

SOLAR PHILIPPINES NUEVA ECIJA CORPORATION	
EMPLOYEE CODE OF CONDUCT AND ETHICS	
Revision No:	01
Effectivity Date:	

I. POLICY STATEMENT

Solar Philippines Nueva Ecija Corporation hereto referred to as (“SPNEC”) or (“the Company”), commits to promote a harmonious and healthy working environment among its employees and between employees and the Company's customers. Every employee, regardless of rank and/or position, is expected to meet acceptable standards of conduct and performance. In cases where an employee's acts prove detrimental to the well-being of other employees, the Company, and/or its clients, the Company shall exercise its prerogative to enforce discipline and impose the appropriate and necessary sanctions and/or penalties.

II. OBJECTIVES

This Code is meant to instill discipline in the company by clarifying the acceptable and expected behavior of its employees as well as the proper management of deviations therefrom. The guidelines set by this policy are based on the following objectives:

- To promote effective behavior and performance based on SPNEC’s Mission, Vision, and Corporate Values;
- To promote consistency in the administration of corrective measures for unacceptable behavior and/or performance;
- To use progressive discipline to rehabilitate behavior and enhance employee performance and conduct; and
- To promote accountability of all employees toward adherence to this Code.

III. COVERAGE

The provisions of this Code shall apply to all employees of SPNEC and its affiliate companies. This Code is without prejudice to the promulgation of additional, special or supplementary rules applicable to SPNEC and/ or its affiliates, or of any department/ division of the Company for specific application to its operations.

IV. RESPONSIBILITIES

The responsibility of ensuring discipline within the Company collectively rests upon the Immediate Superiors, the Department Heads and the Human Resources Department.

Immediate Superior

- Maintains discipline and promotes efficiency among the staff in order to achieve the desired goals of his/her group or department;
- Ensures that policies and guidelines prescribed in this Code are followed in so far as his/her group or department is concerned;
- In cases of deviation from the Company's rules and regulations by any of his/her subordinates, he/she conducts initial investigation and documents the incident and observes due process in accordance with the provisions and guidelines set in this policy; and
- Implements the approved and appropriate disciplinary action notice.

Department Head

- Ensures that his/her manager/s are fully aware of their responsibilities in promoting and maintaining discipline and understands all relevant provisions and rules stipulated in this policy; and
- Reviews and approves, in consultation with HR, disciplinary actions recommended by his/her manager/s to ensure objectivity.

Human Resources Department

- Monitors and ensures proper implementation of the policies/guidelines contained in this policy;
- Convenes the Discipline Panel (DP) if and when necessary, especially when the sanction will lead to an employee's suspension;
- Advises other managers as to how policies and guidelines should be implemented and explains the meaning and applicability to specific causes of each disciplinary incident if needed;
- Recommends appropriate measures and/or controls to prevent the recurrence of a specific infraction;
- Updates policies, rules and regulations based on the needs of the organization. This shall be done in close consultation with the ManCom;
- Advises managers in handling progressive discipline, and in cases involving dismissal and preventive suspension, to ensure that labor laws, rules, and regulations are adhered to; and
- Files all records in the respective employee's 201 file for future reference.

V. GENERAL GUIDELINES

The provisions of this Code shall be made known to all employees through whatever appropriate means and manner that provide wider dissemination and understanding. An appropriate manner of acknowledging the communication or receipt of a copy of the Code and its updates, if any, and responsibility over its understanding shall be made by the employee. Any revision of this Code shall be properly communicated to the organization.

The Company reserves the right to amend, modify, repeal, suspend or otherwise change from time to time, any or all provisions of this Code, through issuances of memoranda or management resolutions, as when circumstances or prevailing conditions and exigencies of the business necessitate such changes. Any amendment shall be announced to the employees.

When a violation results in injury of person or damage of property or both, the offender may be required to pay in full/in part the amount of damage caused by his/her act or omission, without prejudice to the sanction specified in the Code.

Implementation of Disciplinary Action (DA) shall not prevent the Company from filing the appropriate criminal, civil or administrative charges in accordance with applicable Philippine laws. The Company reserves the right to terminate employment for serious offenses consistent with the Company Code or the specified just causes of the Labor Code, without going through a progressive discipline process.

- The Company commits to observe the requirement of due process in handling disciplinary cases.
- If any provision of this Code of Conduct is made invalid by any law or decree, such law or decree shall not invalidate the remaining portions of this Code.
- In cases where an employee is not meeting the required performance, a Performance Improvement Plan (PIP) shall be instituted by the immediate manager. This is further referred to in a separate guideline on PIP.

VI. DISCIPLINE

It shall be the responsibility of every immediate superior to ensure that discipline, work performance and ethics are maintained within his/her area of responsibility. Correspondingly, every immediate superior is given authority and power to:

- Ensure that all his/her subordinates are aware of and shall comply with all provisions of this Code, as well as amendments or supplements thereto; and
- Resort to the appropriate disciplinary and/or corrective measure necessary to effectively discharge such responsibility.

Depending on the seriousness of an act or omission, the employee's immediate superior may administer the following:

1. Counselling Log (CL) – In the event of any evident changes in disciplinary actions such as behavior towards internal and external stakeholders and business ethics, the Manager can use the CL (see Appendix C) to keep track of his / her team's actions. This may also be used as a tool to guide managers even on menial observations of unparalleled behavior of their subordinated from their normal interactions. Note that logging in the Counselling Log does not necessarily mean an offense has been committed by an employee. This is for records keeping purposes that there had been

noticeable changes in discipline, though not necessarily an offense has been made. So that if a sanction might be imposed to an employee, management is able to keep track of even the menial observations prior to an incident. In cases that lead to suspension, the CL will be utilized by the immediate manager to assure that the employee has been debriefed prior to work resumption.

