

	Human Resource Policy Employee Relations & Workplace Expectations	No. HR.ERW.05¹
	Title: OPEN DOOR POLICY AND FAIR TREATMENT PROCESS	Page: 1 of 8
		Effective Date: 01-14-19
		Retires Policy Dated: 06-25-14
		Previous Versions Dated: 12-10-13; 11-21-13; 09-27-11; 01-22-07; 08-01-00; 01-01-93

I. SCOPE:

This policy applies to (1) Tenet Healthcare Corporation and its wholly-owned subsidiaries and affiliates (each, an “Affiliate”); (2) any other entity or organization in which Tenet Healthcare Corporation or an Affiliation owns a direct or indirect equity interest greater than 50%; and (3) any hospital or healthcare entity in which an Affiliate either manages or controls the day-to-day operations of the entity (each, a “Tenet Entity”) (collectively, “Tenet”).

II. PURPOSE:

To provide leaders and employees with appropriate directions for addressing and resolving employee problems, concerns and disputes.

III. POLICY:

We believe that positive employee relations and morale can be best achieved and maintained in a working environment that promotes ongoing and open communication between supervisors and employees, including open and candid discussions of employee problems, concerns and disputes. Tenet, its consolidated subsidiaries, hospitals, healthcare operations and other entities owned or operated by Tenet’s consolidated subsidiaries (“Tenet”) encourages employees to openly express their problems, concerns and opinions on any issue related to their employment.

Tenet sincerely hopes that its employees will never have a dispute relating to their employment with the Company. However, Tenet recognizes that disputes sometimes arise between the Company and its employees relating to the employment relationship. Tenet believes that it is in the best interests of both its employees and the Company to resolve employment-related disputes in a forum that provides the fastest and fairest method for resolving such disputes. Therefore Tenet has established the Fair Treatment Process (“FTP”), to provide for review of employment-related disputes between the Company and its employees, culminating in final and binding arbitration of such disputes if they cannot be resolved through the optional internal step. Employees can use the FTP without fear of retaliation or reprisal.

IV. GENERAL

A. Applicability and Coverage

The FTP applies to all employees, regardless of length of service or status, and the agreement to arbitrate covers all disputes relating to or arising out of an employee's employment with the Company or the termination of employment. The only disputes or claims not covered by the FTP are those listed in the Exclusions section below. Examples of the type of disputes or claims covered by the FTP and the

¹Prior to June 1, 2013, the policy number was HR-110.

	Human Resource Policy Employee Relations & Workplace Expectations	No. HR.ERW.05¹
	Title: OPEN DOOR POLICY AND FAIR TREATMENT PROCESS	Page: 2 of 8
		Effective Date: 01-14-19
		Retires Policy Dated: 06-25-14
		Previous Versions Dated: 12-10-13; 11-21-13; 09-27-11; 01-22-07; 08-01-00; 01-01-93

arbitration agreement include, but are not limited to, claims for wrongful termination of employment, breach of contract, employment discrimination, harassment or retaliation under the Americans With Disabilities Act, the Age Discrimination in Employment Act, Title VII of the Civil Rights Act of 1964 and its amendments or any state or local discrimination laws, tort claims or any other legal claims and causes of action recognized by local, state or federal law or regulations. This is a mutual agreement to arbitrate claims which means that both the employee and the Company are bound to use the FTP process as the only means of resolving employment-related disputes, and thereby agree to forego any right they each may have had to a jury trial on issues covered by the FTP. However, no remedies that otherwise would be available to either party in a court of law will be forfeited by virtue of their agreement to use and be bound by the FTP.

B. The Dispute Resolution Process

1. Open Door Policy

Employees are encouraged to first use the Company’s informal Open Door Policy to discuss any problems, concerns or disputes they may have with their leader. If this informal method does not resolve the issue, then employees are encouraged to initiate the more formal Fair Treatment Process described below to resolve the issue.

