

SECTION 5

Written Warnings

(Normally the Second Offense)

**(At manager discretion, may also include a
Performance Improvement Plan (PIP))**

Counseling and Corrective Action – Written Warnings

Written Warnings are normally the second step in the Discipline Process. This section clarifies the role of Written Warnings and how to effectively apply them.¹

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

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- B. Unauthorised Absence From Assigned Work Area (Using Revised Goodman Form)
- C. Sexual Harassment (Using Revised Goodman Form)
- D. Performance (Using Internal Goodman Letterhead)

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

1. DEFINITION AND OVERVIEW

A Written Warning documents a formal conversation between a manager and an employee about a discipline problem and summarizes the contact. In cases of serious conduct violation, and in which a Verbal Warning would be inappropriate or has already been given for the same issue within the past 12 months, this step may be the appropriate first step.

2. PURPOSE

The purpose of the Written Warning is to correct a performance or behavioral problem by discussing it with the employee and providing him/her with a written record of that conversation.

3. WHEN TO USE

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

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

4. CONTENTS OF A WRITTEN WARNING

A 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 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 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 Written Warning.** However, failure to include signature opportunity for the employee could negate the 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 IMPROVEMENT PLAN (PIP)

At management discretion, a Performance Improvement Plan (PIP) is an optional addendum to a Written Warning. A PIP 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 PIP 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 PIP form is at the end of section and an electronic copy is located the Zone under Manager Tools – "Counseling and Corrective Action."

6. APPROVAL REQUIREMENTS

Managers have the latitude and responsibility to present Written Warnings if in their judgment it is necessary. However, the appropriate HRBP must be consulted and give agreement beforehand.

7. TIMING

A Written Warning is best administered as quickly after the event as possible. In the case of negative behavior, drawing immediate attention to the occurrence is the best way to correct it. Legally, this is also preferred because in the eyes of the law, if the occurrence was important enough to note, it should be noted quickly. As a matter of policy, 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.)

8. 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. In addition to the requirement for involvement with the HRBP, if local practice dictates, the Business Unit Manager must also be advised prior to issuing a Written Warning, (and if applicable a Performance Improvement Plan).
- C. Prepare the Written Warning (and any attachments) 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.

9. DURING THE MEETING

- A. State the specific problem in terms of actual performance or conduct and expected performance or conduct.
- B. Refer to your previous casual conversations and the Verbal Warning, (if applicable).
- C. Give the employee a chance to respond and explain. Listen to what he/she has to say.
- D. Tell the employee the specific change you expect in his/her performance or conduct.
- E. Indicate your confidence that he/she can make the change.
- F. Ask him/her to confirm that he/she knows exactly what is expected by asking him/her to explain the problem in his/her own words.
- G. Reaffirm Goodman's expectations of sustained acceptable conduct and performance.

- H. Present the Written Warning document (and any attachments). Confirm for the employee that it is a Written Warning and what the next step may be if the problem is not corrected.

10. AFTER THE MEETING

- A. Distribute copies of the 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 Record Keeping section and available electronically on the Zone the Zone under Manager Tools – "Counseling and Corrective Action.")

11. EFFECTIVE PERIOD

A 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 the prior agreement from the HRBP, and the employee is to be told the reason for the decision at the time. Be aware that if confronted with a policy challenge, one of the best defenses you can have is proof that the recipient would not have been surprised by the company's action.

12. NOTATION ON PERFORMANCE APPRAISAL

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

Should the employee subsequently challenge the validity of the Written Warning and it is not mentioned in the same period performance appraisal, it is possible management's action may not stand up to legal scrutiny. Therefore, the Written Warning should at least be noted along with date administered in an appropriate area on the appraisal. For instance – under Work Performance "Recently employee's performance has exhibited improvement. However, poor performance earlier this year resulted in name being given a Written Warning for Poor Performance on date. To get a higher rating in the next appraisal cycle, name should continue to check his work carefully."

13. EFFECT ON PAY INCREASE

A Written Warning will not disqualify the employee from receiving a pay increase. However, in keeping with policy, any increase granted may be at least partly based on individual performance.

14. EFFECT ON TRANSFER OR PROMOTION

A Written Warning may disqualify an employee from either transfer or promotion in the company's sole judgment.

