

Conduct & Disciplinary Policy for Seasonal Employees

HR-POL-0003
Version 3

September 2016

This document applies to the following locations:

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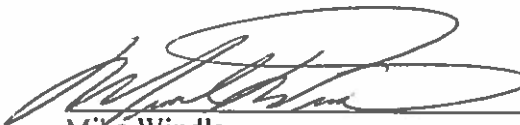
Prepared by the Antarctic Support Contractor
for the
National Science Foundation Division of Polar Programs

Version History

Version	Date	Section	Author/Editor	Change Details
1	April 2013		Windle/Bjokne	Conversion of HR-022 to new template and ASC Content
1	October 2014	n/a	Windle/Bjokne	Annual review – no changes (removed legacy # HR-DHLMNPS-022 from the cover page)
2	June 2015	See Change Details	Windle/Bjokne	Code of Conduct Overview and Enforcement sections were modified
3	Sept 2016	Reporting Process, Responsibilities	Windle/Bjokne	Changed Lockheed Martin to Leidos, updated cover page format

The document library holds the most recent versions of all documents.

Approved by:


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20 SEPT 2016

Date

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Purpose

The purpose of this policy is to clearly communicate the expectations of the Antarctic Support Contract (ASC), the responsibilities of seasonal employees regarding behavior and conduct while deployed in support of the United States Antarctic Program, and the action that may result if the employee does not adhere to the standards of conduct set forth by ASC teammates and the National Science Foundation.

Scope

This policy applies to all deployed seasonal ASC employees.

Code of Conduct Overview

Due to the very unique environments in which deployed ASC employees work, employee conduct has a much greater impact on safety, operational performance, and employee morale than under more traditional workplace settings.

ASC employees are required to comply with ASC, National Science Foundation (NSF) and United States Antarctic Program (USAP) policies and procedures, to adhere to the ASC Code of Conduct, and to maintain levels of performance and behavior acceptable to the NSF and the ASC team companies. All employees shall conduct themselves properly, perform their jobs safely, ethically, and efficiently at all times and shall be responsible for maintaining all certifications and training needed to perform their jobs. Employees shall not engage in personal conduct that disrupts Program operations, adversely impacts his or her job performance, reflects negatively on ASC, USAP or the NSF, or is otherwise inconsistent with the Program's interests.

If an employee's conduct, performance or behavior is unacceptable, he or she may be given reasonable opportunity to correct the deficiency according to the steps set forth below. ASC Management, at their sole discretion, may forgo, eliminate, or accelerate any of these procedures; including but not limited to the suspension or termination of employment.

While the Program does not seek to interfere with the off-duty conduct of its employees, ASC reserves the right to take disciplinary action up to and including termination of employment, when an employee engages in off-duty conduct which adversely affects or reflects upon ASC's business interests or reputation.

Professional conduct is expected of all employees. This means being responsible for one's own behavior. Appropriate personal conduct, such as being a good community member, is also expected.

Deployed employees must comply with:

- ASC internal policies and procedures
- Company policies and procedures
- Addendum to Offer Letter
- NSF policies and Code of Conduct
- All laws and regulations, both civil and military, applicable to the work location

The following are examples of misconduct and performance deficiencies that are subject to disciplinary action. This list is not intended to be all-inclusive. Any conduct which adversely affects the interests of ASC, other employees, or customers may also result in disciplinary action.

While not a comprehensive list, the following examples are considered infractions that constitute potential removal from Stations/Vessels:

- Workplace Violence (fighting, weapons, threats, etc.)
- Alcohol related offenses (Intoxication on the job)
- Illegal Drug Use/Sale
- Unauthorized use of government and/or company property, e.g., viewing pornography online
- Willful or flagrant disregard of Program and/or company policies
- Willful damage or destruction of property
- Egregious safety violations, behaviors or incidents that result in or could have resulted in loss of life, serious injury, or substantial financial loss to the Program.
- Harassment/bullying

Enforcement

ASC represents a work environment in which employees may receive technical direction from employees of another company while receiving employment and administrative direction from the company that employs them. It is the responsibility of ASC leadership to enforce ASC and company policies and codes of conduct, and to take disciplinary action when necessary. Employees are to receive formal performance feedback and disciplinary action, when appropriate, from his or her company's management. Each company's management is to coordinate disciplinary actions through their company's Human Resources (HR) department before issuing a performance notice or more severe disciplinary action.

