct a thorough investigation of the incident. In keeping with Section 9, Conducting an Effective Investigation, Human Resources is designated to conduct investigations. For more information, see your HRBP.
- B. Contact the HRBP, and HR Director with responsibility for the Business Unit in question. Should local practice dictate, the Business Unit Manager should also be made aware prior to issuing a Final Written Warning (and/if applicable a Performance Improvement Plan (PIP)).
- C. Prepare the Written Final Warning (and any previous relevant Written Warnings and attachments) and have a copy for the meeting.
- D. Make an outline or agenda of the major points you plan to cover during the meeting.
- E. Ask the employee to come to your office, a conference room or some other private area.

10. DURING THE MEETING

State the specific problem in terms of actual performance or conduct and desired performance or conduct.

- A. Refer to your previous Coaching, Casual Conversations, Counseling, Verbal Warning and Written Warnings, (if applicable).
- B. Give the employee a chance to respond and explain his/her actions. Listen to what he/she has to say.
- C. Tell the employee the specific change you expect in his/her performance or conduct.
- D. Indicate your confidence that he/she can make the change.
- E. Have him/her confirm that he/she knows exactly what you expect by asking them to explain the problem and company expectations to you in their own words.
- F. Reaffirm Goodman's and your personal expectations of sustained acceptable conduct and performance.

- G. Present the Final Warning document (and supporting attachments). Inform the employee that this is a Final Warning and that failure to correct the matter may lead to additional disciplinary action up to and including possible termination. The reason it is advisable to say “may lead to” is because any potential termination of employment is subject to being overturned by higher management upon review of the merits.

11. AFTER THE MEETING

- A. Distribute the copies of the Final Written Warning document and advise appropriate management of the conversation.
- B. Enter the appropriate information on the Manager’s Coaching Log (optional). Hard copy included in Section 2, Record Keeping Responsibilities, and copy included on the Zone under Manager Tools – “Counseling and Corrective Action.”

12. EFFECTIVE PERIOD

A Final Written Warning will usually remain in effect for 12 months unless the serious nature of the problem dictates a longer effective period. Such extensions require prior agreement from the HRBP and HR Director having responsibility for the Business Unit. The employee is to be told the reason for the longer effective period.

13. NOTATION ON PERFORMANCE APPRAISAL

In the event a Final Written Warning is given within 12 months of a Performance Appraisal, the Final Written Warning must be noted on the appraisal. This is important to ensure the employee understands his/her consequences and to protect the company (and the manager) from successful claims of unlawful practices.

For example, it would be ill-advised to terminate an employee for lack of teamwork that began some eight months prior, when the performance appraisal given within the last three months noted an acceptable level of teamwork. The performance appraisal should mention (and adjust the appropriate category score accordingly) to reflect the poor teamwork. The progressive discipline administered must be noted. (ie. A Written Warning for Poor Performance was given to employee on (date)).

**14. EFFECT ON
PAY
INCREASE**

A Final Written Warning disqualifies the employee from receiving a pay increase for 12 months following issuance.

**15. EFFECT ON
TRANSFER OR
PROMOTION**

A Final Written Warning will disqualify an employee from either a transfer or promotion for 12 months following issuance. In this event, it is important for the employee to perform at the level expected in their present position prior to being considered for a different role. Management may, however, in its sole discretion, elect to transfer an employee if the transfer is expected to resolve the issue.

**16. EFFECT IN THE
EVENT OF A
REDUCTION
IN FORCE**

In the event of the need for a Reduction in Force, a Final Written Warning will be a consideration in determining which employees may be laid-off or retained.

**17. DISTRIBUTION
AND
NOTIFICATION**

A. Original:

The signed, original Final Written Warning (and if included, the Performance Improvement Plan (PIP)) is to be given to the employee.

B. Copy:

- HR Department
- Signing Manager

18. SAMPLE WARNINGS

Sample, representative Final Written Warnings, are also located on the Zone under Manager Tools – “Counseling and Corrective Action.”*

1. Tardiness (Using Revised Goodman Form)
2. Performance (Using Internal Goodman Letterhead)
3. Performance Improvement Plan (Using Revised Goodman Form)
4. Sexual Harassment (Using Revised Goodman Form)

*Manager’s may use any format for a Final Written Warning as long as the 10 required elements as established under the heading “Contents of a Final Written Warning” near the beginning of this section are prominently covered within the document.

First/Last Name Final Written Warning/Date (Cont.)

action up to an including termination of employment without advance notice.”

Again, I want to point out that you have access to any Employee Handbook policies by way of accessing the Company website on “The Zone”. HR will also provide a hard copy of any requested policy upon request. Your signature on the attached Handbook Acknowledgement form is also included for your records (see attached) and indicates your understanding of the affected policies.

IT IS UNDERSTOOD THAT FAILURE TO CORRECT THE ABOVE MAY RESULT IN ADDITIONAL CORRECTIVE ACTION, UP TO AND INCLUDING POSSIBLE TERMINATION OF EMPLOYMENT WITHOUT ADVANCE NOTICE.

Warnings are used as a way to inform you that your job performance or behavior is not meeting Company requirements in a particular area(s). Please use this information as a way to help you in achieving these requirements. You may use the section below for your comments.

EMPLOYEE COMMENTS: (Employee Optional)

EMPLOYEE'S SIGNATURE: Signature **DATE:**

Note: Employee is not required to sign

SUPERVISOR'S SIGNATURE: Signature **DATE:**

Attachments:

Copy of your May 9, 2018 Written Warning with Signature
Handbook Acknowledgement Form with Signature



**SAMPLE
FINAL WRITTEN WARNING
For Performance
(USING LETTERHEAD)**

DATE: May 2, 2018

FROM: Manager First/Last Name & Title

TO: Employee First/Last Name

RE: Final Written Warning for Performance

Employee First Name,

For not submitting the documents listed on a timely basis after many counseling sessions, I was forced to issue you a Verbal Warning on March 12, 2018. Despite restatement of the need and requirement for you deliver those same documents to me without delay, on April 19, 2018, I was forced to issue you a Written Warning (see attached for your records).

As a reminder, under the terms of that Written Warning, you were expected to complete and deliver all required documents to me and in the correct format available to all Regional Sales Managers, by close of business on April 30, 2018.

While you did bring your expense reports up date as required under your Written Warning, you have yet to submit the required monthly activity reports and sales forecasts since January 2018. **As you did not comply, and stated the reason for another delay was that “you are too busy,” I am now issuing you a Final Written Warning.** What follows, is what you must do, at a minimum to avoid “further corrective action, up to and including termination of employment without advance notice”:

Submit the last three monthly activity and sales forecasts that are past due to me and must submitted as expected by May 15, 2018.

As stated many times, these documents are required for efficient business planning, and your continuing unsatisfactory performance and compliance in this area will no longer be tolerated. **To avoid subsequent disciplinary action as detailed further below, I expect the**

documents listed above to be completed and delivered to me by the close of business, May 15, 2018.

First/Last Name Final Written Warning/Date (Cont.)

Not submitting the required reports on a timely basis continues to violate Section 12 of the Employee Handbook. Specifically - "Performing substandard work both in terms of quality and quantity after receiving instruction in proper procedure and technique." In addition, you have access to the Employee Handbook mentioned above by way of the Company website on "The Zone". HR will also provide a hard copy upon request.

IT IS UNDERSTOOD THAT FAILURE TO CORRECT THE ABOVE MAY RESULT IN ADDITIONAL CORRECTIVE ACTION, UP TO AND INCLUDING POSSIBLE TERMINATION OF EMPLOYMENT WITHOUT ADVANCE NOTICE.

Warnings are used as a way to inform you that your job performance or behavior is not meeting Company requirements in a particular area(s). Please use this information as a way to help you in achieving these requirements. You may use the section below for your comments.

Employee Comments: (Employee Optional)

Employee's Signature: Signature **DATE:** _____
Note: Employee is not required to sign

Supervisor's Signature: Signature **DATE:** _____

Attachments:

Copy of Handbook Acknowledgement Form with Signature presented to employee.
Copy of Written Warning with your signature, dated April 20, 2018



**SAMPLE FINAL WRITTEN WARNING
Sexual Harassment**

DOCUMENTED CORRECTIVE ACTION

Employee Name: First & Last Name Date: June 22, 2018

Position Title: Office Clerk II Business Unit: Name Hire Date: Date

NATURE OF CURRENT INCIDENT:

This morning you intentionally pinched a fellow employee (first and last name) on his rear end. Another employee witnessed the event, and in a later conversation, you admitted to the act. The employee you pinched said he'd thought over the matter, and informed me your behavior was offensive to him.

STATUS: VERBAL* WRITTEN WARNING **FINAL WRITTEN WARNING**

* Verbal warnings are considered less formal than Written Warnings. At the supervisor's discretion verbal warnings may be recorded here or elsewhere. Verbal Warnings do not require an employee signature.

PRIOR CORRECTIVE ACTION RECORD:

Date of Violation	Nature of Rule Violated	Action(s)
NA		

CORRECTIVE ACTION(S) TAKEN IN CURRENT INCIDENT:

Your behavior was clearly sexual harassment. Due to the serious nature of this issue, this is a Final Written Warning. Not only was your behavior unwelcome, but is a direct violation of requirements as an employee as defined in the Employee Handbook, Section 2 "Anti-Harassment". In addition, your behavior caused a disruption to another employee, and in keeping with Section 12 of the Employee Handbook, "...interfering with any person on Company premises at any time" likewise subjects you to discipline "...up to and including

possible termination of employment without advance notice.” Please recall that you have access to the policies mentioned above by way of accessing the Company website on “The Zone”. HR will also provide a hard copy upon request. Your signature on the attached Handbook Acknowledgement form is included for your records and indicates your understanding of the affected policies.

First/Last Name Written Warning/Date (Cont.)

Lastly, any form of retaliation as a result of this matter would be looked upon as a serious violation, and subject the violator to disciplinary action including termination.

IT IS UNDERSTOOD THAT FAILURE TO CORRECT THE ABOVE MAY RESULT IN ADDITIONAL CORRECTIVE ACTION, UP TO AND INCLUDING POSSIBLE TERMINATION OF EMPLOYMENT WITHOUT ADVANCE NOTICE.

Warnings are used as a way to inform you that your job performance or behavior is not meeting Company requirements in a particular area(s). Please use this information as a way to help you in achieving these requirements. You may use the section below for your comments.

EMPLOYEE COMMENTS: (Employee Optional)

EMPLOYEE'S SIGNATURE: Employee declined to sign **DATE:** _____
Note: Employee is not required to sign

SUPERVISOR'S SIGNATURE: Signature **DATE:** _____

Attachments:

Copy of Handbook Acknowledgement Form with Signature presented to employee.
(Copy of this document also delivered to employee even though he declined to sign)

REV. 05/18