15. EFFECT IN THE EVENT OF A REDUCTION IN FORCE

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

16. DISTRIBUTION AND NOTIFICATION

A. Original:

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

B. Copy:

- HR Department
- Signing Manager

17. SAMPLE WRITTEN WARNINGS

Sample, representative Written Warnings, and a combination Written Warning and Performance Improvement Plan (PIP) are also located on the Zone under Manager Tools – “Counseling and Corrective Action.”*

1. Tardiness (Using Revised Goodman Form)
2. Unauthorized Absence from Assigned Work Area (Using Revised Goodman Form)
3. Performance (Using Internal Goodman Letterhead)
4. Combined Written Warning and Performance Improvement Plan (PIP)
5. Image of a Blank Performance Improvement Plan (PIP)

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



SAMPLE WRITTEN WARNING
Tardiness

DOCUMENTED CORRECTIVE ACTION

Employee Name: First & Last Name Date: May 13, 2013

Position Title: Welder II Business Unit: Name Hire Date: Date

NATURE OF CURRENT INCIDENT:

On May 9, you were tardy again. You cannot perform what you are being paid to do when you are not here; and this is happening too often.

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 noted here, but it is not a requirement. Verbal warnings are just that – they do not require an employee signature.

PRIOR CORRECTIVE ACTION RECORD:

Date of Violation	Nature of Rule Violated	Action(s)
May 8, 2013	17 minutes late	Verbal Warning
May 7, 2013	13 minutes late	Counseling
March 19, 2013	33 minutes late	Counseling

CORRECTIVE ACTION(S) TAKEN IN CURRENT INCIDENT:

Following your hire in February this year, I coached you several times about the need to be here on time. Still, you sporadically continued to come into work late, and on March 19 your recurring infractions made it necessary for me to specifically counsel you on your tardiness issues. To be clear the counseling was not disciplinary – but designed to generate a two-way dialog, and voluntary compliance. I had hoped the informal counseling sessions would have resulted in your taking the need to be on time more seriously. However, the very next day after your May 7 counseling meeting, you came in late again. As a result, of your May 8 tardiness, your behavior forced me to give you a Verbal Warning. In that meeting, you expressed understanding that failure to arrive at work on time would result in additional disciplinary action in keeping with policy. Still – the very next day, May 9th, you were late again, and your excuse of heavy traffic is not acceptable as a reason to be late. That has generated the need for this Written Warning.

Your signature on the attached indicates (include the signed document) you have read and understood the Employee Handbook which states tardiness is unacceptable. Please recall that you have access to these policies 24/7 – including by way of accessing the Company website on “The Zone.” Section 6 of the same handbook covers Attendance & Days away from work. On the first

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

page it includes a requirement of “Being at the assigned workstation on time, at the beginning of the shift, or after returning from a break or lunch.”

That policy also establishes “the employee will be subject to the progressive discipline procedure” for failure to comply.

Employee First Name, you must understand it is imperative that you be at work, and in your assigned area on time. Your being late is discourteous to your team mates, who have to pick up the slack, and to me, your manager.

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:
Handbook Acknowledgement Form with Signature

05/14



SAMPLE WRITTEN WARNING
Unauthorized Absence From
Assigned Work Area

DOCUMENTED CORRECTIVE ACTION

Employee Name: First & Last Name Date: 10/22/13

Position Title: Solder Technician III Business Unit: Name Hire Date: Date

NATURE OF CURRENT INCIDENT:

You are not remaining in your work area as required. You cannot perform what you are being paid to do when you are gone.

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 noted here, but it is not a requirement. Verbal warnings are just that – they do not require an employee signature.

PRIOR CORRECTIVE ACTION RECORD:

Date of Violation	Nature of Rule Violated	Action(s)
08/08/13	Not in assigned work area	Verbal Warning
07/02/13	Same as above	Counseling

CORRECTIVE ACTION(S) TAKEN IN CURRENT INCIDENT:

Your behavior is a clear violation of acceptable behavior as defined in the Employee Handbook. Section 6 of the handbook covers Attendance & Days away from work. That section states the requirement of "Remaining at the assigned workstation until the end of the shift", and mentions company authority to discipline for non-compliance. In addition, Section 12 covers Conduct and Progressive Discipline, and notes that "Unauthorized leave from the work area" is a dischargeable offense. Please recall that you have access to these policies 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 these policies. As a result of your ongoing absence from your assigned work area, I am forced to issue you this Written Warning.

