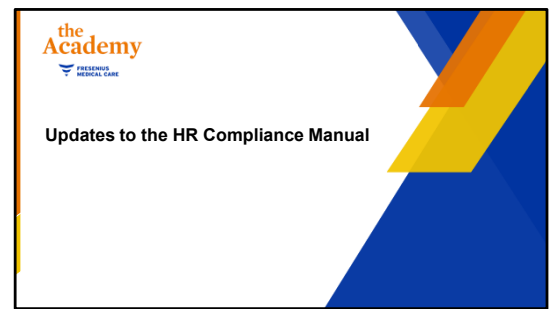




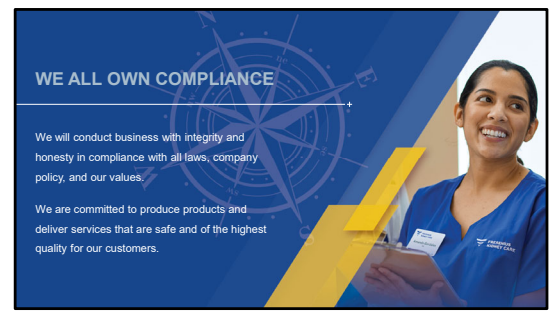
[Instructor note: You must be logged into Employee Service Center (Dovetail) for the related links to work correctly: <https://fresenius.portal.dovetailnow.com/>]



Notes:



[This slide is mandatory in all internal presentations. It should be deleted for external presentations. Contact your Ethics & Compliance Officer if you would like assistance developing more tailored and business-specific messages.]



Notes:



I wear blue because...

Our patients are our purpose. We come together as One Fresenius Medical Care to fulfill our mission – to deliver superior care that improves the quality of life of every patient, every day, setting the standard by which others in the healthcare industry are judged.

Wearing blue means something special to each member of our Fresenius Medical Care Family. It is the color of our brand and a symbol of trust, bravery, and dedication.

We proudly wear blue on Fridays to show our connection to our frontline teams, our patients, and each other.

HEROES WORK HERE

Notes:



Mission

To deliver superior care that improves the quality of life of every patient, every day, setting the standard by which others in the healthcare industry are judged.

Notes:



Creating a future worth living for patients worldwide, every day.



Collaborative means that we know how to work together for our shared purpose and to achieve our goals as one company. We team up. We join forces to accomplish more than what is possible individually.



Reliable means that we are a trusted companion to our patients, partners and colleagues. We do what we say. We put patients and partners first and consistently deliver exceptional service. We act with honesty and integrity, never compromising safety, quality or the health of our patients.



Proactive means that we take the initiative to make an impact with our work. We get things done. We see opportunities where others don't and challenge the status quo with a no-nonsense mindset.



Excellent means that we continuously drive quality and progress to lead the business toward a successful future. We exceed expectations. We are results oriented and use best practices. We suggest ideas on how to improve and innovate.

We set the standard for value-based care. And we raise it every day.



Notes:



Timing

[Instructor note: You must be logged into Employee Service Center (Dovetail) for the related links to work correctly: <https://fresenius.portal.dovetailnow.com/>]



Notes:



Timing

FACILITATOR:

Welcome to the Updates to the HR Compliance Manual course. In today's session, we'll start with a brief overview of HR Compliance. Then we'll explore how the updates to the HR Compliance Manual apply to:

- Recruitment & Promotion
- Compensation & Benefits
- Disciplinary Action
- Recognition for Compliant & Ethical Behavior
- And Separation, Offboarding & Post-Employment



Facilitator Note



Notes:



FACILITATOR:

Our focus today is to get you, as the HR Business Partner, oriented to the HR Compliance Manual as it applies to the U.S.

We'll also emphasize certain policies and procedures that, while not changing, may not have been applied consistently in the past, but need to be adhered to, as documented in the Manual, going forward.



Notes:



FACILITATOR:

If you have questions or need assistance, reach out to:

- The workstream contacts listed here
- Your local, regional, or business unit HR leader
- And/or the respective Labor Law department or in-house attorney

Resources

Workstream contacts:

- ▶ **Recruitment & Promotion:** Greg Pardo
 - ▶ **Compensation & Benefits:** Christian Madsen
 - ▶ **Disciplinary Actions:** Denise Patterson
 - ▶ **Recognition for Compliant & Ethical Behavior:** Ryan McCoy
 - ▶ **Separation, Offboarding & Post-Employment:** Anne Gaeta
-
- ▶ Local / regional / Business Unit HR leader
 - ▶ Labor Law department / in-house attorney

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Notes:



FACILITATOR:

What is HR Compliance?

HR Compliance means:

- Fostering and promoting a culture of compliant and ethical, values-driven behavior through HR processes
- Being in a strong partnership with the Compliance function
- And enabling the adherence to internal and external rules, policies, and laws

HR Business Partners play an active role in HR Compliance by applying and operationalizing the Manual's principles and instructions in standard HR processes.



Notes:



FACILITATOR:

The HR Compliance Manual, available at the link shown here, is owned and issued by Global Human Resources.

It's designed specifically for you, our HR Business Partners, and should not be distributed outside of HR.

