

H. Employee Conduct and Disciplinary Action

1. Employee Conduct and Work Rules

The Clinic is strongly committed to providing quality service to its clients and a harmonious workplace. In furtherance of this commitment, each Clinic employee is required to be productive, reliable, and trustworthy.

To assist employees in meeting these requirements, the Clinic provides the following list of conduct which is prohibited, and which will subject an employee to disciplinary action, up to and including discharge from employment. This is not an exhaustive list of every form of conduct which may result in disciplinary action:

1. Failure to show respect to the people above them in management. You are expected to listen carefully to what they say and follow their instructions as closely as possible in a timely manner;
2. Profane language and/or rudeness to clients, co-workers, or others at the work site or other places while engaged in Clinic business;
3. Failure to follow Personal Appearance guidelines;
4. Not respecting differences in others (e.g., sex, color, nationality, religion);
5. Inadequate or substandard work performance;
6. Excessive tardiness or absenteeism;
7. Failure to follow call-in and written procedures in event of absence/tardiness;
8. Working overtime without prior management approval;
9. Distributing, possessing, or using illegal drugs and/or alcohol while on duty or in the workplace or reporting to work or performing duties while under the influence of drugs and/or alcohol;
10. Failure to follow all applicable safety rules and guidelines;
11. Theft, damage, destruction, or misuse of Clinic property or client property;
12. Falsification or misrepresentation on any Clinic document, including but not limited to, applications for employment and time records;
13. Discrimination or harassment, including sexual harassment, of co-workers or other individuals at the work site or while engaged in Clinic business;
14. Possessing firearms, explosives, or other weapons while at the work site or engaged in Clinic business;
15. Making or receiving excessive unauthorized personal telephone calls while at the work site or engaged in Clinic business. Using Clinic telephones to make unauthorized long-distance telephone calls;
16. Participating in any dishonest or illegal activity while at the work site or engaged in Clinic business;
17. Inappropriate behavior when representing the Clinic “off site”;
18. Gambling at the work site or while engaged in Clinic business;
19. Inappropriate use of Clinic credit cards;
20. Failure to pay reimbursement for expenses;

21. Inappropriate use of internet or Clinic office systems;
22. Smoking in the Clinic.

2. Drug and Alcohol Use

It is the goal of the Clinic to provide a safe and drug-free work environment for our patients, clients, visitors, and employees. With this goal in mind and because of the serious safety and performance consequences of drug abuse in the workplace, we are establishing the following policy for current and future employees of the Clinic. The Clinic explicitly prohibits:

1. The use, possession, solicitation for, or sale of narcotics or other illegal drugs, alcohol, or prescription medication without a prescription on Clinic or client premises or while performing an assignment.
2. Being impaired or under the influence of legal or illegal drugs or alcohol away from the Clinic or client premises, if such impairment or influence adversely affects the employee's work performance, the safety of the employee or of others, or puts at risk the Clinic's reputation.
3. Possession, use, solicitation for, or sale of legal or illegal drugs or alcohol away from the Clinic or client premises, if such activity or involvement adversely affects the employee's work performance, the safety of the employee or of others, or puts at risk the Clinic's reputation.
4. The presence of any detectable amount of prohibited substances in the employee's system while at work, while on the premises of the Clinic or its clients, or while on Clinic business. "Prohibited substances" include illegal drugs, alcohol, or prescription drugs not taken in accordance with a prescription given to the employee.

The Clinic may conduct drug and/or alcohol testing under the following circumstances:

1. **RANDOM TESTING:** Employees may be selected at random for drug and/or alcohol testing at any interval determined by the Clinic.
2. **FOR CAUSE TESTING:** The Clinic may ask an employee to submit to a drug and/or alcohol test at any time it appears that the employee may be under the influence of drugs or alcohol, including but not limited to the following circumstances: evidence of drugs or alcohol on or about the employee's person or in the employee's vicinity; unusual conduct on the employee's part that suggests impairment or influence of drugs or alcohol; negative performance patterns; or excessive and unexplained absenteeism or tardiness.
3. **POST ACCIDENT TESTING:** Any employee involved in an on-the-job accident or injury under circumstances that suggest possible use of drugs or alcohol in the accident or injury event may be asked to submit to a drug and/or alcohol test. "Involved in an on-the-job accident or injury" means not only the individual who was injured, but also any employee who potentially contributed to the accident or injury in any way.