2. Oral Reminder (OR) - The Oral Reminder (OR) is a conversation between the immediate manager and an employee concerning light infractions pertaining to behavior or performance. This must be documented in the OR Log (Appendix D) and submitted for filing in the employee's 201 file.
3. Written Reprimand (WR) - A Written Reprimand (Appendix E) is a written notice issued to the erring employee in accordance with the progressive disciplinary action. This step shall be documented and filed in the employee's 201 file. The WR shall serve as a stern warning and reminder to an erring employee that a repetition of the same or similar offense, will be dealt with more severely.
4. Suspension - If an employee fails to respond favorably to the oral reminder and written reprimand, the manager may take another corrective action by suspending the employee from his/her work without pay, after observance of the administrative due process.
 - 4.1. Suspension shall serve as a disciplinary action depriving the erring employee of his/her work, benefits and corresponding wages for a definite period, depending upon the gravity of the offense in accordance with penalties table.
 - 4.2. Where warranted, suspensions can be warranted as light suspension (1-7 days), medium suspension (8-16 days), grave suspension (17-30 days).
 - 4.3. The employee is not allowed to enter the Company's premises during his/her suspension period. Likewise, the Company assets; ID, company issued laptop and mobile phone, pedestal key shall be surrendered. Access to network and systems shall be suspended. HR shall initiate the temporary restriction to mentioned access rights.

The employee shall be informed in writing of his/her suspension and will be required to acknowledge receipt of the letter by affixing his/her signature and indicating the date of receipt. In case of refusal of the employee to receive the written suspension notice, the contents of the same shall be read and explained to him/her by his/her immediate superior and/or manager, and/or department head, in the presence of a witness, who shall sign and attest to such reading. A note saying, "employee refused to receive and acknowledge" shall be written in the notice. This notification process will also apply in cases of Preventive Suspension, Dismissal, and written Notice to Explain of this policy.

Preventive suspension shall not serve as a penalty, but an interim measure imposed during the formal investigation of a reported violation. The Company may place an employee under preventive suspension in appropriate circumstances, such as but not necessarily limited to any of the following circumstances:

- The employee's continued employment poses a serious and imminent threat to the welfare, safety, or life of his/her co-employees, such as but not limited to:
 - Threat of or actually inflicting physical harm on others;

- Provoking fights or commotion in the workplace;
- Making grave threats to co-employees; or
- Any other act that would endanger the safety of any co-employee.
- The employee's continued employment poses a serious and/or imminent threat to the Company's property and security, such as but not limited to:
 - Theft or destruction of company property;
 - Allowing persons to access confidential information; or
 - Embezzlement or fraudulent schemes to convert, misappropriate, or use company property; or
 - Any other act that would endanger the property or security of any Company property.
- The period of preventive suspension shall not exceed thirty (30) calendar days, during which time the suspended employee shall not be entitled to be paid his/her salary/wages and other applicable benefits, except for availing of HMO;
- S/he shall not be allowed to enter Company premises except to attend the disciplinary investigation proceedings. The Company ID and all other issued access cards, keys and Company property shall be surrendered temporarily to HR for safekeeping;
- After the expiration of the said thirty (30)-day period, the employee shall be reinstated to his/her former position. The period of preventive suspension may be extended as necessary. During the period of extension, the employee shall be reinstated to the payroll and be paid his/her wages/salaries and other applicable benefits. The employee shall not be bound to reimburse the amount paid to him/her during the extension if the Company, after completion of the disciplinary proceedings, decides to dismiss the employee for cause. The intention of this procedure is to restore the status quo in the workplace until the issues have been finally resolved; and
- If, however, the investigation determines that the concerned employee is innocent and/or should be absolved of the charge/s, the employee shall be duly notified in writing to report back to work and will be appropriately remunerated his/her wages/salary and other applicable benefits for the days spent on preventive suspension.

Dismissal shall be deemed as the appropriate sanction for grave offenses or repeated commission of offenses as provided in this Code's schedule of penalties. Such sanction shall be in accordance with the provisions of this Code and the Labor Code of the Philippines.

VII. MULTIPLE OFFENSES AND DEACTIVATION PERIOD

Simultaneous Offenses is defined when a single act constitutes two (2) or more offenses, the penalty for the more serious offense shall be imposed, at the discretion of the Company. Multiple violations for each offense shall be treated wholly. Each violation shall be considered as an aggravating circumstance and will compound the disciplinary action to be imposed.

The Deactivation and Prescription Period refers to the duration in which the disciplinary action shall be considered in computing the frequency of violations. If disciplinary actions are to be imposed, the penalties shall be progressively applied depending on the gravity of the offense and to ensure the efficacy, as well as the impact of the corrective action. A prescription period is set such that grounds for succeeding penalties for the same offense will be based on the last penalty imposed and will be cumulative over a certain period. The prescriptive period for offenses shall be counted from the date of issuance of the decision to the employee, either personally or through other means of written notification. After such prescription period, the employee's disciplinary action/penalty cycle shall be reset to null, and the subject violation shall no longer be counted.

A "year" is defined to be twelve (12) calendar months. While a "month" is defined to be thirty (30) calendar days.