Note Inappropriate conduct may be grounds for disciplinary action, up to and including termination of employment, pursuant to the ASC Addendum to Offer Letter. Although discipline is normally progressive, initial disciplinary action may range from verbal warning to termination of employment, depending on the nature and severity of the issue. All disciplinary actions must be properly documented and reviewed by the appropriate personnel to ensure accuracy and consistency.

The following are recommended progressive disciplinary steps that should be considered on a case-by-case basis:

- Counseling
- Verbal Warning confirmed in writing
- Written Warning
- Suspension
- Termination

Note that for winter there may be verbal and/or written warnings, suspensions, future termination of employment, demotion and/or reduction in pay, confinement to quarters and/or removal from the Ice based on the first available flight. It is important to have

flexible disciplinary options so the employee can still be productive until removal from the Ice is possible.

Reporting Process

ASC ensures that all employees shall have the opportunity to address concerns and report inappropriate conduct or behavior of others without fear of retaliation. Employees are encouraged to discuss any concerns or issues with their employer's on-site management. Employees may also engage on-site Human Resources or ASC leadership, as appropriate. The process for reporting concerns is below:

1. On-site ASC management is notified immediately of employee concerns.
2. On-site ASC management determines the severity of the matter and if others need to be involved or notified. Less serious issues can be handled independently by on-site ASC management, while others may require involvement of on-site Human Resources and/or notification to senior leadership.
3. On-site ASC management should consult their company's Human Resources department if they have any question about the severity of the issue and/or the appropriate resulting actions which may include discipline, communications, training, etc.
4. For issues related to less serious conduct or behavior (up to and including verbal warnings), on-site ASC management or Human Resources should coordinate actions through their company's management and HR, as appropriate.
5. For any issue that may result in an employee's removal from a station/vessel (listed above), on-site company management must engage on-site Human Resources to investigate/address the inappropriate conduct or behavior. The Leidos HR Manager must be notified of these issues as soon as they become known. The Leidos HR Manager will ensure program management is made aware, as appropriate. Leidos HR will coordinate with the appropriate on-site ASC management and teammate HR to ensure investigations and employee interaction is coordinated in a collaborative manner throughout the assessment and disciplinary process. Although each teammate is responsible for communicating disciplinary actions to their employees, Leidos HR will be included in the assessment of serious issues and will provide insight to ensure program consistency and timely resolution.
 - Investigations of misconduct, discrimination, harassment or sexual harassment at facilities where there is an on-site Human Resources representative may be conducted by that person or their designee – ASC team companies may share HR resources to conduct effective investigations. At facilities not staffed by on-site Human Resources, on-site ASC management must contact their company's Human Resources department for guidance. Further consultation may be sought with that company's legal counsel.
6. After receiving approval from the employing company's HR and concurrence from ASC site/area and program management, on-site company management

have the ability to remove employees from the stations/vessels immediately even if further investigation is needed. The seasonal employee may not be permitted to return to the Ice/vessels if removed, regardless of outcome, due to time, cost, etc. Dependent upon the nature, severity of the offense, and outcome of the investigation, the seasonal employee could, however, be eligible to return in future years.

For infractions that occur while employees are in Christchurch, the PAE NZ site manager has the authority to prevent them from boarding the flight. For infractions that occur while employees are in Punta Arenas, Chile or other ports, ASC management has the authority to prevent them from boarding the vessel. The affected employee's company management and Leidos HR must be notified immediately when an employee is not permitted to board a flight or be embarked on a vessel.

Workplace Violence

ASC is committed to the health and safety of our employees. ASC is concerned about violence in the workplace and will make every effort to prevent any form of violence from occurring.

It is the responsibility of every employee to report any occurrence of a threatening nature toward any employee or any person on the premises. **All incidents and/or threats of violence will be investigated immediately.**

While not a comprehensive list, the following examples are considered acts of violence in the workplace:

- Intentionally attempting to cause or causing physical injury to another person.
- Brandishing a weapon with intent or implied intent to cause harm in the workplace or while on ASC business.
- Intentional, unwelcoming physical contact or attempts at such contact including, but not limited to, fighting, hitting, biting, kicking, throwing objects in anger, pushing, or shoving another person.
- Threatening (including implied threats and threatening gestures), intimidating, bullying, or abusing another person.
- Engaging in aggressive or hostile behavior that creates a reasonable fear of injury in another person.
- Intentionally damaging company property, third-party property entrusted to ASC, or property of another person.
- Committing acts of domestic violence.
- Stalking, including a pattern of unwanted visits, lying-in-wait, following, or conducting surveillance.
- Committing sabotage or arson
- Using company property or resources to harass, frighten, stalk, threaten, or harm another person.

