



## Disciplinary Action Procedure

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### 1.0 PURPOSE

- 1.1. Implementation of organizational policies and standard procedures.
- 1.2. Provide employee guidance and conflict resolution.

### 2.0 SCOPE

This procedure applies to all employees, consultants and interns who have committed violations against Company policies.

### 3.0 RESPONSIBILITY

- 3.1. HR/Admin Director
- 3.2. HR Officer – Employee Relations
- 3.3. HR Associate – Employee Relations
- 3.4. Immediate Superior/Department Head

### 4.0 DEFINITION OF TERMS

#### 4.1 **Disciplinary Action**

This procedure addresses offenses made by employees where rehabilitative measures are administered through the process of progressive discipline. Once found guilty of the charges, proper disciplinary action is administered in a form of:

##### 4.1a Verbal Warning

As the initial step in the progressive disciplinary process for minor offenses, Verbal Warning may also be associated with a counseling session between the employee and the HR representative or the head of the department concerned. Though only a verbal disciplinary action, documentation is still necessary in order to preserve chain of action.

##### 4.1b Written Warning

Refers to another type of corrective action that is more serious than the verbal warning. It serves as a formal notice that a serious infraction has occurred or that the directives outlined in a previous verbal warning were breached.

##### 4.1c Final Written Warning

Refers to a last-chance agreement between employer and employee regarding sustainable, improved performance or conduct. In the event that an employee commits a similar infraction at this stage of the disciplinary process, dismissal is not an option. If there is still a failure to improve and/or the conduct or performance is still a failure to improve and/or the conduct or performance is still unsatisfactory, or if the misconduct is sufficiently serious to warrant a written warning but insufficiently serious to justify dismissal, a final written warning matched with suspension for a number of working days will normally be given to the employee.

##### 4.1d Preventive Suspension

Is imposed upon an employee where his/her continued employment poses a serious and imminent threat to the life or property of the company or of his co-workers. This may last for thirty (30) days and the employee is not entitled to pay. However, the preventive suspension may continue beyond thirty (30) days but the employee is not entitled to his pay.

This is incident to investigation. It is not itself the penalty for the offense, although it may be considered as such after the offense is proven and the appropriate penalty determined.



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#### 4.1e Suspension

Is also known as leave without pay and is recommended in cases involving willful misconduct or actions with malicious intent, or in infractions repeatedly committed.

The number of days an employee is suspended depends on the severity of the offense or frequency of the same or similar offense committed.

#### 4.1f Dismissal

Is also referred to as discharge or termination. It is the culmination of the progressive Discipline process wherein employee's service is severed by employer for just cause. In such cases, the employee has committed an offense with below standard sign of Improvement in behavior or performance, despite corrective interventions by the Company.

#### 4.2 Progressive Discipline

This procedure addresses offenses made by employees where rehabilitative measures are administered.


It is a series of attempts to reform underperforming employees via verbal and/or written performance warnings.

#### 4.3 Notice to Explain

Written information from Human Resource and Administration Department that an employee was reported to have committed a violation.

#### 4.4 Disciplinary Action Notice

The notice being issued to the Respondent-Employee that contains the corresponding sanction of the violation committed.

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#### **5.0 Process (Behavior -Related Infractions)**

- 5.1 Supervisor/Witness, will submit Infraction Report to HR. Through e-mail or verbal advise on the date of infraction.
- 5.2 Issue Notice to Explain (NTE) signed by HR Director. Should be issued within two (2) days from date of infraction.
- 5.3 HR Associate (ER), will serve NTE to employee concerned.
- 5.4 Employee to acknowledge/sign the NTE and retains a copy. The other copy is kept in 201 file. If employee refuses to sign, this must be validated by a witness other than the HR Associate serving the NTE.
- 5.5 HR Associate conducts preliminary investigation.
- 5.6 Employee to submit written response to NTE. If no written response is received after prescribed time, employee waives his right to be heard. Response should be within 48 hours or 2 days.
- 5.7 Case deliberation will be done after facts or information are gathered. This will be with HR representatives and Immediate Superior.
- 5.8 HR Associate to issue Case Resolution or Disciplinary Action Notice to employee concerned.