PENALTY	PRESCRIPTION PERIOD
Oral Reprimand (OR)	Six (6) Months
Written Reprimand (WR)	Six (6) Months
Light Suspension	Twelve (12) Months
Medium Suspension	Twelve (12) Months
Grave Suspension	Eighteen (18) Months
Dismissal	Not Applicable

Example: Employee A has the following disciplinary records: 1st Offense: February 1, 2014, 2nd Offense: March 1, 2014, 3rd Offense: July 1, 2014

If until July 1, 2015, the employee does not commit any similar violation, his/her last record of seven (7) days suspension will be deleted from his/her 201 file, leaving written reprimand as his/her outstanding DA record. If he did not incur further similar offense/s until January 1, 2016, his/her DA record of WR will be deleted. After six (6) months or on July 1, 2016, his/her DA memo of OR will be pulled out from his/her 201 file, which will completely clean his/her DA record This is the deactivation process. However, if he

commits the same offense, anytime within the prescription period, corresponding penalty will still apply.

VIII. ADMINISTRATIVE PROCEDURES

Filing of Incident Report

Immediately upon breach of rules and regulations or any irregularities, a co-employee, immediate superior, manager, department head, security or building personnel, or any knowledgeable person (from within or outside the organization) may file an Incident Report (IR) against the employee.

When a complaint is raised, the complainant shall present a duly signed written report to document his/her complaint. Only work-related issues, including those which stems from personal issues, are covered in the filing of IR. All complaints and resulting IRs must cite the specific incident/s as basis for the complaint.

The Incident Report (IR) shall be prepared using the Company's official Incident Report Form (Appendix F) or a comprehensive written statement can be submitted to an authorized company representative, immediate superior, or HR. The Incident Report (IR) shall be the basis for initiating an investigation. An exact chronological narration of events including the date, time, place and people involved shall be covered. Documents, pieces of evidence, and/or witness' statements relevant to the incident shall be submitted as well by the affected employee, together with the accomplished IRs. Note that the filing of the IR shall be done within a 15-day period from the incident.

Data Gathering & Investigation

HR will conduct the initial investigation. The initial investigation can go as far as the gathering of statements from witnesses, documents, and other material evidence. In case HR finds insufficient evidence or no probable cause to pursue the case to the next level, this will be discussed with the immediate superior/manager/department head for his/her concurrence to discontinue the investigation and dismiss the IR. HR shall prepare a Memorandum addressed to the complainant, and to the respondent whose participation was required in the preliminary investigation (copy furnished to the respective immediate managers), stating the lack of convincing factors/issues to pursue the case.

Notice to Explain

HR properly receives the Incident Report and other pertinent documents. An NTE shall be prepared by the immediate manager to the erring employee, to be reviewed by HR accordingly. The NTE shall contain the following:

- Specific grounds and detailed narration of the facts and circumstances that serve as basis for the charge/s against the employee;
- The company rules and/or the grounds under the Labor Code being charged against the employee and the applicable sanction per the penalty schedule;

- The NTE shall advise the employee that he is given the opportunity to submit his/her written explanation to the immediate superior/manager/department head/HRD within five (5) calendar days from receipt of the NTE;
- The NTE shall include the warning that failure on the part of the subject employee to respond shall be construed as a waiver of his/her right to be heard and a Decision shall be rendered based on the available evidence/documents submitted;
- The NTE may also contain a directive placing the subject employee on Preventive Suspension (PS), as warranted, in accordance with the provisions on PS;
- If at this point, the subject employee admits through his/her written explanation the alleged violation/s, an administrative hearing will continue to be facilitated. Based on the outcomes, the corresponding Notice of Decision (NOD) containing the appropriate disciplinary action will be served by the immediate manager and forwarded to HR for 201 filing. In case of dismissal, the issuance of the NOD will be done in the presence of the HR Manager or HR Head.

Discipline Panel (DP)

Upon receipt of the IR/NTE for review, and there is no admission of commission of the infraction by the employee, HR may form a Discipline Panel (DP). The DP may be composed of the HR Manager, manager/s from other departments, a resource person (technically knowledgeable with the details of the case at hand), a team leader or manager. The DP composition should at least be three (3) people and may change as the situation warrants.

DP shall be responsible for the fair, objective, and speedy resolution of the case. HR may schedule a case deliberation, aside from the case proceedings. The HR Business Partner and/or Labor Relations Officer shall assume the role of a presiding officer. Issues raised for argument shall be resolved through consensus or collegially. The decision of the DP shall be final and executory.

The DP proceeding will only take place for offenses where the imposable penalty is suspension until dismissal. An administrative hearing shall be conducted wherein the employee will be given the opportunity to explain and clarify defenses to the charge/s against him/her; present evidence in support of his/her defense; and rebut the evidence presented against him/her. The administrative hearing shall take place at least three (3) working days after the receipt of the erring employee's Reply. A Notice of Administrative Hearing shall be duly issued (see Annex H). This may also be used by the parties as an opportunity to reach an amicable settlement.

Case Proceedings

The DP convenes to review and deliberate the case at hand. Notices of DP meetings may be served upon the complainant/s, respondent/s, witness/es, and IR author/s to shed light on the case. Substantial evidence shall be required in rendering a final decision.

Case Resolution

The DP shall arrive at a decision within a reasonable time from the date of the administrative hearing. An NOD shall discuss the merits of the case, as well as mitigating and aggravating circumstances affecting the decision. A copy of the NOD shall be released by the immediate manager to the respondent and IR author. It will form part of the records for future DPs.

