

SCI's Professional Resolution Process (PRP) is an alternative dispute resolution program (ADR) consisting of a four-step process. The PRP is designed to facilitate quick resolution of workplace issues and disputes and to encourage open communication and problem solving without jeopardizing Members' substantive legally protected rights. The PRP helps to avoid the financial and emotional expense of long court battles that can destroy working relationships and, with the cooperation of all parties, can help maintain a peaceful, supportive and productive work environment.

#### **The PRP Four-Step Process Consists of:**

1. The Open Door Policy
2. Assistance of the SCI Employee Relations Professional (ERP)
3. Mediation (*optional*)
4. Non-Jury Trial

The PRP policy forbids retaliation against a Member for trying to solve workplace disputes in accordance with the PRP guidelines. If a Member believes that he/she is being retaliated against for using any or all of the PRP options, the Member should call the PRP Member Hotline.

**PRP Member Hotline:** You may reach the Employee Relations Professional (ERP) or ask any questions related to the PRP by calling the PRP Member Hotline at **800.932.4610, ext. 2203 or 813.259.2203.**

Most types of workplace disputes can be resolved through the PRP. Workplace disputes covered by the PRP include, but are not limited to, claims of discrimination on the basis of race, color, religion, sex, national origin, age, pregnancy, medical condition or disability, sexual harassment or other forms of harassment, in violation of Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), the Age Discrimination in Employment Act (ADEA), the Equal Pay Act (EPA), claims involving the Family and Medical Leave Act (FMLA), the Uniformed Services Employment and Reemployment Rights Act (USERRA), the Fair Labor Standards Act (FLSA), and claims based on tort, contract, equitable law and statute.

The PRP does not cover claims arising under the National Labor Relations Act (NLRA) which are brought before the National Labor Relations Board (NLRB), claims for medical and disability benefits under state workers' compensation laws, or as otherwise required by state or federal law. Assistance with workers' compensation claims can be provided by contacting the assigned Client Service Professional (CSP) at SCI. However, if the Member feels that he or she has been fired, laid off, or unjustly treated because of filing a workers' compensation claim for an on-the-job injury, the dispute may be settled through the PRP.

The PRP does not prevent the Member from filing claims and pursuing proceedings before the U.S. Equal Employment Opportunity Commission (EEOC) and/or state and local Human Rights Commission agencies at any time (although if the Member chooses to pursue a claim

following exhaustion of such administrative remedies, that claim would be subject to the provisions of the PRP).

Both Member and Client Company agree to try, in good faith, to resolve any covered workplace issues or disputes through the PRP before resorting to litigation in the court system. If a lawsuit is filed, the parties agree to **WAIVE THE RIGHT TO A JURY TRIAL** (*see Step Four*).

Representation by an Attorney. The ERP facilitates dispute resolution by working directly with Members and Client Companies, rather than attorneys. Although Steps One (*Open Door Policy*) and Two (*Assistance of the ERP*) are designed to help resolve disputes without the need for legal counsel, Members and Client Companies may always retain their own legal counsel at any time to represent them.

The Member understands that the PRP is not intended to alter the Member's status as an "at-will" employee of SCI and/or the Client Company.

The PRP is the exclusive means of resolving workplace disputes covered by the PRP. If you are a Member of SCI, the PRP is a part of your employment, and you agree to be bound and resolve all legal claims against the Client Company, other Members, and/or SCI, and any affiliates thereof, in accordance with the PRP. If a Member is terminated from employment or laid off from work, the Member, Client Company and SCI must still follow the PRP for dispute resolution of any pending work-related issue(s).

The PRP may be amended or revised from time to time by SCI at its discretion. Members, Client Companies and SCI agree to be bound by any amendments or revisions of the PRP. In the event any language in the PRP is found to be unenforceable, the parties agree that said language shall be severed from the PRP and the remainder of the PRP shall be enforceable.

Members must sign a PRP Acknowledgement stating their agreement to be bound by the terms and conditions of the PRP and to resolve all claims accordingly.

This PRP document, as well as the PRP Overview and PRP Acknowledgement, are available from your SCI Client Service Professional and the Client Company. They are also available [online](#) for Members with access to [Employee Self-Service \(ESS\)](#).

Any concerns about the PRP program may be directed to the PRP Program Administrator c/o Legal Department, SCI Companies, 4224 W. Henderson Blvd., Tampa, FL 33629.