Reporting Violations or Suspected Violations of this Procedure

Employees have the responsibility to immediately report any violation or suspected violation of this policy by any ASC employee or contractor to their on-site Company Manager, ASC Site/Area Management, Human Resources, MPC on vessels, and/or U.S. Marshall.

In cases involving physical violence or attempted physical violence, attempted abduction or hostage taking, threatening another with a weapon, or other imminent danger, employees must contact Area Management and/or Site Manager, Marshall and Human Resources, and/or MPC on vessels.

Any employee who reports an act of physical violence against them must immediately be taken to medical for evaluation.

Responding to Reports of Violations or Suspected Violations

ASC will adhere to a “zero tolerance” approach in the enforcement of this policy, as it is important that a safe and secure workplace is maintained. Zero tolerance means that we will investigate thoroughly and objectively report any violation of this policy by any leader, employee, or non-employee.

ASC, through its teammate companies, will take prompt action, up to and including termination of employment, against any employee who engages in any threatening behavior or acts of violence or who uses any obscene, abusive, or threatening statements or gestures.

ASC may, at its sole discretion, handle cases of suspected violations of this policy through disciplinary action, law enforcement, mental health, and administrative interventions that are designed to maximize workplace safety.

Personnel Searches

People and their personal property on USAP premises are subject to inspection and search. The ASC Area Manager or Site Manager reserves the right to search individuals and their areas, including, but not limited to: offices, desks, dorm rooms, personal belongings, subject to applicable law. Individuals are required to cooperate with searches. Individuals who do not cooperate with searches may be subject to disciplinary action.

Alcohol/Drug Use and Abuse

ASC prohibits the unlawful manufacture, transfer, distribution, dispensation, possession or use of illegal drugs or controlled substances at any time. This includes unlawful use of prescription medication.

ASC prohibits the unlawful manufacture of alcohol.

ASC prohibits the use of alcohol during work hours, including lunch breaks.

ASC does not permit the excessive use and abuse of alcohol during off-duty hours.

Employees suspected of being under the influence of alcohol during work hours will be taken to Human Resources by the Supervisor or Area Manager or Site Manager to arrange for a breathalyzer and/or blood test through Medical.

Any person in an accident which involves a vehicle or another party is required to undergo an alcohol and drug test immediately following accident, regardless of injury to person or damage to property.

Standards of reasonable suspicion

Standards of reasonable suspicion require that a factual foundation be established. This factual foundation will be based on factors or incidents directly related to job performance or physical symptoms commonly associated with alcohol or drug misuse.

Examples of facts giving rise to reasonable suspicion include, but are not limited to, an employee who is:

- Observed possessing, selling, distributing, unlawfully manufacturing, or using alcohol, illegal drugs or controlled substances, or who is in possession of drug paraphernalia while working in a USAP facility.
- Has slurred speech, altered motor skills, or similar symptoms which impair and make that employee incapable of performing assigned duties.
- Has documented job performance deterioration through declining productivity; excessive absenteeism or tardiness, unaccounted for or suspicious lapse(s) of availability, fighting, aberrant behavior, sleeping on the job, findings resulting from an investigation of a complaint.
- Involved in or has a history of preventable personal injury or vehicle/equipment accident(s) which caused or nearly caused bodily injury and/or property damage and brought into question the conduct of that employee or employees involved in the accident sequence.

The following actions will occur when there is reasonable suspicion:

- A supervisor who feels there is reasonable suspicion will consult with Human Resources on Station or Area Management if no Human Resources representative is available, and provide notification to the respective company Human Resources department.
- Any employee under reasonable suspicion will be informed by his/her supervisor along with Human Resource and/or Area Manager present that there is reasonable suspicion for alcohol, illegal drug or controlled substance testing.
- The employee will be informed that he/she is being required to submit to an alcohol or drug test per this procedure and that refusal to submit to the test is an admission of guilt and will result in disciplinary action, up to and including termination of employment. It is the supervisor's and/or Area Manager's responsibility to escort the employee to Medical for testing.