2. Fair Treatment Process

The FTP consists of the following two steps that an employee generally must follow to obtain a resolution of a problem, concern or dispute:

a. Step 1: Internal Review

The FTP provides our employees with an opportunity to have the Company review any claims or disputes and reconsider any steps taken in connection with any and all claims and disputes that are related in any way to his or her employment or the termination of his or her employment. The employee can raise the issue formally by completing the “Dispute Resolution Form” and submitting the completed form to the Human Resources Department. The Human Resources department will review the Dispute Resolution Form and coordinate the inquiry into the employee’s claims or dispute. The employee will be provided with a written response on the form as soon as possible, usually within seven working days from the date

	Human Resource Policy Employee Relations & Workplace Expectations	No. HR.ERW.05¹
	Title: OPEN DOOR POLICY AND FAIR TREATMENT PROCESS	Page: 3 of 8
		Effective Date: 01-14-19
		Retires Policy Dated: 06-25-14
		Previous Versions Dated: 12-10-13; 11-21-13; 09-27-11; 01-22-07; 08-01-00; 01-01-93

the employee submitted the form. However, the Step 1 internal review procedure is optional and the employee may skip this step if he or she wishes to proceed directly to Final and Binding Arbitration as provided in Step 2.

b. **Step 2: Final and Binding Arbitration**

If the employee does not accept the Step 1 decision or wants to proceed immediately to arbitration, then the arbitration agreement provides that the dispute will be submitted to final and binding arbitration. The arbitration process is limited to disputes, claims or controversies that a court of law would be authorized to resolve and have jurisdiction over to grant relief and that in any way arise out of, relate to or are associated with an employee's employment with the Company or the termination of employment. The employee understands and agrees that to the extent permitted by law, his or her claim will not be joined with any claim or dispute of another employee in a class, collective, representative or group action. Arbitration under the Fair Treatment Process is limited to individual disputes, claims or controversies that a court of law would be authorized or have jurisdiction over to grant relief. In cases that proceed to arbitration, an impartial and independent arbitrator - chosen by agreement of both parties - will be retained to make a final decision on the employee's dispute or claim, based on application of Company policies and procedures and applicable law. The arbitrator's decision is final and binding. The arbitration process is discussed in detail in the "Arbitration Process" section, below.

3. **The Arbitration Process**

If the employee wants to appeal the Step 1 decision or proceed directly to Arbitration, he or she must obtain and complete a "Request for Arbitration Form" from the Human Resources Department. That form also will serve to confirm the employee's and the Company's prior mutual agreement to submit the dispute to final and binding arbitration. Alternatively, an employee may initiate the arbitration process by filing an arbitration demand directly with the American Arbitration Association, which can be done via its website at www.adr.org. The arbitration will be heard by an independent and impartial arbitrator chosen by the employee and the Company. By deciding to arbitrate the dispute, the employee also agrees that the remedy, if any, ordered by the arbitrator will be the only remedy as

	Human Resource Policy Employee Relations & Workplace Expectations	No. HR.ERW.05¹
	Title: OPEN DOOR POLICY AND FAIR TREATMENT PROCESS	Page: 4 of 8
		Effective Date: 01-14-19
		Retires Policy Dated: 06-25-14
		Previous Versions Dated: 12-10-13; 11-21-13; 09-27-11; 01-22-07; 08-01-00; 01-01-93

to all matters that are or could have been raised by the employee in the arbitration. As noted above, the employee also agrees that he or she will not join any claim or dispute with the dispute of another employee in a class, collective, representative or group action.

The arbitrator's responsibility is to determine whether Company policies and procedures and applicable laws have been complied with in the matter submitted for arbitration. In fulfilling this responsibility, the arbitrator may interpret Company policies and procedures, but will not have any power to change them. The arbitrator will be requested to render a decision on the matter within 30 days after the arbitration hearing is concluded and post-hearing briefs, if any, are submitted.