If an employee is tested for drugs or alcohol outside of the employment context and the results indicate a violation of this policy, the employee may be subject to appropriate

disciplinary action, up to and including discharge from employment with the Clinic. In such a case, the employee will be given the opportunity to explain the circumstances prior to any final employment action becoming effective.

3. Workplace Violence/Weapons Policies

Violence

The Clinic has a zero tolerance policy for violence in the workplace. “Workplace violence” is defined to include:

1. Physically aggressive, violent, or threatening behavior, such as attempts to instill fear in others or intimidation;
2. Verbal or physical threats of any sort;
3. Any other conduct that suggests a tendency toward violent behavior. Such behavior includes, but is not limited to, excessive arguing, profanity, threats of sabotage of the Clinic property, belligerent speech or a demonstrated pattern of insubordination, and/or refusal to follow the Clinic policies and procedures;
4. Causing physical damage to the Clinic’s facilities or defacing Clinic property; or
5. Carrying firearms or weapons of any type or kind onto the Clinic premises, in the Clinic parking lots, or while conducting the Clinic business.

If any Clinic employee becomes aware of or observes any of the above-referenced behavior or actions by a co-worker, client, visitor, or any other party, he or she should notify a member of management immediately. Employees should notify management if they are aware of any restraining orders that are in effect, or of the existence of any other nonwork-related situation with the potential to erupt into workplace violence.

All reports of violence in the Clinic workplace will be taken seriously and will be investigated thoroughly and promptly. To the extent possible, the Clinic will keep the identity of the reporting employee confidential. However, under certain circumstances, the Clinic may need to disclose the reporting employee’s identity (for example, to protect that individual’s safety). The Clinic will not tolerate retaliation in any form against an employee who makes a report of workplace violence.

If, after a thorough investigation, the Clinic determines that workplace violence has occurred, appropriate corrective action will be taken, and discipline will be imposed on the offending employee(s). The level of appropriate discipline will depend on the facts in each case, and may include oral or written warnings, reassignment of responsibilities, probation, suspension, or termination of employment. If a nonemployee is responsible for the violent activities, the Clinic will take reasonable corrective action to ensure that such behavior is not repeated.

Concealed Weapons Policy

The Clinic does not allow any job applicant, employee, vendor, or other persons to possess, use, conceal, carry, or maintain a concealed weapon or handgun on the Clinic's premises. Such premises include any portion of the building in which the Clinic is housed, any private or public driveway, parking lot, sidewalk, street, or any other parking area used in connection with the Clinic's business, and any vehicle used, owned, or leased by the Clinic. The Clinic also prohibits the carrying of a weapon or concealed handgun on your person or property while you are rendering any services or attending any event or function relating to your employment with the Clinic or conducting any business on the Clinic's behalf. This prohibition includes carrying or maintaining a concealed weapon or handgun in any vehicle used in connection with your employment or brought onto the Clinic's premises.

If the Clinic has a reasonable suspicion at any time that a concealed handgun or weapon has been maintained, carried, or stored in violation of this policy, the Clinic reserves the right to conduct a reasonable search of the person, work area, personal items or any vehicle in the possession or subject to the control of such person to investigate whether or not a prohibited weapon is present. Any employee who witnesses the concealment or possession of a weapon or who witnesses a physical or verbal assault involving another person should report it to a member of management immediately. Violating this policy or refusing to consent to a reasonable search conducted pursuant to this policy may lead to disciplinary action, up to and including discharge from employment. Compliance with this policy is also a term and condition of continued employment with the Clinic.

4. Anti-Discrimination and Anti-Harassment Policy

The Clinic believes that all individuals should be treated with dignity and respect. To this end, the Clinic will not condone, permit or tolerate any form of discrimination and/or harassment by or against any employee, customer, vendor, independent contractor or other individual with whom an employee comes into contact in connection with their employment with the Clinic based upon age, race, color, creed, religion, sex, sexual orientation, national origin, disability or other protected class or characteristics established under applicable federal, state or local statute or ordinance.

Employees who engage in prohibited discrimination or harassment will be subject to appropriate disciplinary action, up to and including discharge from employment.

Nonemployee violators of this policy are subject to expulsion from the Clinic's facilities when such discrimination or harassment occurs on Clinic premises. The Clinic may discontinue service to the Clinic premise for violators of this policy. Furthermore, the Clinic may report violators to the appropriate authority for civil or criminal action. The Clinic prohibits retaliation of any kind against employees, who, in good faith, bring discrimination or harassment complaints or assist in investigating such complaints.