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

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:

Handbook Acknowledgement Form with Signature

04/13



**SAMPLE
Written Warning For
Performance
(USING LETTERHEAD)**

DATE: April 19, 2014

FROM: Manager First/Last Name & Title

TO: Employee First/Last Name

RE: Written Warning for Performance

Employee First Name,

You and I have had a number of discussions about your performance and compliance to the expectations of a Regional Sales Manager as not acceptable. Specifically, despite many informal counseling sessions, and not seeing an acceptable level of improvement, I was forced to issue you a Verbal Warning on March 12. Under the requirements that I communicated in the Verbal Warning you were expected to:

- A) Submit the last two monthly activity and sales forecasts that are past due to me without delay.
- B) You also agreed to bring your late expense reports up to date – in which you are currently two months behind.

As with all my direct reports I believe in giving the benefit of the doubt, however, when questioned about the two month delay, you offer no excuse whatsoever.

As of today, I still do not have the completed documents mentioned in your Verbal Warning, and as of April 1 – you are now behind three months. These are required for efficient business planning, and the unsatisfactory performance and compliance to Sales Policy you are exhibiting as Regional Sales Manager, will not be tolerated. **As a result, of the low performance standard you are exhibiting, I am forced to issue you a Written Warning effective today. 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, April 30, 2014.**

Not submitting the required reports on a timely basis is a violation of 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.”

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

I want to remind you of your attendance at the 3rd quarter 2012 Sales Meeting. In this meeting, these reports and their reporting requirements were discussed at length.

In addition, please recall that 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. Your signature on the attached Handbook Acknowledgement form is included for your records and indicates your understanding of the handbook and its contents.

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 this document also delivered to employee even though he declined to sign)

Note: (If the training program, notes, and even an attendance log showing employee was at 3rd Quarter Sales Meeting are available (and support this case) – consideration should be made to include as an attachment).



**SAMPLE WRITTEN WARNING with
PERFORMANCE IMPROVEMENT
PLAN (PIP)
PERFORMANCE**

**DOCUMENTED CORRECTIVE ACTION and
PERFORMANCE IMPROVEMENT PLAN (PIP)**

Employee Name: First & Last Name Date: August 15, 2014

Position Title: Territory Sales Manager Business Unit: Sales Hire Date: Date

NATURE OF CURRENT INCIDENT:

You are still not meeting well communicated expectations for New Sales growth and administrative requirements. Contributing to this lack of acceptable performance are: 1) Failure to exhibit initiative in developing effective approaches and techniques in seeking out and winning over new customers, 2) Lack of effective time management on your part – examples of which include a) not utilizing the provided iPad, and b) not setting up, communicating, and adhering to scheduled regular hours for the XYZ office. 3) Administratively, you are aware that we have had multiple counseling sessions regarding your having excessive expenses, as compared to others in similar sized territories and metropolitan areas. All of these issues on your part are causing you to miss documented sales quotas. In July you missed by another X%, or \$00.000, vs. a communicated goal of \$00.000).

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 noted here, but it is not a requirement. Verbal warnings are just that – they do not require an employee signature.

PRIOR CORRECTIVE ACTION RECORD:

Date of Violation	Nature of Rule Violated	Action(s)
July 12, 2014	Ineffective customer relations, exorbitant expenses, and not using IPAD as required - all of which has contributed to a missed Sales Quota for June 2014 of (X%, or \$00.000)	Verbal Warning
June 7, 2014	Need to enhance sales contacts and improve techniques to meet communicated sales quotas.	Counseling Only
February 3, 2014	Need to enhance sales contacts and improve techniques to meet communicated sales quotas.	Counseling Only

PLAN FOR IMPROVEMENT (PIP):

Over the following 90 days, you are expected to meet the outlined targets below. During this period, the company reserves the right to review your performance to these expectations at any time, and without additional notice. Failure to complete the stated objectives in full (or demonstrate appreciable improvement) at the company's sole discretion may result in additional corrective action, up to and including possible termination of employment without additional advance notice.

Goodman is an "At-Will" employer. That means that neither the employee nor Goodman is committed to continuing the employment relationship for any specific term. Rather, the employment relationship will continue at will. Either side may terminate the relationship at any time, with or without cause and with or without notice. Also, Goodman retains the right to demote, transfer, change job duties, and change compensation at any time with or without notice and with or without cause in its sole discretion – except where prohibited by law.