The arbitration will be administered by the American Arbitration Association ("AAA"). The Company and the employee will share the cost of the AAA's filing fee and the arbitrator's fees and costs, but the employee's share of such costs shall not exceed an amount equal to one day's pay (for exempt employees) or eight times the employee's hourly rate (for non-exempt employee), AAA's mandated cap or the local filing fee, whichever is less. The employee and the Company will be responsible for the fees and costs of their own legal counsel, if any, and for their own other expenses and costs, such as costs associated with witnesses or obtaining copies of hearing transcripts. Both parties may seek any applicable prevailing party fees at the conclusion of the case if those remedies are available in court.

4. Excluded Issues

Certain issues may not be submitted for review (or exclusive review) under the FTP ("Excluded Issues").

a. Excluded Issues:

Certain issues may not be submitted for review (or exclusive review) under the FTP. Workers' Compensation Claims, any claim involving the construction or application of a benefit plan covered by ERISA, and claims for unemployment benefits are excluded from the FTP. In addition, any non-waivable statutory claims, which may include claims within the jurisdiction of the National Labor Relations Board, wage claims within the jurisdiction of a local or state labor commissioner, or administrative agency charges before the Equal Employment Opportunity Commission or similar local or

	Human Resource Policy Employee Relations & Workplace Expectations	No. HR.ERW.05¹
	Title: OPEN DOOR POLICY AND FAIR TREATMENT PROCESS	Page: 5 of 8
		Effective Date: 01-14-19
		Retires Policy Dated: 06-25-14
		Previous Versions Dated: 12-10-13; 11-21-13; 09-27-11; 01-22-07; 08-01-00; 01-01-93

state agencies, are not subject to exclusive review under the FTP. This means that employees may file such non-waivable statutory claims with the appropriate agency that has jurisdiction over them if they wish, regardless of whether they decide to use the FTP to resolve them. However, if such agency completes its processing of an employee's claim and the employee decides to pursue further remedies on such claims in a civil action against the Company, the employee must use the FTP (although Step 1 may be skipped). In addition, the FTP does not apply to employees covered by a collective bargaining agreement, unless otherwise agreed to by such employees.

5. Other Important Information

- a. **Applicable Law and Procedural Rules:** The Federal Arbitration Act, 9 U.S.C. § 1, et seq., will govern arbitrations under the FTP. The applicable Employment Arbitration Rules of the AAA will govern the procedures to be used in such arbitrations, unless the parties have agreed otherwise.
- b. **Discovery and Amendment of Claims:** All discovery shall be conducted in accordance with the Employment Arbitration Rules of the AAA. The arbitrator shall have the authority to order discovery sufficient to enable a full and fair exploration of the issues in dispute consistent with the expedited nature of arbitration.
- c. **Limitations Periods:** Any request for arbitration under the FTP must be made within one year after the event giving rise to the dispute. If the claim was submitted to a federal, state or local agency, then a request for arbitration of that claim must be made within 90 days of the receipt of the agency's decision. However, if a longer limitations period is provided by a statute governing the claim, then the claim will be subject to the longer limitations period provided by the statute.
- d. **Authority of Arbitrator:** The arbitrator has the authority to award any remedy that would have been available to the employee had the employee litigated the dispute in court under applicable law, which includes attorney's fees and costs for the prevailing party, if those would be an available remedy in court.

	Human Resource Policy Employee Relations & Workplace Expectations	No. HR.ERW.05¹
	Title: OPEN DOOR POLICY AND FAIR TREATMENT PROCESS	Page: 6 of 8
		Effective Date: 01-14-19
		Retires Policy Dated: 06-25-14
		Previous Versions Dated: 12-10-13; 11-21-13; 09-27-11; 01-22-07; 08-01-00; 01-01-93

