

# EMPLOYEE WARNING NOTICE FORM



Employee Name: Albino Mancilla

Date: 6/7/21

Supervisor Name: Sam Chea

Hire Date: 9/9/19

- Verbal Warning                       Written Warning                       Final Warning  
 Coaching/Counseling Session                       Assignment End                       Termination

**1. Your behavior/actions have been found unsatisfactory for the following reasons:**

- Tardiness                                       Insubordination  
 Damaged Equipment                       Failure to Follow Procedure  
 Absenteeism                                       Failure to Meet Performance Standards  
 Policy Violation                                       Poor Work Quality  
 Falsifying Company Documents                       Other

**2. Details of Unsatisfactory Behavior/Actions:**

(Video attached in CMG File)

Melissa was walking to the MV2 room from the breakroom exit. Albino was walking the other way. When she neared him, he stopped and turned himself perpendicular to her so that as she passed he was watching her. He looked her up and down as she passed.

**3. Prior Warnings:**

Written warning on 5/24/21 for Policy Violation and Poor Work Quality

**4. The following immediate corrective action must be taken by the employee.**

n/a

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Note: Your signature on this form means that we have discussed the situation(s).

Manager's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*Called and left message to come in 6/7 & 6/8. RANS*

## Kelsey Sikkink

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**From:** Lisa Campbell <Lisa@reichelfoods.com>  
**Sent:** Friday, June 4, 2021 8:37 AM  
**To:** Kelsey Sikkink  
**Subject:** Albino

Isabel was translating.

Mike, Isabel, Sam and I pulled Albino into the supervisor office.

Isabel told Albino we needed to send him home because we needed to look into an incident that was brought to our attention regarding him.

He went around and around with us and Isabel had to repeat multiple times that we needed to send him home to investigate.

He kept bringing up the trash and Isabel told him it had nothing to do with the trash. He asked what the investigation was for then and she said an employee stated that she felt he was being inappropriate. He asked if it was a man or women and Isabel said it doesn't matter right now - we are going to investigate everything and he should go to the CMG office on Monday at 2pm.

He said the last time he was at the CMG office he didn't understand why he was there – he said he didn't have a good translator. Isabel said Edgar translated for you.

He then started to bring up that he bumps into people once in a while and when he holds the door open he bumps into people.

Isabel again told him we would investigate everything.

He told Isabel there will be no investigating the last time he was at the CMG office he was told if there were any other incidents his assignment would end. Isabel told him again we would look into everything and to go to the CMG office at 2pm on Monday.

### **Lisa Campbell**

Human Resources Manager

Reichel Foods, Inc. | 3706 Enterprise Drive SW | Rochester MN, 55902 | Phone: 507.289.7264 | Fax: 507.289.6552 | [www.reichelfoods.com](http://www.reichelfoods.com)

policy applies to recruitment and placement, promotion, training, transfer, retention, rate of pay and all other details and conditions of employment. Employment and other employment-related decisions will be based on merit and the principle of furthering equal opportunity. The requirements we impose in filling a position will be those that validly relate to the job performance required.

All other personnel actions including compensation, benefits, transfers, layoffs, recalls from lay-offs, training, education, tuition assistance and recreation programs will be administered without regard to race, color, religion, sex, age, national origin, disability, veteran status or any other protected status, in accordance with appropriate law.



## ANTI-HARASSMENT POLICY

It is ESSG's policy that all employees should be able to enjoy a work environment free from all forms of discrimination, including harassment. As such, ESSG and Reichel Foods, Inc. are committed to vigorously enforcing their Antiharassment Policy. This policy applies to all employees of the organization (without regard to position) and individuals not directly connected to ESSG (e.g., an outside vendor, consultant, customer or guest). Title VII of the Civil Rights Act of 1964 and the Minnesota Human Rights Act (MHRA) prohibit employment discrimination based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation or veteran status. Harassment is considered a form of discrimination and is specifically included among the prohibitions under Title VII of the Civil Rights Act of 1964. In addition, retaliation or reprisal taken against anyone who has expressed concern about harassment or discrimination against the individual raising the concern is illegal.

The Equal Employment Opportunity Commission (EEOC) and the Minnesota Department of Human Rights have defined sexual harassment as "unwelcome sexual advances, requests for sexual favors, sexual comments, or other verbal or physical acts of a sexual or sex-based nature including, but not limited to drawings, pictures, jokes, and/or teasing where (1) submission to such conduct is made either explicitly or implicitly a term or a condition of an individual's employment; (2) an employment decision is based on an individual's acceptance or rejection of such conduct; or (3) such conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment."