#### **Step One: The Open Door Policy**

Under the Open Door Policy, Members are encouraged to address workplace issues or problems directly with their immediate supervisor whenever possible. Members should also feel comfortable addressing workplace concerns with SCI at any time. This policy offers a variety of ways to solve workplace problems and gives Members the freedom to voice their concerns to their managers or supervisors, their SCI Client Service Professional (CSP) and/or the SCI Employee Relations Professional (ERP) without fear of retaliation.

Whenever possible, Members are encouraged to try to resolve workplace issues or problems directly with the person(s) involved in the dispute. The Member should determine whether a co-worker or immediate supervisor might be able to assist. Since this person is close to the situation, he or she may already be aware of the problem, or be in a position to offer a new perspective or provide new facts that may be helpful.

If a co-worker or immediate supervisor is unable to provide immediate help or is not an appropriate candidate for offering assistance, the issue should be addressed with the next level of management. Members are encouraged to follow the chain of command within their department or company as the most direct means of resolving issues.

If the issue is not resolved or the Member is unable to obtain assistance from management, or where the top management official of the Client Company is not an appropriate candidate for offering assistance because he/she is directly involved in the problem, the Member may contact his/her assigned CSP or the ERP for assistance.

### **Step Two: Assistance of the SCI Employee Relations Professional (ERP)**

Members may contact the ERP any time they need assistance with a workplace dispute or problem, although using the Open Door Policy is recommended as a first step. The ERP is a neutral SCI staff member trained in employee relations. The ERP is not an attorney and cannot provide legal assistance.

Assistance of the ERP includes:

- Listening to Member concerns and gathering facts.
- Reviewing Member options.
- Answering Member questions regarding workplace problems.
- Aiding in "opening doors" of communication.
- Discussing Member concerns with the Client Company to help resolve issues.
- Assisting the parties to reach their own resolution of the workplace issues.
- Referral to other resources.
- Scheduling and coordinating mediation if agreed to by both Member and Client Company (Step Three).

### **The PRP Member Hotline**

The PRP provides a Member Hotline telephone number that Members may call when they have a workplace issue or problem that needs resolution. The number to call is: **800.932.4610, ext. 2203 or 813.259.2203**

Calls to the PRP Member Hotline are routed to the ERP. Members calling the Hotline should leave a telephone number and time when they can be reached. In general, the ERP is available to assist Members Monday – Friday, 8:30 a.m. to 5 p.m. EST, excluding holidays. The ERP is also available after hours upon scheduled appointment times. Every effort will be made to respond to Member calls within 24 hours during weekdays or by the end of the next business day if a Hotline call is placed on a weekend or holiday.

### **Confidentiality**

The PRP Member Hotline is designed to provide Members with an independent source of assistance with regard to workplace disputes. In most instances, the ERP will need to contact the Client Company to address the issue(s) raised by the Member and, therefore, calls to the PRP Member Hotline should not be regarded as confidential. However, every effort will be made to confine the information to those members of the Client Company's management who have a need to know. The Member, Client Company and SCI agree to maintain the confidentiality of any offers to resolve the matter made by either party through the PRP and agree not to use such information in any agency proceeding, court action or other litigation, unless compelled to disclose such information by a federal or state court or administrative agency.

### **Step Three: Mediation (Optional)**

Mediation involves a meeting with a neutral third party who helps the Member(s) and Client Company reach a mutual agreement based on the needs and interests of all parties. The mediator may offer suggestions for resolution, but does not impose a settlement on the parties. Mediation primarily opens the lines of communication and helps create solutions. Mediation empowers Members to be decision-makers in resolving their own workplace disputes.

If Steps One and Two are unsuccessful, the parties may agree to participate in mediation with a trained outside mediator. The mediator will promote discussion, listen to both sides of the issue and guide everyone in an effort to reach resolution of the workplace dispute. Those involved in the workplace dispute are the decision-makers and will have the final say in determining whether the issue is settled to the satisfaction of all parties. Mediation can be conducted at the Client Company worksite, at an SCI office, or at another location neutral to all parties.

### **A Step-by-Step Approach to Mediation**

1. Step Two (*Assistance of the ERP*) is a prerequisite to Step Three (*Mediation*).
2. Mediation is optional under the PRP. If all parties elect to participate in mediation, the ERP will coordinate the assignment of the outside mediator and the scheduling of the mediation. The ERP will supply a list of at least three outside qualified mediators to all parties, from which they will mutually agree upon a mediator. If the parties cannot agree, the ERP will select a mediator from the list. The outside mediator will be neutral and impartial, with his/her goal being to help the parties reach a mutually satisfactory solution.
3. Any party may be represented by an attorney or other representative at the mediation, provided the name and address of the attorney or other representative is communicated in writing to the mediator, all other parties and the ERP prior to the mediation.
4. Prior to the mediation, all parties may be required to submit to the mediator (with a copy to all other parties and the ERP) a statement of the party's position regarding the disputed issues. The mediator will direct the time frame that these statements are due and any special requirements in this regard.