- e. Representation by Counsel: During Step 1, neither the employee nor the Company may be represented by legal counsel, although both the employee and the Company have the right to consult privately with their own counsel at any time at their own expense. Both the employee and the Company may be represented by counsel at arbitration at their own expense. Generally, the Company will be represented by legal counsel at arbitration. The Company will not provide legal advice to employees, but it strongly encourages employees to consult with independent legal counsel of their own choosing if they have any questions about whether they should be represented by legal counsel at arbitration or any other issue related to the arbitration.
- f. Confidentiality: All statements and information made or revealed during the FTP are confidential, and neither the employee nor the Company may reveal any such statements or information, except on a “need to know” basis or a permitted or required by law.
- g. At-Will Employment: Nothing in the FTP shall be construed to create a contract of employment, express or implied, nor does the FTP in any way alter the at-will nature of the employment relationship between the Company and its employees.
- h. Modification to the FTP: The Company will not modify or change the agreement between the Company and its employees to use final and binding arbitration to resolve employment-related disputes, without notifying and obtaining the consent of employees to such changes. However, the Company may change or modify the FTP procedures from time-to-time without advance notice and without the consent of employees. To the extent permitted by applicable law, your consent to any such modifications will be implied by your continued employment after advance notice of any such modifications.

If you have any questions about the FTP, please contact your supervisor or the Human Resources Department. You can also review the FTP Policy and accompanying forms on e-tenet.

V. FTP ADMINISTRATIVE PROCEDURES:

A. Leaders/Facility Management

	Human Resource Policy Employee Relations & Workplace Expectations	No. HR.ERW.05¹
	Title: OPEN DOOR POLICY AND FAIR TREATMENT PROCESS	Page: 7 of 8
		Effective Date: 01-14-19
		Retires Policy Dated: 06-25-14
		Previous Versions Dated: 12-10-13; 11-21-13; 09-27-11; 01-22-07; 08-01-00; 01-01-93

1. Investigate the complaint to attempt to resolve it, and communicate a written decision (via Human Resources) to the current or former employee usually within seven working days from receipt of the written complaint.

NOTE: If the employee's complaint is one concerning allegations of sexual harassment about the immediate leader, the employee may discuss the complaint with the next level in the reporting chain.

2. The department head may discuss the matter with the current or former employee and the leader, and then will make a disposition concerning the complaint usually within seven working days. The department head's disposition will be noted, together with the reasons for the decision, and the decision will be communicated in writing to the current or former employee.
3. A representative of facility administration may discuss the matter with the current or former employee after reviewing the documented facts and the decisions of the leader and the department head. A written decision by facility administration will be communicated to the current or former employee usually within seven working days.

B. Human Resources Department

1. Explain the FTP to every employee at orientation. At exit interviews, remind the individual of the FTP if they state he/she was unfairly treated.
2. Provide Fair Treatment Forms to employees. Review employee's first draft if requested. Assist employee with presentation of facts and clear stipulation of remedy.
3. Serve as advisor to leaders, department heads and administration.
4. Serve as administrator for receiving and forwarding responses between employee and management.
6. Ensure management has investigated and reviewed the complaint and that there is a timely response.

D. Corporate Law Department

1. Provide advice and counsel as requested on any step in the FTP.

	Human Resource Policy Employee Relations & Workplace Expectations	No. HR.ERW.05¹
	Title: OPEN DOOR POLICY AND FAIR TREATMENT PROCESS	Page: 8 of 8
		Effective Date: 01-14-19
		Retires Policy Dated: 06-25-14
		Previous Versions Dated: 12-10-13; 11-21-13; 09-27-11; 01-22-07; 08-01-00; 01-01-93

2. Coordinate and administer all arbitrations under the FTP, including all contacts with the AAA, and the selection and supervision of outside counsel for the Company; coordinate with facility and Human Resource Leader as appropriate.

E. Enforcement

All employees whose responsibilities are affected by this policy are expected to be familiar with the basic procedures and responsibilities created by this policy. Failure to comply with this policy will be subject to appropriate performance management pursuant to all applicable policies and procedures, up to and including termination. Such performance management may also include modification of compensation, including any merit or discretionary compensation awards, as allowed by applicable law.

VI. REFERENCES:

- FTP Dispute Resolution Form
- FTP Request for Arbitration Form
- HR.ERW.05.01, Open Door and Fair Treatment Policy (Legacy Version)