The Antiharassment Policy prohibits harassment and/or retaliation by any individual employed by, doing business with or for, or visiting ESSG. Employees who believe they have been the subject of harassment and/or retaliation or an employee who may have been witness to harassment and/or retaliation must report the incident immediately. Information and/or allegations must be reported to a manager of ESSG and/or Reichel Foods, Inc. **(by telephoning 866.496.7573 or 952.835.1288)**. Only those who have an immediate need to know, including the alleged target of harassment or retaliation, the alleged harassers or retaliators, and any witnesses may find out the identity of the complainant. All individuals contacted in the course of an investigation will be advised that all persons involved in a charge are entitled to respect and that any retaliation or reprisal against an individual who is an alleged target of harassment or retaliation, who has made a complaint, or who has provided information in connection with a complaint, is a separate violation of ESSG's policy. All information will be disclosed only on a

need-to-know basis to allow ESSG to investigate and resolve the incident. ESSG and Reichel Foods, Inc. recognize the serious nature of harassment and therefore will endeavor to protect the employee who may have been subjected to harassment, any witnesses and the party against whom allegations have been filed to every possible extent.

Harassment is unlawful and has a negative impact on employees. Violation of the Antiharassment Policy will not be tolerated by ESSG and may result in discipline up to and including termination. Offensive acts or conduct have no legitimate business purpose; accordingly, any employee, regardless of his/her position within ESSG, who it is determined has engaged in such conduct will be made to bear the full responsibility for such unlawful conduct.

With respect to sexual harassment, the following is prohibited:

1. Unwelcome sexual advances, request for sexual favors, and all other verbal or physical conduct of a sexual or otherwise offensive nature, especially where:
  - Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
  - Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or
  - Such conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment.
2. Offensive comments, jokes, innuendoes and other sexually-oriented statements.

#### **If Harassment Occurs:**

1. When possible, confront the harasser and tell him/her to stop. Sometimes a simple confrontation will end the situation.
2. If confrontation is unsuccessful, immediately contact your CMG/ESSG Account Manager to report the harassment.
3. An investigation will be conducted and appropriate action taken, including disciplinary measures. We will investigate, in confidence; all reported incidents of harassment and retaliation.



#### **PERFORMANCE REVIEWS**

Knowing what we must do and how we have performed is important to all ESSG personnel. Performance management is not only vital in setting performance standards which will reflect on how well we meet our business needs, but will also be the most important means to drive the financial rewards we all seek. Performance reviews are performed after any employee completes 90 days of service, then annually. Any recommendation for promotion, change of duties, or an increase in pay must be approved before any change takes effect. Performance reviews, however, do not automatically result in such changes or pay increases. Your supervisor will have more information on how the performance planning and appraisal process works. You may be asked to acknowledge the receipt of your review. If requested to do so, you are required to comply with the request, but your acknowledgement of receipt does not constitute your

acceptance of the statements in the review.

## **CORRECTIVE ACTION**

The purpose of any corrective action is to identify, correct and prevent recurrence of a performance problem or incident of misconduct and to plan for the employee's success in their position. Although employment with ESSG on assignment at Reichel Foods, Inc. is at-will, the Company may use the corrective action under this policy at its discretion. In addition, supervisors may provide coaching and counseling in the normal course of business. Formal corrective action may include any of the following steps: verbal warnings, written warning, final warning, suspension (with or without pay) or termination of employment. There are certain types of performance problems or misconduct that are serious enough to justify accelerating these corrective action steps, including immediate termination, without going through the progressive corrective actions process. Depending on the severity of the offense and the employee's performance and corrective action history, there may be circumstances in which one or more type of behavior that may be deemed a serious offense, employees can expect to be subject to corrective action, up to and including termination of employment, for violating any of the policies or general behavior set forth in this Handbook. In addition any behavior or act that would violate standards or common courtesy, decency, workplace conduct, or common sense, that is not specifically addressed in the Handbook, also may lead to corrective action, up to and including termination.

## **COMPLAINT PROCEDURE**

From time to time a complaint may arise surrounding your assignment with Reichel Foods, Inc. which needs immediate attention. We recommend the following procedure be used:

1. Contact your immediate Supervisor. Your Supervisor may be the best person to help resolve your situation.
2. If you are not satisfied with your Supervisor's response, or if your complaint relates to your supervisor's conduct, you may contact Human Resources.

## **OPPORTUNITIES WITH REICHEL FOODS, INC.**

Reichel Foods, Inc. encourages employees to reach their full potential and to progress within the company. ESSG Associates currently on assignment at **REICHEL FOODS, INC.** are eligible to apply for ***all posted job openings.***

## **VACATION**

Regular full-time employees of ESSG working at Reichel Foods, Inc. are eligible to earn vacation hours upon date of hire. Hours are tiered according to how long an employee has been with ESSG. The following is the tier for vacation hours—

Year 1 – 40 hours maximum of VACATION earned at the rate of 0.0192 VACATION hour per hour worked)