It defines, in detail, how to apply and operationalize HR Compliance in standard HR processes, like recruiting, onboarding, and performance management.

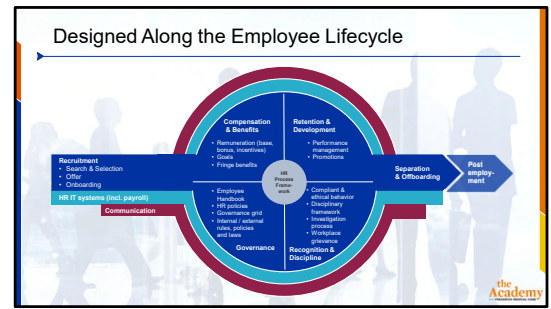


Notes:



FACILITATOR:

The HR Compliance Manual is designed along the Employee lifecycle, HR Compliance Framework, shown here.



Notes:



FACILITATOR:

While performance management processes are not within the HR Compliance Manual's scope, it's worth noting that performance management plays a role in most all HR processes, from the moment of hire to the end of employment.

Performance management fosters employee success through continuous feedback.

HR Business Partners are expected to uphold the Manual's standards of performance management as part of helping leaders manage employees. These standards are listed in section 7a.

The Role of Performance Management

- ▶ Performance Management:
 - ▶ Begins upon hire and continues through end of employment
 - ▶ Fosters employee success through continuous feedback
- ▶ HR Business Partners are expected to uphold the standards of performance management as noted in the manual

The following standards shall be implemented by local HR processes:

- Regular performance feedback process and tools for all Employees.
- Performance feedback shall address aspects of ethical and unprofessional behavior in accordance with laws in force as well as HR internal guidelines and policies such as Code of Ethics and Business Conduct.
- Managers shall be provided guidance by HR on how to provide feedback and manage a performance review.
- In case of unsatisfactory performance, use elements of performance management can be the initiation of a Performance Improvement Plan (PIP).
- Standards, but not the terms, a Constructive Improvement Plan might be part of a corrective action to clarify applicable standards and expected behavior to an Employee (see section 10.11, Discipline)

Notes:



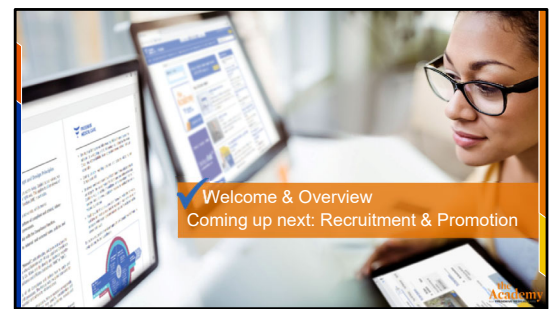
FACILITATOR:

(Pause for questions)

Transition

That completes our Welcome & Overview.

Now we'll move into the Key Processes in the Employee Lifecycle, starting with Recruitment and Promotion, with a focus on what's changing compared to the current state and what actions are needed on the part of our HR Business Partners.



Notes:



Timing

[Instructor note: You must be logged into Employee Service Center (Dovetail) for the related links to work correctly: <https://fresenius.portal.dovetailnow.com/>]



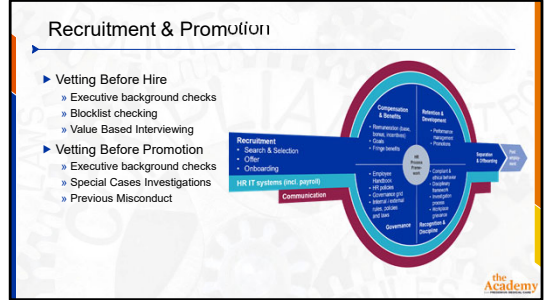
Notes:



FACILITATOR:

For Recruitment and Promotion, we'll be looking at these vetting processes:

- Vetting before hire
- And vetting before promotion



Notes:



FACILITATOR:

Currently, background checks are done for all new external hires in the U.S., and in Canada and Mexico where local law allows it.

While there are slight variations and “flavors” among background check packages, background checks include things like criminal history, Social Security Number trace matching, license verification, and drug screening.

What’s changing?

Background checks for both external hires and internal promotions for Vice President and above positions (not including divisional VPs) are being “enhanced” to include “sanction screening,” which includes over 1000 “watchlist” databases, such as those for Sanctions, Terrorism, and Sex Offenders.

What action is needed?

The U.S. based TA Operations team has led a global effort to include these offerings in our global master service agreement with our background check provider, First Advantage.

Until Workday is launched, HR Business Partners should contact TA Operations at the email address shown here to ensure all external new hires and internal promotions for VP and above ,not including divisional VPs, receive an enhanced background check.

After Workday is implemented, enhanced screening for VP and above positions will be automated through the HRIS system.

Refer to the HR Compliance Manual for any appropriate action to take and documentation requirements once the background check is complete.

Vetting Before Hire/Promotion: Executive Background Checks

Current state

- ▶ Background checks can include criminal records history, SSN trace matching, license verification, and drug screening

What is changing?

- ▶ Background checks are being “enhanced” to include “sanction screening,” which includes over 1000 “watchlist” databases (Sanctions, Terrorism, Sex Offenders etc.)