Examples of Prohibited Unlawful Discrimination and Harassment

Prohibited unlawful discrimination and harassment because of age, race, color, creed, religion, sex, sexual orientation, national origin, disability or any other protected basis includes, but is not limited to, the following behavior:

1. Verbal actions such as slurs, derogatory comments or jokes, epithets or unwanted sexual invitations, advances or comments;
2. Visual conduct such as sexually-oriented, pornographic and/or derogatory photographs, printed material, posters, drawings, cartoons, gestures, electronic mail, or Internet sites;
3. Physical actions such as unwanted touching, assault, purposefully blocking another's way, or interference with work because of sex, race, or any other protected category;
4. Threats or demands to submit to sexual advances or requests as a condition of continued employment, offers of employment benefits in return for sexual favors, or to avoid some other negative employment action; and
5. Retaliation against any employee for making an allegation of discrimination or harassment or for participating in such an investigation.

Sexual Harassment

The Clinic seeks to assure that it maintains a workplace free of all types of unlawful discrimination and harassment, including sexual harassment and intimidation. Sexual harassment is a form of illegal sex discrimination and is defined as “unwelcome” sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individuals; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Procedure for Reporting Discrimination and Harassment

Any employee who believes that he or she is the victim of any type of discrimination or harassment, including sexual harassment, should immediately report such actions to a member of management. Employees are encouraged to promptly report the alleged discrimination or harassment within three calendar days of the offense. It is not necessary to file a formal complaint or grievance to complain of sexual harassment. The Clinic takes all complaints seriously and handles complaints as promptly, thoroughly, and discreetly as possible.

Investigating Alleged Discrimination and Harassment

The Clinic will fully and completely investigate any report of alleged discrimination or harassment and will take appropriate corrective action depending on the severity of the conduct. This can include disciplining or discharging any individual who is found to have violated this prohibition against discrimination and harassment. The complaining employee will be informed of the action taken. An employee who engages in acts of discrimination or harassment contrary to the Clinic's policy may be personally liable in any legal action brought against them.

Interviews, allegations, statements, and identities will be kept confidential to the extent possible and allowed by law. However, the Clinic will not allow the goal of confidentiality to be a deterrent to an effective investigation, and it may be necessary to reveal certain information to various state or federal agencies or courts.

Employees should also be aware that as an employer, the Clinic has a duty to prevent and correct discrimination and harassment even when the complaining employee asks that no action be taken and that the complaint be kept confidential.

No information related to the complaint or any investigation will be filed in the personnel files of the employees involved. Rather, these reports will be kept separately and marked "confidential." At the end of each inquiry, the investigator(s) will prepare a report that sets forth the dates that various witnesses and parties were interviewed, summarizes witnesses' statements, describes factual issues on which the parties disagree, offers the investigator's conclusions, and outlines the actions taken by the Clinic. If the investigation reveals that the discrimination or harassment occurred, the Clinic will inform the parties that immediate and appropriate action, up to and including discharge from employment, will be taken. The discipline will be proportional to the severity of the conduct. The alleged discriminator/harasser's employment history and any similar complaints of prior unlawful discrimination or harassment will be taken into consideration. Disciplinary measures may include counseling, sexual harassment or diversity training, suspension, transfer, demotion, or discharge from employment. These remedial measures are intended to place the person making the complaint back in the position which he or she would have been had the discrimination or harassment not occurred.

Exercising rights under this policy does not in any way affect an employee's right to seek relief through the Texas Commission on Human Rights, the Equal Employment Opportunity Commission, or a court of proper jurisdiction for any complaint for which a remedy is provided under federal or state law.

5. Attendance and Punctuality

The Clinic expects all employees to conduct themselves in a professional manner during their employment. This includes practicing good attendance habits. All employees should regard coming to work on time, working their shift as scheduled, and leaving at the

scheduled time as essential functions of their jobs; i.e., good attendance habits are an integral part of every employee's job description.

Among other things, "good attendance habits" include the following:

- Appearing for work no earlier than 15 minutes prior to the start of the shift and no later than the actual start time of the shift;
- Being prepared for work at the time you clock in;
- Being at your workstation ready for work by the start of the shift;
- Remaining at your workstation unless the needs of the job require being elsewhere, except during authorized breaks (including restroom breaks);
- Taking only the time normally allowed for breaks;
- Remaining at work during your entire shift, unless excused by someone in management;
- Leaving promptly at the end of your shift but no later than 15 minutes after the scheduled stop time unless you have been given advance permission by someone in management to work past that point;
- Providing ample advance notice of an absence when you plan to take time off;
- Calling in and personally notifying a member of management if you are going to be either absent or tardy, unless a verifiable emergency makes it impossible for you to do so;
- Scheduling personal doctor, dentist and other appointments outside of scheduled work hours and days whenever reasonable to do so;
- Limiting time off during holidays (i.e. Thanksgiving, Christmas, New Years, etc.) and busy months (i.e. Dental month, summer, etc.); and
- Completing the proper paperwork when absent or tardy.

Giving Notice of Absence or Tardiness

Under some circumstances, an employee's absence or tardiness may be excused, but only if that employee gives proper notice of such a problem before the start of their shift. The Clinic needs advance notice of attendance problems so that other arrangements can be made to cover an employee's absence if necessary. "Proper notice" means that the employee will fill out a Schedule Change Request form for anticipated absences, or if the absence or tardiness will be that day call the Clinic and personally talk to a member of management whenever possible prior to the start of the employee's shift, unless a verifiable emergency makes it impossible to do so. Should you fail to or are unable to provide prior notice, the Schedule Change Request form needs to be completed immediately upon your return to work even if you called in to notify management of the absence or tardiness.

It is not sufficient to call in and leave a message with a co-worker or someone else who is not in a management position. Office staff is directed to route all such calls to management personnel. Management has been advised to make themselves available to take calls such as these, so there should be no reason to worry that you won't be able to reach an appropriate person to advise of your attendance problem. The message can be left with a co-worker only if a member of management is not available. If you fail to give proper notice of attendance

problems in advance as explained in this policy, you may be subject to disciplinary action, up to and including discharge from employment. Continual tardiness and/or absences are not acceptable and will be dealt with in a serious manner.

Employees are provided a "grace" period of 5 minutes before being considered late. This grace period is provided for occasional times an employee may be a few minutes late. Please note, though, continual lateness of any amount of time will be considered an attendance problem. After 15 minutes, an employee is considered tardy and needs to complete a Schedule Change Request form.

If you are absent without notice for three days in a row, you will be considered to have abandoned your job and the Clinic will process your work separation as a voluntary resignation on your part. Resignation in this manner will result in forfeiture of any accrued vacation or bonus eligibility.

6. Personal Appearance

As representatives of the Clinic, employees should remember that their appearance is a direct reflection on the level of professionalism in the Clinic. For this reason, all employees shall follow these basic minimum guidelines in regard to dress and personal appearance any time they are on the Clinic premises whether on or off duty. Management may impose additional appropriate standards.

- Employees should wear nonrevealing clothes that are free from holes, tears, and/or stains.
- Employees shall not wear any exposed body piercing except earrings in the ear(s). Any earrings worn in the ear(s) should be small in nature so as not to become entangled on animals, Clinic equipment, etc.
- Employees shall cover any body tattoos that display words or pictures that may be considered sexually or otherwise offensive.
- Examples of acceptable clothing attire:
 1. Scrub pants and scrub shirt
 2. Dress (knee-length and longer) for women
 3. Blouse and skirt (knee-length and longer) for women
 4. Dress/Polo shirt and slacks (no jeans except when expressly allowed by management)
- Footwear should also be appropriate for a veterinary clinic setting in which frequent contact with animals occurs. Acceptable footwear consists of tennis shoes or other closed-toe shoes.
- If an employee requires a reasonable accommodation regarding their dress for bona fide religious reasons, they should contact a member of management. Unless an undue hardship would result, such an accommodation will be made.
- Employees who refuse to comply with the Clinic's reasonable standards of dress can be sent home to change into more appropriate attire. Repeated violation of this policy can lead to disciplinary action, up to and including discharge from employment.

An employee who is in doubt about the appropriateness of a particular mode of dress should consult a member of management in advance. Management is charged with the responsibility of enforcing this policy.

7. Return of Property

Employees are responsible for all property, materials, or written information issued to them or in their possession or control. Employees must return all the Clinic property immediately upon request upon termination of employment. Where permitted by applicable laws, the Clinic may withhold from the employee's check or final paycheck the cost of any items that are not returned when required. The Clinic may also take all action deemed appropriate to recover or protect its property.

8. Resignation

Resignation is a voluntary act initiated by the employee to terminate employment with the Clinic. Although advance notice is not required, the Clinic requests at least two weeks' written resignation notice from all employees unless otherwise defined by a mutual contract.