- The DP may, at its own discretion, dismiss the case if facts about the case fail to substantiate the charge(s) against the respondent.
- The DP will take into consideration the mitigating and aggravating circumstances in determining the appropriate case resolution.
- Mitigating circumstances are those that tend to lessen the seriousness/gravity of the offense and merit decreasing the disciplinary action (DA) such as but not limited to the following:
 - Employee's action has not caused substantial loss or damage to the Company.
 - Absence of malicious intent;
 - Employee admitted guilt spontaneously before the filing of incident report;
 - Employee followed a wrong order from a superior in good faith or under threat, intimidation, or duress;
 - Employee was provoked to commit the offense;
 - Employment history; or
 - Other similar or analogous circumstances.

On the other hand, aggravating circumstances are those that tend to increase the seriousness and gravity of the offense and merit increasing the disciplinary action (DA). Examples of which are as follows:

- Employee has shown multiple or habitual misconduct;
- Has been given a total of four (4) disciplinary actions in 12 months, one of which involves suspension from work;
- Has been given a total of five (5) disciplinary actions in 12 months, regardless of offense or corrective action;
- Has been on at least 2 consecutive Performance Improvement Plans (PIP) and has consistently failed to meet the goals set;
- Employee's action has caused serious damage or loss to the Company;
- Employee has benefited from the offense;
- Employee has premeditated the commission of the offense;
- Other similar or analogous circumstances; and
- HR shall file all the records of the case accordingly.

Should there be a determination that dismissal is justified, the NOD shall indicate that (1) all circumstances involving the charge/s against the employee have been considered and (2) grounds have been established to justify the severance of their employment.

Implementation of NOD

NOD implementation is a shared responsibility of the immediate manager and HR. The implementation and service of the NOD shall be done by the immediate manager and in cases of dismissal, the NOD shall be served in the presence of an HR representative.

In case of dismissal, the HR Head shall be consulted for review and approval before implementation. The HR Head and the Legal team have the discretion whether to commute the penalty of dismissal to a lower penalty due to mitigating circumstances.

If and when resignation of the respondent pre-empts the implementation of the decision or case resolution, all pertinent documents shall form part of the respondent employee's 201 file for record purposes. Depending on the seriousness of the allegations, the resignation of a respondent can be held without prejudice to the ongoing investigation.

IX. CONTINGENCIES

Other violations that are not listed in Appendix B but directly or indirectly affect the interests of the Company and its employees will be dealt with by Management on a case-to-case basis. The same due process will be conducted in accordance with the Philippine Labor Law and Company Policy. Any act analogous to the offenses enumerated in this Code of Conduct shall be subject to penalty as determined by the Company. The Company reserves the right to determine classification of an offense and its corresponding penalty. An offense may be classified under one or more headings or sections.

Appeals Process

- If an employee is not satisfied with the decision of corrective action, s/he could appeal to the next higher level of authority over the manager who is meting out the discipline.
- The appeal should be formalized in writing and submitted within three (3) days from the date the decision is received.

All decisions involving termination of employment must be reviewed and approved by the Department Head of the concerned employee together with Human Resources, and the Legal Affairs team.

APPENDIX A
PENALTIES TABLE

PENALTY		DESCRIPTION
1	Oral Reprimand	A conversation between the immediate manager and an employee concerning light infractions pertaining to behavior or performance.
2	Written Reprimand	A written notice issued to the erring employee in accordance with the progressive discipline / penalty schedule.
3	Light Suspension (1-7 days)	Action has low but evident impact to cost, reputation, operations, and people.
4	Medium Suspension (8-16 days)	Action has significant impact to cost, reputation, operations, and people.
5	Grave Suspension (17-30 days)	May result in serious damage to life, property, operations, and reputation.
6	Dismissal	The sanction for grave or repeated offenses.

APPENDIX B

LIST OF OFFENSES SANCTIONABLE WITH DISCIPLINARY ACTION

1. Acts or Omissions Concerning Attendance, Relationships with Superior/s and Performance of Assigned Duties	1 st	2 nd	3 rd	4 th	5 th
1.1. Absence from work without official notice and/or without official leave or authorization.	1	2	3	4	5
1.1.1. For 2-3 working days	2	3	4	5	6
1.1.2. For 4 to 6 consecutive working days	3	4	5	6	
1.1.3. For 7 to 10 consecutive working days	4	5	6		
1.1.4. For more than 10 consecutive working days	6				
1.2. Tardiness for at least 5 times in a calendar month and or an accumulation of two hundred forty (240) minutes in a calendar month.	2	3	4	5	6
1.2.1. Unapproved undertime for 1-3 times	3	4	5	6	
1.2.2. Unapproved undertime for 4-8 times	4	5	6		
1.3. Failure to observe due diligence that is ordinarily exercised in undertaking a particular task related to or the performance of duty. In here, there is a clear disregard of consequences without any effort of avoiding them.	2	3	4	5	6
1.4. Any delay that causes the Company to lose time and/or clients through negligence or substandard work or undue failure to perform any act within the scope of his/her functions.	4	5	6		
1.5. Commission of negligent or careless acts during work time or on Company property, which results in personal injury to a co-employee or destruction of Company or employee property, material or equipment. Note: Subject to evaluation on the overall impact on life, cost, or property.	3	4	5	6	
1.6. Losing or misplacing Company records or documents through negligence.	3	4	5	6	
1.7. Failure to update Human Resources within thirty (30) days of any change in status, address, contact	1	2	3	4	5