Action needed?

- ▶ BEFORE Workday launch:
 - ▶ Contact TAOperations@fmc-na.com to ensure all external new hires and internal promotions for VP and above (not including divisional VPs) receive “enhanced” background check
- ▶ AFTER Workday launch, enhanced screening will be automated through HRIS
- ▶ See the HR Compliance Manual for appropriate post background check actions and documentation requirements

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Notes:



FACILITATOR:

Currently, we do not run a blocklist check for employee or executive hires.

What's changing?

All Vice President and above hires (not including divisional VPs) are required to be checked through a specific search tool by the Global Trade Governance team in Germany.

What action is needed?

At this time, the EMEA shared services team has volunteered to handle this checking for North America.

HR Business Partners should send blocklist completion requests to the email address shown here.

Be sure to include the name and postal address of the candidate in your request.

Refer to the HR Compliance Manual for any appropriate action to take and documentation requirements once the blocklist check is complete.

Blocklist Checking

- Current state**
 - ▶ No "Blocklist" checking for employee or executive hires
- What is changing?**
 - ▶ Blocklist checking required for all Vice President and above (not including divisional VP) hires by the Global Trade Governance team in Germany using a specific search tool
- Action needed?**
 - ▶ Europe, Middle East and Africa (EMEA) shared services team will handle blocklist checking for North America
 - ▶ Send blocklist completion requests to hr-operations-fmc-emea@fmc-ag.com
 - » **IMPORTANT:** Include candidate name and postal address
 - ▶ See the HR Compliance Manual for appropriate post blocklist check actions and documentation requirements

the Academy

Notes:



FACILITATOR:

Previously, value-based interview guides lacked specific questions related to ethics/compliance.

What's changing?

Value based interview guides have been updated to include new and additional questions mapped to the value, reliable. See the Manual's Annex 3 for the list of questions.

What action is needed?

At minimum, the reliable value-based questions should be administered for all leadership positions Vice President and above, not including divisional VPs. And they may be used for additional positions as applicable and appropriate.

The screenshot shows a presentation slide with the following content:

- Value-based Interviewing**
- Current state**
 - ▶ Value-based interview guides lack ethics/compliance related questions
- What is changing?**
 - ▶ Guides updated with new and additional questions mapped to the "reliable" value
- Action needed?**
 - ▶ At minimum, administer "reliable" value-based questions for all leadership positions Vice President and above (not including divisional VPs)

Annex 3. Value-based interview questions
Sample interview guide questions to assess the integrity of a candidate

- Describe a specific instance where you were advised to lie about something. Elaborate on how you handled the situation and why you responded the way you did.
- Can you give me an example of a time when you objected to something on ethical grounds?
- On occasion we are confronted with peers being dishonest. Describe an experience you've had and how you handled it.
- Tell me about a time you faced an ethical dilemma and how you handled the situation.
- When you've had ethical dilemmas at work, whom did you consult?

Notes:



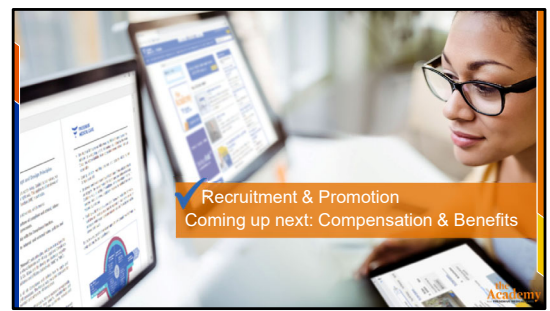
FACILITATOR:

(Pause for questions)

Transition

That completes our look at Recruitment and Promotion.

Coming up next is Compensation & Benefits.



Notes:



Timing

[Instructor note: You must be logged into Employee Service Center (Dovetail) for the related links to work correctly: <https://fresenius.portal.dovetailnow.com/>]



Notes:



FACILITATOR:

For Compensation & Benefits, or C&B, we'll focus on...

- C&B related approvals, package determinations and payments
- And C&B related disciplinary action

...Again, with an emphasis on what is changing for the U.S., if anything, and policies and procedures that need to be applied consistently.

Compensation & Benefits (C&B)

- ▶ C&B related approvals, package determinations and payments
 - » Approval requirement
 - » Package determination guidelines
 - » Documentation requirements for payments
- ▶ C&B related disciplinary action
 - » Expectations
 - » Non-dutiful behavior
 - » Ongoing internal investigation
 - » Model language for C&B related sanctions
- ▶ Consideration of compliance and ethics related targets in C&B



the Academy

Notes:



FACILITATOR:

The minimum requirement for C&B related approvals, package determinations, and payments is “one over one” management approval.

For C&B package determination, decisions on base pay, additional benefits and allowances, short-and long-term compensation, perks, pension commitments and/or similar pay must align with internal pay practices and external market data.

As the Employer, FME reserves the right to suspend grants, payments and/or increases relating to the Compensation Package. Specifically, but not limited to reduce, forfeit, and/or claw-back any variable compensation from an Employee.

For C&B payments, all compensation related payments must be supported by written and approved documents, such as offers, benefits plans, and individual agreements.