Personnel Searches

ASC may conduct reasonable searches for illegal drugs or alcohol on USAP premises, individuals, and their personal property, when there is reasonable suspicion that the individual may be in violation of this policy. No search will be conducted without the prior review and approval of cognizant legal counsel or other appropriate party. Individuals are expected to cooperate with searches.

Location-Specific Requirements

Antarctic Stations

No alcoholic beverages may be brought into or consumed at Antarctic work centers, including vessels.

The only exception is through ASC/NSF/military-sponsored events, in which the proper authorization has been obtained. An employee will be prohibited to perform any work duties after such event if he/she has consumed any alcohol.

This restriction does not include USAP-provided housing.

This restriction does not include the lounges, clubs, or bars at Antarctic work sites.

Christchurch

No alcoholic beverages may be brought into or consumed at the Christchurch, New Zealand office.

The only exception is through ASC events in which alcohol has been authorized by the Program Director or designee. An employee will be prohibited to perform any work duties after such event if he/she has consumed any alcohol.

Research Vessels

All research vessels are dry ships. There will be no alcohol allowed on the vessel at any time.

If an employee reports to the vessel under the influence, the Marine Project Coordinator is to be notified and the employee is not to be allowed to embark the vessel.

If there is reasonable suspicion that the employee is under the influence of alcohol, the employee may be subject to disciplinary action, up to and including termination of employment.

Harassment

ASC is **committed** to being an equal opportunity and affirmative action employer. There is **zero tolerance** for discrimination and harassment and strict enforcement of policies regarding non-discrimination and harassment. Employees who engage in inappropriate and offensive conduct that may not meet the legal definition of harassment may still be disciplined for inappropriate behavior.

Examples of Inappropriate Conduct that might also be construed as Harassment:

- Jokes, Comments, Remarks or E-Mail
- Posting or Displaying Discriminatory or Sexually Oriented Materials
- Physical Conduct Such as Touching, Pinching, Grabbing or Forced Contact
- Bullying
- Sexual Innuendo or Suggestive Comments
- Pressure for Sexual Activity or Sexual Favors

It is the responsibility of all management to enforce company policies regarding harassment in the workplace and to take appropriate disciplinary action.

Individuals should report incidents and allegations of harassment to their management and/or to Human Resources. This includes, but is not limited to all incidents and allegations against coworkers, management, customers, Grantees and other government contractor personnel. Management must immediately report such allegations of harassment to Human Resources.

No adverse action or reprisal will be directed at an employee for filing on their own behalf or on the behalf of another employee a complaint of harassment. In addition, no adverse action or reprisal will be directed at any employee who comes forward as a witness in a harassment investigation.

Responsibilities

Management

Consult with the appropriate Human Resources representative for assistance before initiating an investigation of alleged harassment or discrimination.

Participate in individual company Review Committees as needed.

Human Resources

Advise and counsel management on investigative and disciplinary matters.

Provide advice and counsel to employees regarding allegations of harassment or discrimination.

As necessary, assist management in the investigation of complaints.

Convene Review Committees as required.

Notify the complainant of the closure of the investigation.

Follow up with the employee following closure to ensure no retaliation has occurred.

Employee

Notify a member of management and/or the appropriate Human Resources representative of any instance of harassment or discrimination.

Review Committee

Review committee consists of Program Management, Leidos HR Manager, and Company HR/ Manager(s) of affected employee(s).

Consider cases of alleged harassment and discrimination, and make a determination regarding appropriate action.

Glossary

Act of Violence

An act of physical force exerted to cause harm to others and/or damage to property.

Harassment

Unwelcome conduct initiated for the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, or offensive working environment. This includes, but is not limited to, harassment directed at an individual based on the individual's age, sex, race, color, religion, national origin, marital status, disability, veteran status, or sexual orientation.

Sexual Harassment

Sexual Harassment is a form of sex discrimination. It can include unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature that are:

Made as a term or condition of employment or are made the basis for an employment decision; or,

For the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, or offensive working environment.

Threatening Behavior

Any direct or implied threats of violence, expressed orally, by gesture, or in writing. Direct or implied threats of violence include behavior that is disruptive, harassing, provoking or unsafe, which by its very nature could be interpreted by a reasonable person as evidencing intent to cause harm to another individual and/or damage to property.

Weapon

Any firearm or any other article, instrument or substance that, in the situation and under the circumstances in which it is used, or threatened to be used, is readily capable of causing physical harm, injury, or death.