<i>number, additional dependents, and other pertinent information.</i>					
1.8. Failure in giving due notification or in providing the known and needed information to person/s concerned, or failure to follow specific instructions.	2	3	4	5	6
1.9. Failure to report within twenty-four (24) hours after one has received erroneous payment, overpayment of salary, commission, allowance, or other forms of remuneration.	2	3	4	5	6
1.10. In Manufacturing or specified work location, leaving one's work area during scheduled duty hours or taking break periods that are longer than the prescribed time or at times other than when scheduled.	2	3	4	5	6
1.11. For SPMMC operations, failure by the employee to pass the 2nd re-certification process exam. (Note: The employee is given four (4) chances to pass the exam; every time the employee fails the exam, the heavier penalty will be imposed – from the 2nd up to 4th take).	2	3	4	5	6
1.12. Malingering or feigning illness to avoid doing assigned work.	5	6			
1.13. Sleeping during or outside working hours inside the manufacturing area or any place that is not authorized.	2	3	4	5	6
1.14. On the part of the superior, condoning, tolerating or participating in an offense committed by a subordinate. This includes failure of the immediate supervisor to initiate the discipline process within 15 calendar days from the date he is made aware of the offense and incident has been submitted and received.	3	4	5	6	
1.15. Willful refusal to obey or comply with official and lawful orders of instructions, rules, and regulations without any valid reason and/or failure to carry out regulations, assigned duties and other work-related orders without any justifiable reason.	6				
1.16. Refusal to do his/her assigned task notwithstanding the specific order and countermanning orders or instructions of superior.	6				
1.17. Challenging in an arrogant manner a reasonable order and countermanning orders or instructions of superiors.	6				
1.18. Showing disrespect to a superior.	6				
1.19. Verbal abuse against or threatening or attempting to intimidate any superior or management personnel that directly or indirectly interferes with supervision.	6				

1.20. <i>Intentional delaying of execution of tasks that require immediate action.</i>	6				
2. Acts of Omissions Concerning Harmony, Good Orders, Safety and Decency at Work.	1st	2nd	3rd	4th	5th
2.1. <i>During working time, or within the company premises, engaging in horseplay, which refers to rough, coarse or unruly conduct/play, which passes the bounds of propriety and professionalism.</i>	1	2	3	4	5
2.2. <i>Actual damage of horseplay may range from none to delay in operations, or up to Php 10,000 worth of financial/operational/property loss.</i>	3	4	5	6	
2.3. <i>Leads to minor damage to property; financial/operational/property loss of up to Php 100,000, delay in operations, audit observation, recordable injury or injury requiring first aid treatment.</i>	5	6			
2.4. <i>Leads to significant damage to property; financial/operational/property loss of more than Php 100,000, machine/operation shutdown or lost-time injury or disability.</i>	6				
2.5. <i>Abuse of position for personal gain or using position to take advantage of other employees.</i>	6				
2.6. <i>Intimidating, fighting, assaulting, insulting, threatening with bodily harm or showing willful disrespect to any employee of the Company, visitors and customers. Inflicting or attempting to inflict bodily harm/injury in any form to fellow employees or third persons within the Company premises, including places where the company has ownership, or any facilities that the company is contracted for event or service.</i>	6				
2.7. <i>Influencing or encouraging any employee to engage in any practice that may violate Company rules and regulations. - A PENALTY ONE LEVEL HIGHER OF THE VIOLATION COMMITTED OR ATTEMPTED TO COMMIT BY THE PERSON INFLUENCING OR ENCOURAGING THE VIOLATION.</i>	6				
2.8. <i>Showing discourtesy, disrespect, or arrogance towards Company guests, clients, suppliers, superiors or fellow employees, housekeeping and security personnel.</i>	6				
2.9. <i>Using abusive, threatening or profane language - for both INTERNAL CLIENT & EXTERNAL CLIENT.</i>	6				
2.10. <i>Sowing intrigues or spreading rumors against another employee which tends to cast dishonor, discredit or contempt upon the other.</i>	2	3	4	5	6

2.11. Unauthorized solicitation within the company without approval of HR.	4	5	6		
2.12. Unauthorized solicitation from suppliers, vendors, external partners, etc.	6				
2.13. Failure and/or refusal to wear the prescribed dress code during working hours.	1	2	3	4	5
2.14. Failure to comply with environmental, safety and security instructions, practices and processes which includes but is not limited to not wearing or improper wearing of PPEs inside the manufacturing area, construction area, or any workstation with such requirement.	3	4	5	6	
2.15. Failure to report safety hazards such as malfunctioning safety interlocks.	4	5	6		
2.16. Failure to report a personal injury or witness's injury within 2 hours after occurrence during company time with or without effects to company property.	4	5	6		
2.17. Bringing of food and/or eating in prohibited areas without proper authorization such as prescribed by HR and Safety.	1	2	3	4	5
2.18. Non-wearing/improper wearing of the Company ID within Company premises for four (4) times in a calendar month.	1	2	3	4	5
2.19. Smoking in prohibited places or in any designated "no smoking areas."	4	5	6		
2.20. Reporting for work, or entering the Company premises, under the influence of alcohol or prohibited drugs.	6				
2.21. Non-compliance to medical requirements such as but not limited to failure to report a known, serious or communicable disease which may put other employees at risk; failure to undergo scheduled medical examinations; failure to comply with doctor's instruction to undergo treatment or rest.	6				
2.22. Using, operating, or processing equipment, which the employee has not been assigned to or to which he/she has not been authorized to use, operate or process.	6				
2.23. Unauthorized possession or unauthorized substitution of Company materials, tools, or equipment, regardless if there are damages or none.	6				
2.24. Improperly allowing unauthorized persons to use Company supplies, materials, facilities, tools or equipment.	6				
2.25. Refusal to submit to security personnel in the conduct of their business i.e., baggage inspection, body search, failure to present ID when required. Unauthorized use	6				

<i>of password, keys, unassigned PCs and other security tools and or equipment to access restricted areas.</i>					
2.26. Unauthorized removal or tampering of fire protection equipment or other safety devices from designated areas.	6				
2.27. Vandalism, writing on walls, elevators, or any other office property.	2	3	4	5	6
2.28. Using of Company telephone for personal purposes except in emergency and/or authorized cases. Using Company telephone for cellphone calls and NDD or IDD calls that are not official business.	5	6			
2.29. Prank calls, hoax, or threat that disrupts operations.	6				
2.30. Theft committed on Company premises.	6				
2.31. Committing an act of sabotage.	6				
2.32. Deliberately causing loss or damage to the Company or property of co-employee.	6				
2.33. Borrowing other employee's access card to gain entry to company premises and/or tailgating.	6				
2.34. Swiping / logging in or out for another employee.	6				
2.35. Disclosing, giving away or using restricted or classified Company matters / information without proper authorization.	6				
2.36. Sexual harassment (Any form or act of sexual harassment as stated in RA 7877 Anti-Sexual Harassment of 1995)	6				
2.37. Immoral, indecent, or scandalous conduct regardless of whether or not committed during work time or outside company premises, including use or distribution of immoral, indecent or scandalous materials.	6				
2.38. Engaging in illicit relationship as may be described as scandalous, affecting company image or employee morale, and affects work performance.	6				
2.39. Using or distributing scandalous materials that affects the company's image and/or property.	6				
2.40. Accessing pornographic sites during office hours using company property.	6				
2.41. Gambling and intoxication within the company premises whether during or after working hours.	6				
2.42. Taking out of Company private documents, tools and other Company materials without proper authorization.	6				
2.43. Carrying or possession of deadly weapons, explosives and prohibited drugs inside Company premises.	6				

2.44. <i>Intoxication while representing the Company in outside gatherings (include Company outing & other company-related or sponsored activities unless with proper or written consent by the company).</i>	6				
2.45. <i>Possessing, using, distributing, or causing to be brought or used alcohol, narcotics and other prohibited drugs into Company premises or any other place at any time and in any manner whatsoever, except when such drugs take the form of medicine prescribed by a physician.</i>	6				
2.46. <i>Falsely and maliciously representing oneself to be an officer, agent or representative of the Company, or performing an act or function pertaining to any employee in the Company without being officially entitled to do so.</i>	6				
2.47. <i>Motivating and/or participating in willfully holding back, slowing down, hindering or limiting work output.</i>	6				
2.48. <i>Directly or indirectly accepting anything of value as consideration for an act, a decision, or a service which the employee is duty-bound to perform.</i>	6				
2.49. <i>Directly or indirectly obtaining or accepting anything of value by entering into unauthorized arrangement/s with supplier/s, client/s, outsider/s.</i>	6				
2.50. <i>Directly or indirectly accepting anything of value for a job or for a favorable condition of employment.</i>	6				
2.51. <i>Making false or malicious statements about the Company, its officers, facilities, products or services.</i>	6				
2.52. <i>Interference in official Company investigation that will jeopardize the conduct of the investigation.</i>	6				
2.53. <i>Unauthorized use of Company name or position in obtaining personal benefits.</i>	6				
2.54. <i>Engaging in any activity which is directly competitive with the Company's business or any part of its operation.</i>	6				
3. Acts or Omission Concerning Company Funds or Property	1st	2nd	3rd	4th	5th
3.1. <i>Unauthorized alteration or falsification of Company record including furnishing of false or misleading information about the Company and/or one's self, including information declared in one's employment application with the Company.</i>	6				
3.2. <i>Making use of record/s or document/s known by the user to be false.</i>	6				
3.3. <i>Permitting/assisting any persons to enter or have access to restricted areas, cabinets, drawers, lockers, files, etc.</i>	6				

3.4. <i>Furnishing false data or willfully withholding vital information during investigation conducted by the Company.</i>	6				
3.5. <i>Planting evidence against another employee for the purpose of implicating him/her in the commission of an offense or for the purpose of evading responsibility for the commission of the crime or offense.</i>	6				
3.6. <i>Unauthorized change of work schedule or shift.</i>	3	4	5	6	
3.7. <i>Misappropriation, malversation of Company funds or assets/property or any form of theft, actual or attempted, of Company property or property of other persons committed within or outside Company premises.</i>	6				
3.8. <i>Proposing, transacting private business or undertaking with an individual or private concern using, involving or assuming the name of Company officials.</i>	6				
3.9. <i>All other acts of dishonesty/fraud or deceit causing prejudice or substantial damage to the Company's business operations, properties, and equipment.</i>	6				
4. Acts of Omissions Affecting Company Interests	1st	2nd	3rd	4th	5th
4.1. <i>Failure to inform any relationship with another employee. Note that disclosure of up to 4th civil degree of consanguinity or affinity is required.</i>	6				
4.2. <i>Employee is related (as characterized above) to the supplier or service provider, or is the owner, business partner, or part owner of the supplier or service provider.</i>	6				
4.3. <i>The employee owns shares of stocks in another firm that the Company is dealing with, and the employee is in a position to influence the Company and its transactions that may possibly benefit him / her.</i>	6				
4.4. <i>Breach or abuse of trust reposed by the Company or duly authorized representative that results in damage or losses to the Company.</i>	6				
4.5. <i>Unauthorized disclosure of classified or confidential information or permitting/assisting any person to enter and have access to confidential documents, records or files.</i>	6				
4.6. <i>Working against the interest of the Company or in favor of competitors or for personal gain.</i>	6				
4.7. <i>Deliberately withholding information resulting in loss to or prejudicing the interests of the Company.</i>	6				
4.8. <i>Any other acts similar or analogous to the foregoing acts.</i>	6				