What’s changing?

While the provisions listed are expressly stated in some of our compensation plans, we are now ensuring these provisions are expressly stated in all our compensation plan documentation.

What action is needed?

Minimum approval requirements for completion of C&B decisions must be followed.

C&B Related Approvals, Package Determinations & Payments

Current state

- ▶ C&B related approvals:
 - ▶ Minimum requirement is “one over one” management approval
- ▶ Package determination guidelines:
 - ▶ Decisions must align with internal pay practices and external market data
 - ▶ FME reserves the right to suspend grants, payments and/or increases relating to the Compensation Package (e.g., reduce, forfeit, claw-back)
- ▶ C&B payments:
 - ▶ Compensation related payments must be supported by written and approved documents (e.g., offer, benefits plan, individual agreements, etc.)

What is changing?

- ▶ We are ensuring these provisions are expressly stated in all compensation plan documentation

Action needed?

- ▶ Follow minimum approval requirements for completion of C&B decisions

the Academy

Notes:



FACILITATOR:

To begin our discussion of disciplinary action related to C&B, let's emphasize that we trust in our employees and in their individual contribution to FME's compliant operation within its business segments. Simply put, compliant behavior is expected.

That said, non-dutiful behavior and misconduct is sanctioned in an appropriate way, including impacts to C&B.

Sanctions may include the forfeiture and/or claw-back of variable compensation payments, as well as the suspension and/or reduction of compensation increases and additional benefits and allowances.

What's changing?

While the provisions listed are expressly stated in some of our compensation plans, we are now ensuring these provisions are expressly stated in all our compensation plan documentation.

What action is needed?

Base disciplinary action decisions on the FME Global Disciplinary Action Guideline, which you can access at the link shown here.

C&B Related Disciplinary Action: Non-dutiful behavior

Current state

- ▶ Non-dutiful behavior and misconduct is sanctioned in an appropriate and may include:
 - ▶ Forfeiture and/or claw-back of variable compensation payments
 - ▶ Suspension and/or reduction of compensation increases, additional benefits, and allowances

What is changing?

- ▶ We are ensuring these provisions are expressly stated in all compensation plan documentation

Action needed?

- ▶ Follow the [FME Global Disciplinary Action Guideline](#) for disciplinary action decisions

Notes:



FACILITATOR:

For internal investigations, any increases/or additional grants on an Employee's Compensation Package, as well as any payouts of variable compensation, are suspended for a maximum of 12 weeks during an ongoing disciplinary investigation.

When the investigation results in unsubstantiated allegations, in other words, misconduct was not established, any suspension is stopped and increases, grants and/or payments of respective compensation instruments apply retroactively. And, incidentally, a planned promotion, if applicable, can also take place retroactively.

What's changing?

The ability to suspend compensation payments for up to 12 weeks during a disciplinary investigation is a new policy being implemented.

What action is needed?

Base disciplinary action decisions on the FME Global Disciplinary Action Guideline.

C&B Related Disciplinary Action: Internal Investigations

Current state

- ▶ Compensation package increases, additional grants, and payouts of variable compensation are suspended for a maximum of 12 weeks during an ongoing disciplinary investigation
- ▶ Unsubstantiated allegations: suspension stopped and increases, grants and/or payments of respective compensation instruments apply retroactively

What is changing?

- ▶ The ability to suspend compensation payments for up to 12 weeks during a disciplinary investigation

Action needed?

- ▶ Follow the [FME Global Disciplinary Action Guideline](#) for disciplinary action decisions

Notes:



FACILITATOR:

The HR Compliance Manual includes model language on sanctions relating to C&B.

What is changing?

While the provisions listed are expressly stated in some of our compensation plans, we are now ensuring these provisions are expressly stated in all our compensation plan documentation

What action is needed?

If permissible by law...

- Included legal provisions allowing for sanctions in any variable compensation program, such as in plan terms or plan conditions.
- And include legal provisions allowing the employer to forfeit and/or claw-back variable compensation in employee contracts and/or service agreements.

See the HR Compliance Manual's Annex 10 for legal provision model language.

C&B Related Disciplinary Action: Model Language

Current state

- ▶ The HR Compliance Manual includes model language on sanctions relating to C&B

What is changing?

- ▶ We are ensuring these provisions are expressly stated in all compensation plan documentation

Action needed?

- ▶ *If permissible by law*, include legal provisions allowing for:

- ▶ Sanctions in any variable compensation program (e.g., in plan terms or plan conditions)
- ▶ Forfeiture and/or claw-back of variable compensation in employee contracts and/or service agreements
- ▶ See the Annex 10 for legal provision model language

Annex 10. C&B related compliance and ethics model language

To be included into any Variable Compensation plan and/or into individual employment / service agreement and/or individual bonus letter (as per local law and practice).

Notes:



FACILITATOR:

The HR Compliance Manual's content related to rewarding employee engagement in promoting a culture of Compliance and Ethics—specifically Integrity and Compliance Targets and Additional Bonus Reward for Compliance Champions—does not apply in the U.S.

What is changing?

So, there's no change for the U.S.

What action is needed?