5. All parties must be prepared to present all information necessary to assist the mediator to understand the issues at the mediation. There shall be no recording of the mediation. The mediator may conduct joint and separate meetings with the parties as part of the mediation.
6. The Member, Client Company and SCI shall maintain the confidentiality of, and shall not use in any agency proceeding, court action or other litigation, any settlement offers made by any party during the mediation process or any recommendations or opinions of the mediator, unless compelled to disclose such information by a federal or state court or administrative agency.
7. Mediation shall be concluded upon resolution of the issue(s) or upon a determination that no further discussions would be helpful in reaching a resolution of the issue(s). The mediator may make oral and/or written recommendations for settlement, but may not impose settlement upon the parties. At the conclusion of the mediation, the mediator shall report to the ERP the result of the mediation, and the parties waive any confidentiality in this regard.
8. If the parties resolve the dispute through mediation, they will sign a mediation agreement before the end of the mediation session. Thereafter, a formal mediation agreement will be drafted that reflects the settlement terms and will be sent to all parties for signature.
9. Neither SCI nor any mediator shall have any liability to any party for any acts or omissions in connection with any mediation conducted pursuant to the PRP.

#### **Mediation Costs**

Assistance of the ERP in scheduling and coordinating the mediation is offered free of charge as a benefit of the PRP. Members and Client Companies are responsible for payment of their own expenses and attorney's fees (where applicable) in connection with mediation. All other expenses of mediation including, but not limited to, the mediator's compensation and travel expense, and any room rental fees, shall be paid by the Client Company.

#### **Advantages of Mediation**

Mediation has proven highly successful in resolving problems and is generally the outside resolution process of choice. It offers the following advantages:

- Provides all parties with an opportunity to tell their story.
- Provides an impartial perspective by a third party.
- Helps reduce feelings of hostility.
- Helps separate emotional issues from factual issues.
- Promotes discussion of creative solutions.
- Offers an opportunity for win-win solutions (*i.e.*, solutions that are good for all parties).
- Allows all parties to be decision-makers.

#### **Step Four: Non-Jury Trial**

If the workplace dispute is not resolved in Steps 1-2 (or Steps 1-3 if mediation is elected by the parties), the Member, Client Company and/or SCI shall have the right to file a lawsuit in a court of competent jurisdiction or to file a claim with any administrative agency if any of them wish to pursue the matter. However, the Steps of the PRP do not need to be completed prior to filing a lawsuit or claim if any applicable statute of limitations will expire.

Except as prohibited by law, the Member, Client Company and SCI agree to **WAIVE THE RIGHT TO A JURY TRIAL** in any action or proceeding related to, or arising out of, Member's employment which is covered by the PRP that they may have now or in the future while the PRP is in effect including, but not limited to, any claim relating to discrimination, harassment and/or any terms and conditions of Member's employment (including, but not limited to, hiring, promotion, pay and termination decisions).

#### **Professional Resolution Process (PRP) Distinguished from the Employee Assistance Program (EAP)**

Members needing counseling or referral services concerning confidential personal difficulties should not call the PRP Member Hotline, but should contact the Employee Assistance Program (EAP), which is a different program offered through SCI. The PRP is an alternative dispute resolution program administered by SCI to help resolve Member conflicts or issues at work, specifically with co-workers or supervisors and managers. Matters raised by Members in calls to the ERP are usually discussed with the Client Company in an effort to resolve the dispute. The EAP, on the other hand, is a benefits program offered by SCI that is administered by an independent company specializing in employee assistance programs. The EAP offers short-term counseling and referrals for personal difficulties that can affect Members both at home and at work, such as family and marital conflicts, parenting concerns, emotional difficulties such as depression, anxiety, or guilt, drug and alcohol dependence, stress and burnout, eating disorders, low self-esteem, conflicts at work, crisis situations and questions about legal or financial concerns or about child or elder care. Any help a Member receives from the EAP is confidential. The Member's name, records and other confidential information are not shared with SCI or the Client Company. Information on contacting the EAP is available in the SCI Member Guidebook or through your SCI Client Service Professional (CSP).