4.9. <i>Engaging in any act of bribery, corruption, or similar practice as defined by relevant laws.</i>	6				
4.10. <i>Commission of a crime or criminal offense. Commission of an act, or omission which constitutes a crime or criminal offense under the laws of the Philippines.</i>	6				
5. Acts of Omissions Concerning Information Systems and the Data Privacy Act of 2012	1st	2nd	3rd	4th	5th
5.1. <i>Unauthorized copying, creating, renaming, modification, deletion, or access of any system, data, directory, files, utilities, and other software application programs.</i>	6				
5.2. <i>Placement of computer virus and worms and any program/application or file damaging software or physical accessories or workstations regardless of intention/motive.</i>	6				
5.3. <i>Alterations/modifications of any corporate files/information, rights of users including but not limited to the padding or reducing of files.</i>	6				
5.4. <i>Creation of unauthorized User ID on the server/network.</i>	6				
5.5. <i>Attachment of computers, storage media/drives or any other computer peripheral to servers, workstations, or any network segment/cable whether remote or on-site.</i>	6				
5.6. <i>Tampering and manipulating the server or network configurations and properties, introduction of unauthorized/unlicensed software or hardware, changing of control panel and display settings, etc.</i>	6				
5.7. <i>Consenting, tolerating or allowing another employee to use personal User ID, password, systems, rights to access the network/server/directory/hard disk or any confidential files which the accessing employees is not authorized.</i>	6				
5.8. <i>Deliberate or willful act of destroying or damaging network interface devices, cables, electrical overloading or shutting off electrical power.</i>	6				
5.9. <i>Unauthorized monitoring of sensitive data crossing the internet network unknown to the owner/user via clip-on, inductive sensors, network sniffers, etc.</i>	6				
5.10. <i>Any form of password cracking or hacking to gain access to personal/confidential files in the network/servers or hard disk without authorization (except for administrative investigation).</i>	6				
5.11. <i>Negligence or the careless act of leaving computer unattended, thereby, risking the network to a possible security violation.</i>	6				

5.12. Installation of unlicensed software or applications (e.g. pirated software or applications and the like).	6				
5.13. Misuse or abuse of company network for personal and other non-work-related purposes.	6				
5.14. Uploading/downloading or any form of transmittal or indecent materials over the company network.	6				
5.15. Transmittal of very large digital materials that may negatively affect the bandwidth of the company network.	6				
5.16. Engaging in transactions without properly authorized disclosure of information of the Company, its employees, or stakeholders.	6				
5.17. Using and processing Company, employee, or stakeholder information without proper authorization.	6				
5.18. Engaging in data gathering relevant to the Company, its employees, or stakeholders without due consent and notification.	6				

**APPENDIX C
COUNSELLING LOG**

COUNSELLING LOG				
NAME:				
DEPARTMENT:				
ASSESSOR:				
DATE	ASSESSMENT NOTES	IMMEDIATE INTERVENTION	SUBSEQUENT ASSESSMENT	RECOMMENDED ACTION PLAN
	<i>Jot down in detail the reason for logging and the events that transpired.</i>	<i>The Manager is to place his / her notes as to what s/he did to address the observed behavior.</i>	<i>The Manager has the discretion to create a personal timeline for a check-in depending on the observed discrepancy. It is recommended that date/s are stated for this matter.</i>	<i>The Manager will assess if the erring employee needs to undergo a certain training or if the disciplinary process needs to commence.</i>

**APPENDIX D
ORAL REMINDER LOG**

ORAL REMINDER LOG	
Name of Immediate Manager:	
Name of person being given reminder:	
Date of Oral Reminder:	
Incident that lead to OR: <p align="center"><i>[state specific offense made and provide a narration of the occurrence, if applicable]</i></p>	
Content on OR: <p align="center"><i>[specify the reminder/s made and agreed with the employee]</i></p>	
Other relevant comments (such as employee reaction): 	

APPENDIX E

WRITTEN REPRIMAND FORM

WRITTEN REMINDER LOG	
Name of Immediate Manager:	
Name of person being given reminder:	
Date of Written Reminder:	
Incident that lead to OR: <p align="center"><i>[state specific offense made and provide a narration of the occurrence, if applicable]</i></p>	
Content on OR: <p align="center"><i>[specify the reminder/s made and agreed with the employee]</i></p>	
<p align="center"><i>This shall serve as a Written Reprimand of the offense/s stated above. Further committal shall result to greater sanction in accordance with the ECCE and the Labor Code and will be treated aligned with the due process of the law.</i></p> <p align="center">_____</p> <p align="center">Signature over printed name of Issuer DATE:</p> <p align="center">_____</p> <p align="center">Signature over printed name of Employee DATE:</p>	

APPENDIX F
INCIDENT REPORT FORM

INCIDENT REPORT	
Person/s involved in incident:	
Witness/es (if any):	
Date of incident:	
Exact time of incident:	
Location of incident:	
Description of how incident occurred: <i>[comprehensive narration of events, timeline of events, and evidences]</i>	

**ANNEX G
NOTICE TO EXPLAIN**

[Date]

[NAME OF EMPLOYEE]
[Residence Address]

RE: NOTICE TO EXPLAIN (NTE)

Dear Mr. / Ms. ____:

This is in connection with your alleged violation of the **Employee Code of Conduct and Ethics (ECCE) dated 08 March 2018**.