As the manual states, "FME expects all Employees to act according to local laws and policies and FME values; ethical behavior is a basic expectation for all roles, and all Employees are expected to perform their tasks and duties dutifully and in accordance with applicable laws and FME policies and guidelines and standards."

Consideration of compliance and ethics related targets in C&B

Current state

- ▶ No monetary compensation for compliant behavior

What is changing?

- ▶ No change

Action needed?

- ▶ Employees should continue to perform tasks and duties in accordance with applicable laws and FME policies, guidelines, and standards

Notes:



FACILITATOR:

(Pause for questions)

Transition

That wraps up Compensation & Benefits. Next, we'll focus specifically on Disciplinary Actions and Disciplinary Responses to Misconduct.



Notes:



Timing

[Instructor note: You must be logged into Employee Service Center (Dovetail) for the related links to work correctly: <https://fresenius.portal.dovetailnow.com/>]



Notes:



FACILITATOR:

For the HR Compliance Manual, what's changing and what processes need consistent application in the areas of Disciplinary Action and Disciplinary Responses to Misconduct?

Before we explore the answers to these questions, let's emphasize again that we trust in our employees and in their individual contributions to FMEs compliant operation. Our Code of Ethics & Business Conduct sums it up: "We are committed to conducting business with honesty, integrity, and transparency."

Moreover, we want every employee to be successful. And, as mentioned, Local HR performance management standards, as detailed in the HR Compliance Manual, section 7a, foster employee success through regular performance feedback and formal reviews, as well as Performance Improvement Plans, which constructively address unsatisfactory performance.

That said, when disciplinary action becomes necessary, we respond in accordance with our Global Disciplinary Action Guideline.

We currently have robust disciplinary action processes. Therefore, most of what we do with Disciplinary Action is not changing.

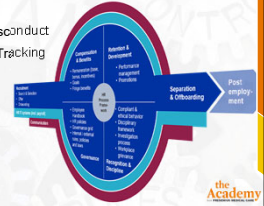
For this topic, we'll focus on:

- Global Principles for FME Disciplinary Action
- The Disciplinary Action Matrix
- Establishing the facts of potential misconduct
- And disciplinary action documentation and tracking

We'll also briefly discuss the role of the Global Disciplinary Action Committee as it pertains to the U.S.

Disciplinary Action

- ▶ Global Principles for FME Disciplinary Action
- ▶ Disciplinary Action Matrix
- ▶ Establishing the Facts of Potential Misconduct
- ▶ Disciplinary Action Documentation & Tracking
- ▶ Global Disciplinary Action Committee



Notes:



FACILITATOR:

The principles of fairness, proportionality, and progression already apply today for disciplinary action. However, consistency in employee disciplinary action experience across business lines has been identified as a gap.

What's changing?

We want employees to have a consistent experience, regardless of business line. The same or similar misconduct, both in type and severity, should result in the same levels of disciplinary action for all employees, while acknowledging differences in local laws and practices.

What action is needed?

Follow HR Compliance Manual guidance for operationalizing the Global Principles for FME Disciplinary Action.

Global Principles for FME Disciplinary Action

- Current state**
 - Principles of fairness, proportionality, and progression apply today for disciplinary actions
- What is changing?**
 - Consistency in employee experience across business lines:
 - Same or similar misconduct should result in same levels of disciplinary action
- Action needed?**
 - Follow HR Compliance manual guidance for operationalizing the principles
 - Operationalization of global principles applicable to disciplinary actions

The Global Disciplinary Action Guideline specifies applicable principles for disciplinary actions; the following list provides guidance on how to operationalize the global principles.

Principle	Explanation
Fairness	Procedural Fairness

the Academy

Notes:



FACILITATOR:

In the past, we referred to “levels” of corrective action.

What’s changing?

With the introduction of the Disciplinary Action Matrix, we now categorize the severity of misconduct into the tiers shown here: Tier 1 Less Severe, Tier 2 Medium Severe, and Tier 3 Most Severe.

The identified tier is then cross-referenced with circumstantial and individual factors, including aggravating and mitigating factors, to determine the Level of response to the misconduct: Level 1, 2 or 3, as shown here.

Please note that the tiers and levels represent a terminology change only; they have been added to applicable policies. This does not change processes applied by HR managers.

And while consideration of aggravating and mitigating factors has been a part of our process, a list of additional factors to consider is now included in the HR Compliance Manual.

What action is needed?

The Disciplinary Action Matrix mirrors our current Corrective Action Policy and process, which HR Business Partners should continue to follow.

Disciplinary Action Matrix

OUR DISCIPLINARY ACTION MATRIX

Current state

- ▶ Corrective action categorized by “level”

What is changing?

- ▶ Introduction of the Disciplinary Action Matrix and concept of “tiers”
 - ▶ Tiers 1, 2, 3: Categorize the severity of misconduct
 - ▶ Identify circumstantial and individual factors, including aggravating and mitigating factors, to take into reasonable consideration before making final decision on disciplinary actions
 - ▶ Levels 1, 2, 3: Categorize appropriate response to misconduct
- ▶ NOTE: Tiers & levels represent a terminology change only (added to applicable policies)

Action needed?