9. Workplace Searches

The Clinic wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, or other improper materials. To this end, the Clinic prohibits the possession, transfer, sale, or use of such materials on its premises. The Clinic requires the cooperation of all employees in administering this policy.

Desks and other storage devices may be provided for the convenience of employees but remain the sole property of the Clinic. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of the Clinic at any time either with or without prior notice.

The Clinic likewise discourages theft or unauthorized possession or use of the property of employees, the Clinic, visitors, and clients. To facilitate enforcement of this policy, the Clinic or its representative may inspect not only desks and lockers but also persons entering and/or leaving the premises and any packages or other belongings. Any employee who wishes to avoid inspection of any articles or materials should not bring such items onto the Clinic's premises.

In addition, the Clinic is not responsible for lost, damaged or stolen personal items. Also, it is important to note that the Clinic's insurance policy does not provide coverage for employee property. Therefore, it is recommended employees not bring any items of monetary or sentimental value onto the Clinic premises.

10. Progressive Discipline

The purpose of this policy is to state the Clinic's position on administering equitable and

consistent discipline for unsatisfactory conduct in the workplace. The best disciplinary measure is the one that does not have to be enforced and comes from good leadership and fair supervision at all employment levels.

The Clinic's own best interest lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform, and impartial. The major purpose of any disciplinary action is to correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future.

Although employment with the Clinic is based on mutual consent and both the employee and the Clinic have the right to terminate employment at will, with or without cause or advance notice, the Clinic may use progressive discipline at its discretion.

Disciplinary action may call for any of four steps – verbal warning, written warning, suspension with or without pay, or termination of employment – depending on the severity of the problem and the number of occurrences. There may be circumstances when one or more steps are bypassed.

Progressive discipline means that, with respect to most disciplinary problems, these steps will normally be followed: a first offense may call for a verbal warning; a next offense may lead to a written warning; a next offense may lead to a suspension; and, still another offense may then lead to termination of employment.

The Clinic recognizes that there are certain types of employee problems that are serious enough to justify either a suspension, or, in extreme situations, discharge from employment, without going through the usual progressive discipline steps.

While it is impossible to list every type of behavior that may be deemed a serious offense, the employee conduct and work rules policy includes examples of problems that may result in immediate suspension or discharge from employment. However, the problems listed are not all necessarily serious offenses, but may be examples of unsatisfactory conduct that will trigger progressive discipline.

By using progressive discipline, we hope that most employee problems can be corrected at an early stage, benefiting both the employee and the Clinic.

11. Problem Resolution

The Clinic is committed to providing the best possible working conditions for its employees. Part of its commitment is encouraging an open and honest atmosphere in which any problem, complaint, suggestion, or question receives a timely response from the Clinic management.

Our experience has shown that when employees deal openly and directly with management, the work environment can be excellent, communications can be clear, and attitudes can be positive. We believe that the Clinic amply demonstrates its commitment to employees by responding effectively to employee concerns.

The Clinic strives to ensure fair and honest treatment of all employees. Employees are expected to treat each other with mutual respect.

If employees disagree with established rules of conduct, policies, or practices, they can express their concern through the problem resolution procedure. No employee will be penalized, formally or informally, for voicing a complaint with the Clinic in a reasonable, business-like manner, or for using the problem resolution procedure.

Problem Resolution Procedure

1. Employee presents problem to a member of management after incident occurs.
2. Member of management responds to problem during discussion or after consulting with appropriate management, when necessary.
3. If the employee still does not believe the problem is resolved to their satisfaction, they may go to the Owner. The Owner reviews and considers the problem. Owner informs employee of decision. The Owner has full authority to make any adjustment deemed appropriate to resolve the problem.

If the problem involves another person, it would be appropriate and preferable to talk with that person first. If that discussion does not resolve the situation, then follow the above Problem Resolution Procedure. Do not go to another employee who is not involved or has no influence in the situation to discuss your concerns. Going to people who have no authority to address a situation can cause further unnecessary problems and make the situation become more complex. This makes the whole situation harder to resolve.

Not every problem can be resolved to everyone's total satisfaction, but only through understanding and discussion of problems can employees and management develop confidence in each other. This confidence is important to the operation of an efficient and harmonious work environment, and helps to ensure everyone's job security.

If you still don't agree, you can put your grievance in writing and have it placed in your personnel file.