#### **6.0 Process (Attendance – Related Infractions)**

- 6.1 Timekeeper notifies employee concerned via e-mail about the infraction (AWOL, Tardiness and Unauthorized Undertime). Will issue weekly NTE and Attendance Record as attachment.
- 6.2 HR Associate makes a follow up with employee concerned regarding written response to the NTE.
- 6.3 Employee to submit written response to NTE. If no written response is received after prescribed time (48hours), employee waives his/her right to be heard.
- 6.4 Case deliberation will be done after facts or information are gathered. This will be with HR Associate and HR Director.
- 6.5 HR Associate to issue Case Resolution or Disciplinary Action Notice to concerned employee.



Human Resource and Administration Department

Reference No. NTE

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DATE : \_\_\_\_\_

TO : \_\_\_\_\_

SUBJECT : **NOTICE TO EXPLAIN**  
Violation Report on Rule

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Dear Mr. / Ms.:

This is to call your attention over the report

Please be reminded that under our Organizational Policies, the aforesaid act is tantamount to a violation of \_\_\_\_\_ This offense carries a penalty of \_\_\_\_\_ offense.

You are hereby mandated to explain in writing **WITHIN FORTY-EIGHT (48) HOURS upon receipt of this notice** why no disciplinary action should be taken against you. No written explanation received within the said period shall mean a waiver of your right to be heard. Thereafter, with or without your written explanation, your case will be thoroughly evaluated by the company for appropriate action.

Stephanie Manuel  
Director, Human Resource and Administration

\_\_\_\_\_  
Immediate Superior / Department Head's Signature

\_\_\_\_\_  
Date

EMPLOYEE ACKNOWLEDGMENT		
I have received a copy of this notification. It has been discussed with me and by signing this, I acknowledge being made aware of the report/complaint.		
_____ Employee Signature	_____ Date	_____ Time
<b>Witness</b> (If employee refuses to sign)		
_____ Witness' Name	_____ Date	_____ Time



Human Resource and  
Administration Department

**CASE RESOLUTION**

06 June 2008

**Name** (hereinafter referred to as "Respondent-Employee"):

This is a case whereby Respondent-Employee was issued a Notice to Explain for \_\_\_\_\_.

The penalty of \_\_\_\_\_ is therefore recommended to be issued to Respondent-Employee.

Endorsed by:

Human Resource Associate – ER

Approved by:

Stephanie Manuel  
Human Resource and Administration Director

Conforme:

\_\_\_\_\_  
Immediate Superior      Dept. Head

Matt Lubetich  
COO



**Human Resource and  
Administration Department**

**DISCIPLINARY ACTION NOTICE**  
Reference No. NTE

Name : \_\_\_\_\_  
ID Number : \_\_\_\_\_  
Job Title : \_\_\_\_\_

Department : \_\_\_\_\_  
Superior : \_\_\_\_\_  
Date Issued : \_\_\_\_\_

<p><b>DISCIPLINARY LEVEL</b></p> <p><input type="checkbox"/> Verbal Warning</p> <p><input type="checkbox"/> Written Warning</p> <p><input type="checkbox"/> Investigatory Leave: _____ work day/s</p> <p><input type="checkbox"/> Suspension: _____ work day/s</p> <p><input type="checkbox"/> Final Written Warning</p> <p><input type="checkbox"/> Dismissal</p>	<p><b>Subject</b></p> <p>_____</p> <p>_____</p> <p><input type="checkbox"/> Policy/Procedure Violation</p> <p><input type="checkbox"/> Performance Transgression</p> <p><input type="checkbox"/> Behavior/Conduct Infraction</p> <p><input type="checkbox"/> Absenteeism/Tardiness</p>
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<b>PRIOR NOTIFICATIONS</b>		
<u>Level of Discipline</u>	<u>Date</u>	<u>Subject</u>
Verbal	_____	_____
Written	_____	_____
Suspension	_____	_____
Final Written	_____	_____

<b>DETAILS OF DISCIPLINARY ACTION</b>		
Respondent-Employee explained that _____.		
The Respondent-Employee is hereby issued a _____, which is the corresponding Disciplinary Action for such offense as stated in the Organizational Policies.		
_____	_____	_____
HR and Admin. Director	HR Officer - ER	Date
_____	_____	_____
Department Head	Immediate Superior	Date

## EMPLOYEE ACKNOWLEDGMENT

I have received a copy of this notification. It has been clarified and discussed with me. By signing this, I agree and shall abide by the decision of the investigating body as stated in the foregoing details.

Further, I understand that should I commit the same offense again, it shall already be of higher consequence.

\_\_\_\_\_  
Employee Signature                      Date                      Time

**Witness** (If employee refuses to sign)

\_\_\_\_\_  
Witness' Name                      Date                      Time