- ▶ Follow the Corrective Action Policy & process

the Academy

Notes:



FACILITATOR:

FME has been, and continues to be, committed to ensuring fairness throughout the Disciplinary Action process.

We remain independent, objective, and impartial while establishing the facts of potential Misconduct.

Called “fact finding,” this may include, and is not limited to, reviewing all relevant documents, speaking with witnesses, and speaking with the employee.

What’s changing?

As this should be what HR Business partners are already doing, there’s no change.

What action is needed?

The person or persons who undertake the fact finding should not assume wrongdoing and must independently, objectively, and impartially establish all available facts.

Establishing the Facts of Potential Misconduct

Get In Lane

Fact Opinion

Current state

- ▶ The fact finding process is fair, independent, objective, and impartial

What is changing?

- ▶ No change; this should be what HR partners are already doing

Action needed?

- ▶ The person(s) undertaking fact finding should not assume wrongdoing and must independently, objectively, and impartially establish all available facts

Notes:



FACILITATOR:

Disciplinary action is, and has been, documented and tracked per our policy and local law and practices.

What's changing?

Disciplinary action documentation and tracking, as detailed in the HR Compliance Manual, may be new for some business lines. See section 11g for documentation of disciplinary actions and section 11h for global reporting and tracking of disciplinary actions.

What action is needed?

Ensure disciplinary action is documented and tracked per the Manual.

Just to be clear, local HR is responsible for disciplinary action documentation and tracking. Continue to use our Corrective Action Document and Form.

While we're not currently required to report disciplinary action data, be prepared in the event this requirement changes.

Along these lines, document disciplinary action in Dovetail, as it enables effective reporting. For example, you can attach disciplinary actions and note the level. For detailed instructions, see the Dovetail job aid, available at the link shown here.

Disciplinary Action Documentation & Tracking

Current state

- ▶ Disciplinary action is documented and tracked per our policy and local law and practices

What is changing?

- ▶ May be new for certain business lines

Action needed?

- ▶ Ensure disciplinary action is documented and tracked per the HR Compliance Manual:
 - » Local HR is responsible
- ▶ Be prepared to report disciplinary action data in the event the requirement changes:
 - » Document via Dovetail for effective reporting
 - » Example: Attach disciplinary actions and note the level
 - » Job aid: [Dovetail Case Management User Guide](#)

the Academy

Notes:



FACILITATOR:

In the U.S., the committee concept has not been utilized for disciplinary action.

What's changing?

The HR Compliance Manual states that: FME will set up a Global Disciplinary Action Committee, or Global DAC.

Depending on the circumstances of the case, the Global DAC shall be involved.

However, please note that the Manual's references to regional and local disciplinary action committees do not apply in the U.S.

What action is needed?

For situations which may warrant escalation to the Global Disciplinary Action Committee, based on the Manual, consult with a VP of HR or above.

Global Disciplinary Action Committee

- Current state**
 - ▶ In the U.S., the committee concept has not been utilized for disciplinary action
- What is changing?**
 - ▶ FME will set up a Global Disciplinary Action Committee (Global DAC):
 - Depending on the circumstances of the case, the Global DAC shall be involved
 - NOTE: References to regional and local disciplinary action committees do not apply in the U.S
- Action needed?**
 - ▶ For situations which may warrant escalation to the Global Disciplinary Action Committee, consult with a VP of HR or above

Notes:



FACILITATOR:

(Pause for questions)

Transition

This wraps up Disciplinary Actions and Disciplinary Responses to Misconduct.

Next, we'll take a very brief look at how the Manual's language surrounding recognition for ethical and compliant behavior applies in the U.S.



Notes:



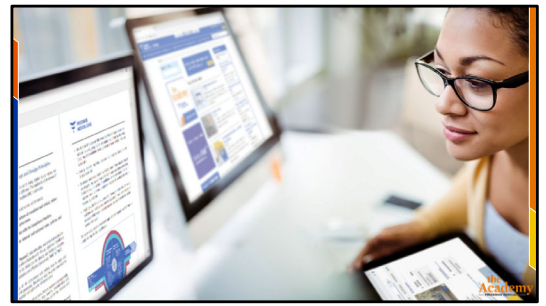
Timing

FACILITATOR:

(Pause for questions)

Transition

That wraps up Disciplinary Actions and Disciplinary Responses to Misconduct. Next, we'll take a very brief look at how the Manual's language surrounding recognition for ethical and compliant behavior applies to the U.S.



Notes:



End



Timing

[Instructor note: You must be logged into Employee Service Center (Dovetail) for the related links to work correctly: <https://fresenius.portal.dovetailnow.com/>]



Notes:



FACILITATOR:

As we said in the Compensation & benefits topic, the HR Compliance Manual includes language surrounding recognition for ethical and compliant behavior, as well as a Compliance Ethics Champion award. However, these forms of recognition for compliant behavior do not apply in the U.S.

What is changing?

No change in the U.S.—Compliant behavior is expected, and thus not directly rewarded.

As Christian Koessler puts it: “We don’t reward people for stopping at a red light, but we fine them if they run over it.”

What action is needed?

