

# Hensel Phelps Safety Discipline Plan

## 1. General Conduct and Discipline:

- a. In general, any Subcontractor employee found to be in violation of Contractor's safety rules will be subject to disciplinary action, including immediate suspension and possible discharge. The following reflects the Contractor's policy for dealing with discipline and termination. This is not a list of every Contractor rule and regulation, but rather a description of the general policy for dealing with Subcontractor employees who engage in unacceptable conduct.
- b. Corrective discipline is normally the responsibility of the Subcontractor's Project Foreman or Superintendent. In every case, the Contractor reserves the right, in its sole discretion, to determine the appropriate level of discipline.
- c. In the event that discipline is considered, the Contractor will identify the severity of the problem and determine the appropriate level of discipline. The Contractor recognizes that the seriousness of offenses may vary. When violations of a less serious nature occur, a discussion between the employee and his/her supervisor will often be sufficient. In the case of more serious violation, a written warning may be given by the Contractor. In some occasions, because of the seriousness of the offense, a written warning may be given even though a verbal warning has not been issued. Certain other offenses will be of such a serious nature that they will be grounds for immediate suspension and /or discharge by the Subcontractor.
- d. Verbal or written warnings are often appropriate for minor infractions and first-time offenses. A warning should include an explanation of the problem, which has been identified, with an opportunity for the employee to respond. Discharge of an employee will be considered if the desired change in an employee's conduct is not accomplished through prior actions.
- e. Employee misconduct may be such a high level of seriousness that immediate termination will result. Examples of more serious misconduct include, but are not limited to, sexual or racial harassment, insubordination, violation of substance abuse policy, and disregard of the Contractor's safety policy, fighting, theft and falsification of records.
- f. In any given case, the Contractor may find it appropriate to impose greater or lesser disciplinary action, based on individual circumstances. Nothing in this policy should be construed as limiting the discretion to impose any level of discipline at any time, up to and including discharge, as circumstances warrant.
- g. There are certain rules that are inviolable, they are the following: fighting, drug or alcohol use, theft, insubordination, graffiti, harassment/EEO violations, non-compliance with confined space requirements, non-compliance with fall protection requirements above 6 feet, working without proper lock out/tag out or unauthorized removal of lock out/tag out, removal of safety devices without coordinating with HP, poor safety attitude and working in an unsafe trench.
- h. The following is the Contractor's policy for safety infractions:
  - i. Safety Disciplinary Actions - Breach of Inviolable Rules
    1. 1st Offense
      - a. Unsafe act recorded in the SAFE data base and written Disciplinary Notice issued to the employee.

- b. Employee removed from project for the remainder of the day of the infraction and one (1) additional day.
    - c. Employee must attend safety orientation prior to returning to work The Project Superintendent may at any time use the (2nd Offense) guidelines.
  - 2. 2nd Offense
    - a. Unsafe act recorded in the SAFE data base and written Disciplinary Notice issued to the employee and the supervisor.
    - b. Employee removed from project permanently.
    - c. Supervisor must attend the next available safety orientation.
- ii. Safety Disciplinary Actions - Unsafe Behavioral Observations
  - 1. 1st Offense
    - a. Unsafe act recorded in the SAFE data base
  - 2. 2nd Offense (within 30 days of 1st offense)
    - a. Unsafe act recorded in the SAFE data base and Form 295 issued to employee
    - b. Employee must attend next available safety orientation
  - 3. 3rd Offense (within 90 days of 2nd Offense)
    - a. Unsafe act recorded in the SAFE data base
    - b. Form 295 issued to employee and supervisor
    - c. Employee and Supervisor must attend next available safety orientation prior to returning to work
    - d. Notify Foreman and Subcontractor Officer of 4th Offense Policy
  - 4. 4th Offense (within 90 days of 3rd Offense)
    - a. Unsafe act recorded in the SAFE data base
    - b. Form 295 issued to the employee and supervisor
    - c. Employee and supervisor removed from project permanently
    - d. Officer of Subcontractor required to meet with the PM/PS to introduce new Supervisor and explain measures to mitigate the issues
- iii. Safety Disciplinary Actions - Unsafe Environmental Conditions
  - 1. 1st Offense
    - a. Unsafe condition recorded and corrected
    - b. Unsafe condition discussed in the weekly subcontractor meeting
  - 2. 2nd Offense (within 30 days of first offense)
    - a. Unsafe condition recorded and corrected and Form 295 issued to the foreman
    - b. Foreman must review/re-sign the AHA with the crew prior to returning to work
  - 3. 3rd Offense (within 90 days of 1st repeat offense)
    - a. Unsafe condition recorded and corrected and Form 295 issued to foreman
    - b. Foreman to attend next available safety orientation prior to returning to work
    - c. Foreman must hold a conference with the Project Superintendent personally to explain plan to prevent recurrence prior to returning to work
    - d. Notify Subcontractor Office and Foreman of 4th Offense Policy

4. 4th Offense (within 90 days of 2nd repeat offense)
  - a. Unsafe condition recorded and corrected
  - b. Form 295 issued to the foreman and removed from project
  - c. Officer of Subcontractor required to meet with the PM/PS to introduce new foreman and explain corrective measures.