[Indicate offense/s and attach evidence/s as Annex/es]

This/These act/s constitute **[Cite violation/s]** in the ECCE. These violations constitute just cause as well under the Labor Code.

In keeping with due process, you are hereby directed to: *(i)* explain in writing within five (5) calendar days from receipt of this NTE why you should not be subjected to disciplinary action in accordance with the ECCE and existing labor laws/rules; and *(ii)* present data and/or evidence to support your defenses or arguments.

Failure to respond to this NTE within the period set shall be construed as a waiver on your part to be heard and present evidence, and the Company shall proceed to decide your case on the basis of the available records and the proceedings conducted.

Hoping that you are guided accordingly.

Sincerely,
SOLAR PHILIPPINES NUEVA ECIJA CORPORATION
By:

[ISSUER]
[Position Title]

COPY FURNISHED [BY: Cite if either: PERSONAL SERVICE, PRIVATE COURIER OR EMAIL]

[NAME OF EMPLOYEE]
[Residence Address]

COPY FURNISHED [BY: Cite if either: PERSONAL SERVICE, PRIVATE COURIER OR EMAIL]

[NAME OF ISSUER'S HEAD]
[Position Title]

**ANNEX G
NOTICE OF DECISION**

[Date]

[NAME OF EMPLOYEE]
[Residence Address]

RE: NOTICE OF DECISION

Dear Ms. / Mr. [Last Name]:

In a letter dated [date of NTE], **Solar Philippines Nueva Ecija Corporation (“Company”)** issued a **Notice to Explain (“NTE”)** complete with annexes/report on the alleged incidents. The NTE was [e-mailed / personally received] [to/by] you last [date received / e-mailed]. In the NTE, it was alleged that:

*“This is in connection with your alleged violation of the **Employee Code of Conduct and Ethics (ECCE) dated 08 March 2018.**”*

[State facts in the issued NTE]”

[State facts after the NTE issuance, example:] The NTE was e-mailed/personally handed over to you by NAME OF PERSON CONCERNED FOR THIS ACTION last DATE and it was also personally delivered to you by one of the Company’s drivers, [.] which you received last 28 February 2020. You were given five (5) calendar days to explain the accusation in writing, which means the Reply was supposedly due until the end of business hours, 6:30 PM, of STATE DATE DUE.

Based on the results of the administrative investigation, STATE FACTS GIVEN IN THE NTE, FACTS PROVIDED BY THE ERRING EMPLOYEE, IF ANY, AND THE RESULTS OF THE INVESTIGATION. Hence, the Company’s management finds you guilty of **STATE OFFENSE/S.**

In accordance with the ECCE, the Company hereby imposes the penalty of **STATE SANCTION** effective upon receipt of this notice. You are directed to surrender any company property given to you and to coordinate with your immediate superior on any pending work. Once clearance has been furnished, all earned salaries, benefits, and/or reimbursements will be paid accordingly.

The immediate manager is hereby directed to service this Notice of Decision and forward the received copy to the Human Resources Department for 201 filing.

Please be guided accordingly.

Sincerely,
SOLAR PHILIPPINES NUEVA ECIJA CORPORATION
By:

[ISSUER]
[Position Title]

COPY FURNISHED [BY: state if: PRIVATE COURIER / EMAIL / PERSONAL SERVICE]
[NAME OF EMPLOYEE]
[Residence Address]

ANNEX H

NOTICE OF ADMINISTRATIVE HEARING

NOTICE OF ADMINISTRATIVE HEARING

NAME: _____

DATE: _____

Relative to the allegation that you are in violation of the **ECCE on the alleged (OFFENSE)** that happened last (**DATE**). You are hereby requested to attend hearing on:

DATE :

TIME :

VENUE / PLATFORM :

Please be informed that failure to attend the said hearing would mean a waiver of your right to be heard and the disciplinary committee will decide based on the information we have on hand.

Prepared by:

Conforme:

NAME

Position Title

NAME

Position Title

**SOLAR PHILIPPINES NUEVA ECIJA CORPORATION
EMPLOYEE CODE OF CONDUCT AND ETHICS**

Approved by:

LEANDRO L. LEVISTE
President and CEO

MARTY CROTTY
CEO, Solar Philippines Power Project
Holdings, Inc.

Reviewed by:

VIVIAN C. CRUZ
Head, HR, Administration, and IT

AL ROY
Chief Financial Officer

HAZEL IRIS P. LAFUENTE
Chief of Staff and
Head, Land & Community Development

ROLANDO U. GAERLAN
Chief Operating Officer,
Commercial Business Group

RHINEBERT KYLE A. MINA
Director, Business Development

DANIEL SUTANTO
OIC, International Business
Development

JOEY ARENAS
Head, Manufacturing

Employee Code of Conduct and Ethics Acknowledgement Receipt

I, _____ acknowledge that I have read and understood the contents of the revised ECCE dated ____ and have been given the full opportunity to discuss the revisions within employee and with a duly authorized Human Resources Representative.

By signing this document, I acknowledge, understand, accept, and agree to comply with the information stated in the ECCE and will use it as a general guide to adhere to the set standards as an employee of Solar Philippines Nueva Ecija Corporation.

COMPLETE NAME:	
DEPARTMENT:	
DATE:	
SIGNATURE:	