Our HRBPs should continue promoting a culture of compliant and ethical behavior by:

- Acting with honesty and integrity by doing what is right and in line with FME’s code of conduct and standards
- Living our Core Values and leading by example
- Never compromising on safety, quality, or health of our patients
- And recognizing compliant behavior and integrity as they see it in their employees

It’s worth noting that, as an organization, we continuously reinforce compliant and ethical behavior in...

- Our Executive forums
- Presentations and trainings (such as this one), which open with a Compliance reminder
- And events and activities, including our annual Compliance & Ethics Week

Recognition for Compliant and Ethical Behavior

Current state

- ▶ No monetary compensation for compliant behavior
- ▶ No Compliance Ethics Champion award

What is changing?

- ▶ No change – Does not apply in the U.S.
- ▶ Compliant behavior is expected, and thus not directly rewarded

Action needed?

- ▶ Continue promoting a culture of compliant and ethical behavior by:
 - Acting with honesty and integrity by doing what is right and in line with FME’s code of conduct and standards (applicable laws, practices, regulations, policies, guidelines and instructions)
 - Living our core values and leading by example
 - Never compromising on safety, quality, health of our patients
 - Recognizing compliant behavior and integrity

the Academy

Notes:



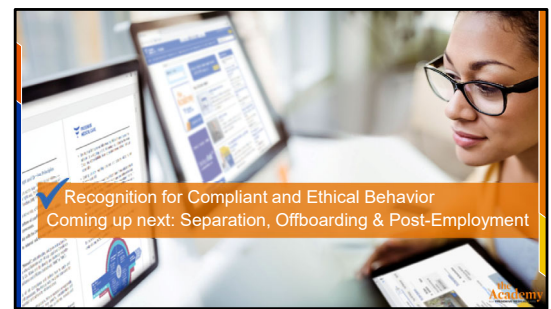
FACILITATOR:

(Pause for questions)

Transition

That covers Recognition for Compliant and Ethical Behavior.

Our next and final topic is Separation, Offboarding & Post-Employment.



Notes:



Timing

[Instructor note: You must be logged into Employee Service Center (Dovetail) for the related links to work correctly: <https://fresenius.portal.dovetailnow.com/>]



Notes:



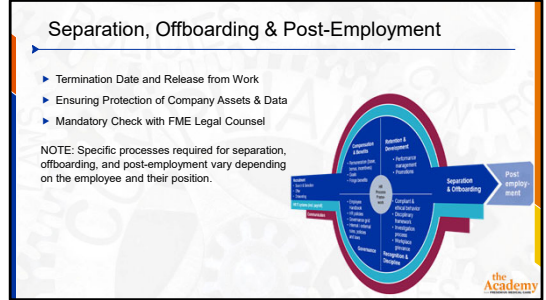
FACILITATOR:

For Separation, Offboarding & Post-Employment, we'll focus on...

- Termination Date and Release from Work
- Ensuring Protection of Company Assets & Data
- And the Mandatory Check with FME Legal Counsel before terminating an employee

Please note that the specific processes required for separation, offboarding, and post-employment vary depending on the employee and their position.

For example: An RVP with a protective covenant agreement leaving to work for a competitor requires a more active offboarding process than a retiring RN.



Notes:



FACILITATOR:

Section 12b of the HR Compliance Manual, Termination Date and Release from Work, includes details surrounding garden leave.

Garden leave does not apply in the U.S.

Thus, there's no change for the U.S., and no action needed.

Termination Date and Release from Work

Current state

- ▶ Garden leave does not apply in the U.S.

What is changing?

- ▶ No change

Action needed?

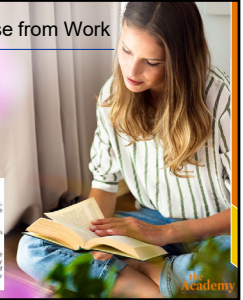
- ▶ None

b. Termination Date and release from Work

The Termination Date is the date of final expiration of the employment relationship, i.e. the date when the Employee is taken off payroll, taken off the employee Masterfile, and is no longer in (active or inactive) employment status.

The notification of the termination typically will occur before the actual Termination Date, even several weeks or months- i.e. mandatory notice period.

The date on which the Employee is released from work duties may or may not be the effective date and/or the (effective) Termination Date; a notice period may apply (Date of notifying the termination and final termination), and/or a Garden leave (if applicable according to local jurisdictions). Garden leave shall only be granted after having completed a diligent hand-over.



Notes:



FACILITATOR:

The steps for ensuring the protection of company assets and data are not new and should be what HRPBs are already doing.

What is changing?

No change. The current practices are now documented in the HR Compliance Manual.

What action is needed?

HR Business Partners should make it part of their offboarding process to use the Separation Checklist and Non-Disclosure Reminder, available at the link shown here, as a safeguard, if not already doing so.

Ensuring Protection of Company Assets & Data

Current state

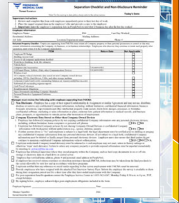
▶ It is our practice to ensure the protection of Company assets and data

What is changing?

▶ No change; current practices now documented in the Manual

Action needed?