Expectation/Action Plan: Identify areas of opportunity to create stronger sales:

As of today, your performance has not met expectations as outlined under the heading above titled "Nature of Current Incident." What you must do, at a minimum, to avoid additional disciplinary action up to and including possible termination of employment without advance notice follows:

1. You must:
 - A) Meet, at a minimum, individual monthly sales targets, for September - \$00.000, October, - \$00.000, and November 2014 of \$00.000.
 - B) Your year to date (YTD) sales are lagging by X%, or \$00.000 vs. goal. Here, you are also expected to "appreciably" increase monthly sales beyond the levels listed under "a" above in order to catch up so that realized sales meet expectations at time of measurement. The company, in its sole discretion, will determine whether results met the "appreciable" requirement.
 - C) Utilize your iPad as communicated numerous times, including during our last sales meeting held on date, which you attended. The following is expected:
 - Move all pricing, programs, documents, etc. to iPad DropBox by date.
 - Set up iPad for Mincron access by date.
 - Set up iPad for Documents to go by date.
 - Set up iPad for CRM mobile to utilize on a regular basis (and begin regular use) as of date.
 - D) Exhibit initiative in and develop effective approaches and techniques for seeking out and winning over new customers.
 - E) Become more effective at personal time management. You have said finding time to call on potential and existing customers is difficult. Yet, as stressed to you many times – successful sales is the result of successful relationships. You must create a schedule for yourself and adhere to it.

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

- F) You must set up, communicate, and adhere to scheduled regular hours for the XYZ office. As it sits today, nobody can seem to locate you in any one place with any regularity, and you have told me that it is not because of customer visits.
First/Last Name Written Warning/Date (Cont.)
- G) I also expect to see your customer contact plan through the end of FY2014 + 2 months by the end of this month. It must include date, business name, contact name, and contact information.
- H) I expect monthly updates on sales activity for the preceding month to be emailed to me by close of business on the first Friday of the month – starting with a report for August, due to me by Friday, September 5, 2014.
- I) In keeping with well-established and communicated expense reimbursement policy, you are expected to only make reasonable charges to your Purchasing Card. I will simply not tolerate excessive expenses from you in the future without detailed and acceptable explanation.
- J) Move construction and commercial accounts off of the APlus program. Replace this with a volume rebate program specific to the customer. You have been provided with an example. I expect to see your detailed plan, by customer, no later than close of business September 5, 2014.
- K) Remove all accounts from the 2% state rebate program You may either put them on APlus from an actual marketing accrual fund, or move them to a specific tailored rebate. Either way, I expect you to accomplish this by date.

Again, you are expected to meet the outlined targets above. We have established a 90 day period during which your performance against these requirements will be measured. If at any time, the company, in its sole discretion, determines that you are either not in compliance with these listed expectations, or it does not appear that you are likely to achieve these requirements, the company reserves the right to act prior to the end of the 90 day period, again at its sole discretion.

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

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

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

Attachments:

- Handbook Acknowledgement Form with Signature
- FY 2014 Territory Sales Manager goals for territory XYZ, with employee acknowledgment signature.
- Agenda for sales meeting, which you attended, and dated _____, with presentation on iPad usage requirements for Territory Sales Managers highlighted.

PERFORMANCE IMPROVEMENT PLAN

Employee Name:

Badge/Employee #:

Date:

Last Review Date:

Location:

Supervisor:

Department:



PHASE I		PHASE II (30 day)			PHASE III (60 day)		
Objectives:	Due Date	Status	Employee Initials	Status Date	Status	Employee Initials	Date Completed

If you need additional space, please attach a separate sheet.

Notes:

This Performance Improvement Process (PIP) is an optional addendum to a Written Warning to be used at management's discretion. This PIP does not constitute a Written Warning unto itself, and is intended to assist in performance or behavior improvement. Failure to complete the objectives outlined in this process, and as established in the agreed upon time frame, may result in additional corrective action, up to and including possible termination of employment without advance notice.

Goodman is an "At-Will" employer. That means that neither the employee nor Goodman is committed to continuing the employment relationship for any specific term. Rather, the employment relationship will continue at will. Either side may terminate the relationship at any time, with or without cause and with or without notice. Also, Goodman retains the right to demote, transfer, change job duties, and change compensation at any time with or without notice and with or without cause in its sole discretion. *

*Except where prohibited by law.

Phase II & III Status Codes:
 NS = Not Started, BT = Behind Target,
 OT = On Target, AT = Ahead of Target,
 C = Completed

Employee Signature: _____

Note: Employee is not required to sign

Date: ____/____/____

Supervisor Signature: _____

Date: ____/____/____

Human Resources Signature: _____

Date: ____/____/____

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