▶ Use the [Separation Checklist and Non-Disclosure Reminder](#) to safeguard assets and data



Notes:



FACILITATOR:

Before terminating an employee, FME HR and/or the Line Manager must check in with FME Legal, before engaging outside counsel, in the following situations, or in the case of red flags during these situations:

- A Pending investigation involving the employee, as a subject, witness, or reporter.
- A Pending litigation where the employee is still needed, again, as a subject, witness, or reporter.
- In situations where an employee recently reported on potential wrongdoing; here, check potential retaliation issues and/or the employee's role in the investigation.
- An employee leaves to join a competitor in a role with particular risk for, undue, competitive activities or disclosure of trade secrets.
- An employee has involved an attorney and/or uses legalize language, hence legal action is expected.
- The likelihood that separation will end in litigation.
- When separation is the result of a severe misconduct.
- When other employees leave with the employee.
- And, when a disgruntled employee is likely to start legal action or litigation.

Please note this list of examples is not exhaustive.

What's changing?

As the current practices are now documented in the HR Compliance Manual, there is no change.

Action needed?

For action needed, reach out to Legal with any questions on the process.

Mandatory Check with FME Legal Counsel

Current state

- ▶ FME HR and/or Line Manager must check in with FME Legal before terminating when:
 - ▶ Pending investigation involving the Employee (as subject, as witness, as reporter)
 - ▶ Pending litigation where Employee is still needed (as witness for FME, or another role)
 - ▶ Employee recently had reported on potential wrongdoing (check potential retaliation issues and/or role in investigation)
 - ▶ Employee leaves to join a competitor in a role with particular risk for (undue) competitive activities or disclosure of trade secrets
 - ▶ Employee has involved an attorney and/or uses legalize language (hence, legal action to be expected)
 - ▶ Likelihood that separation will end in litigation
 - ▶ Separation is the result of a severe Misconduct
 - ▶ Other Employees leave with them
 - ▶ Disgruntled Employee with likelihood that s/he will start legal action/litigation

What is changing?

- ▶ No change; this should be what HR partners are already doing

Action needed?

- ▶ Contact Legal with questions about the process

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Notes:

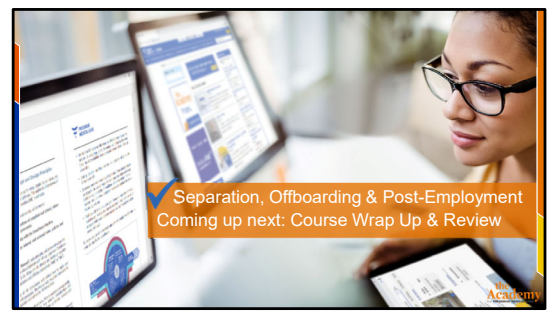


FACILITATOR:

(Pause for questions)

Transition

That completes our look at Recruitment and Promotion. Next up is Compensation & Benefits.



Notes:



Timing

FACILITATOR:

(None)



Notes:



FACILITATOR:

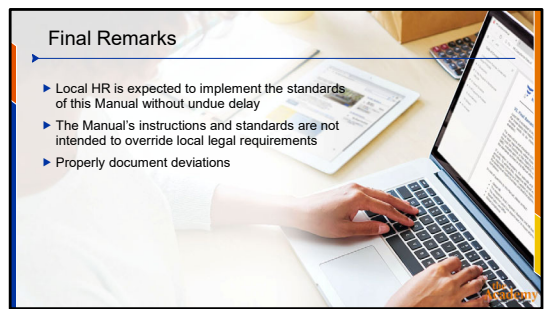
Page 67 of the Manual includes Final Remarks, which we'll summarize here.

Local HR is expected to implement the standards of this Manual without undue delay.

For processes requiring several steps to implement, develop an implementation plan and timeline.

The instructions and standards outlined in this Manual are not intended to override local legal requirements, where those are mandatory.

If a deviation is necessary, follow the instructions in the Final Remarks to properly document the rationale and the process.



Notes:



FACILITATOR:

Again, these resources are available to you, should you have questions or need assistance.

Resources

Workstream contacts:

- ▶ **Recruitment & Promotion:** Greg Pardo
 - ▶ **Compensation & Benefits:** Christian Madsen
 - ▶ **Disciplinary Actions:** Denise Patterson
 - ▶ **Recognition for Compliant & Ethical Behavior:** Ryan McCoy
 - ▶ **Separation, Offboarding & Post-Employment:** Anne Gaeta
-
- ▶ Local / regional / Business Unit HR leader
 - ▶ Labor Law department / in-house attorney

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Notes:



Timing

FACILITATOR:

In our session today, we covered how the updates to the HR Compliance Manual impact the U.S. in the areas of:

- Recruitment & Promotion
- Compensation & Benefits
- Disciplinary Action
- Recognition for Compliant & Ethical Behavior
- And Separation, Offboarding & Post-Employment

Thank you for your participation today.



Facilitator Note



Notes:

VLL functionality used:

None

Before class:

- Insert the name, title, and a headshot of the producer and the primary facilitator.
- Your in good hands with [NAME].

DO:

- Introduce yourself and briefly describe your role.
- Introduce the facilitator and briefly describe his/her role.

TRANSITION: We'd like to get a sense for how many of you have used the Webex training room before.



Notes: