



# Corporate Offices Corrective Action Record

<b>Thomas Johnson</b> <i>(employee name)</i>	<b>11221786</b> <i>(employee ID number)</i>
<b>Warehouse Group Lead</b> <i>(job title and description)</i>	<b>5-17-05</b> <i>(date)</i>
<b>3-17-05</b> <i>(supervisor's name)</i>	<b>80866</b> <i>(cost center/Location)</i>

**Please Attach Additional Comments and/or Documents When Necessary**

**Corrective Action: Final Warning**  
**Reason for Action: Misconduct      Company Policy Violation**  
 (Note: Up to two reasons may be indicated for the action)

**Facts or Events** — *Identify behavior, performance, special facts, or events requiring corrective action:*  
 Over the past several months, Thomas has continued to have negative interactions with temps which has created a hostile work environment within the Gaithersburg facility. These include yelling at temporary employees, punishing employees in front of others and showing favoritism to certain temporary employees. Thomas has also participated in providing direct performance feedback and counseling sessions with temporary employees.

**Company Standard** — *What is the company standard/expectation/policy/procedure?*  
 Per Blockbuster Handbook, harassment, discrimination, or other inappropriate conduct, whether intentional or unintentional, is prohibited in the workplace at Blockbuster. All Blockbuster employees are responsible for respecting the rights of their co-workers and associates. Additionally, it is the role and responsibility of the DC Manager to provide any formal discussions with employees related to performance.

**Why a Problem?** — *Why is failure to meet standard a problem for the company, department or other employees?*  
 Thomas' actions have created a negative work environment which inhibits individuals from reaching their full potential. This resulted in a reduction in productivity, efficiency, and accuracy which ultimately affects service levels to our customers.

**Previous Corrective Action** — *List dates and summaries of all previous counselings (both verbal and written)*  
 In February of this year, Thomas was made aware of a complaint registered by a temporary employee (Niema Fields) related to the way she was treated by Thomas. Additionally, Thomas received a written performance warning on March 17, 2005.

**Improvement Required and Time Allowed** — *Briefly state what employee must do to improve*  
 Immediate and sustained improvement is required in all areas addressed in this corrective action.

**Consequences of Failure to Improve** — *What disciplinary action will follow for failure to improve?*  
 Failure to demonstrate immediate and sustained improvement will result in further corrective action, up to and including termination of your employment.

**Employee Comments** *(If additional space is needed, please use back or attached additional paper)*

**I have received a copy of this Corrective Action Record. I also understand that the company has an Open Door Policy under which I may discuss this issue or another employee relations issue with my supervisor's supervisor and/or Human Resources and/or the company Employee Relations Specialist.**

\_\_\_\_\_  
*(employee signature)* \_\_\_\_\_  
*(date)*

\_\_\_\_\_  
*(supervisor signature)* \_\_\_\_\_  
*(date)*

Employee reviewed *Corrective Action Record* and refused to sign. \*Note- If Verbal Counseling, employee is not required to sign.

EXHIBIT 13  
 WIT: Colleen  
 DATE: 6/24/08  
 MERRILL LEGAL SOLUTIONS

EEOC 00084



# Corporate Offices Corrective Action Record

**Linc Barrett** **11205709**  
*(employee name)* *(employee ID number)*

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**DC Manager** **5/17/05**  
*(job title and description)* *(date)*

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**Scott Colten** **80866**  
*(supervisor's name)* *(cost center/Location)*

Please Attach Additional Comments and/or Documents When Necessary

**Corrective Action: Final Warning** **Company Policy Violation**  
**Reason for Action: Failure to Meet Performance Standards/Expectations**  
*(Note: Up to two reasons may be indicated for the action)*

**Facts or Events** — *Identify behavior, performance, special facts, or events requiring corrective action:*  
 Group Leads (GL's) at the Gaithersburg facility continue to be involved in managing performance issues within the workplace. Additionally, the GL's have not received an adequate level of supervision, such that one individual continues to have multiple temporary staff who describe actions that are considered inappropriate for the work place (threatening and showing favoritism).

There is a clear indication from multiple existing staff that both Group Leads and the DC manager exhibit favoritism to certain employees.

The facility does not have an acceptable plan for training new employees and subsequent monitoring of key performance indicators for all employees. Attendance/tradiness is not tracked uniformly and therefor management has not maintained an consistant approach to ending the assignments of temporary employees.

**Company Standard** — *What is the company standard/expectation/policy/procedure?*  
 GL's are expected to actively coordinate and participate in the hourly activities at a facility. All performance coaching and/or disciplinary actions with employees and/or temporary labor is the responsibility of the DC Manager.

Favoritism and harrasment are not tolerated in the work environment and in direct violation with Blockbuster policy.

**Why a Problem?** — *Why is failure to meet standard a problem for the company, department or other employees?*  
 GL's do not have the training or the job responsibility to handle managing a staff of hourly employees. Failure to ensure that the above standard is met can result in a negative work environment, one in which employees do not contribute to their fullest capabilities.

When individuals are afforded special treatment the other members of a workgroup become unwilling to contribute at their fullest potential, often times causing a deterioration of the workgroups overall performance.

**Previous Corrective Action** — *List dates and summaries of all previous counselings (both verbal and written)*  
 On March 17, 2005 Linc received a written warning for failure to meet performance standards.

**Improvement Required and Time Allowed** — *Briefly state what employee must do to improve*  
 Sexual Harassment in the workplace, intimidation of employees, and/or verbal abuse shown to employees will not be tolerated and must cease immediately. Showing favortism thru management style and/or selective monitoring of performance against expectations is not acceptable and must cease immediately.

Linc will have until 9am eastern time on Monday, May 23th to present a comprehensive action plan, with deliverables and success indicators, to his manager which will, at a minimum, address the following:

- Elimination of harrasment in the workplace
- Elimination of favoritism in the workplace
- Collection and documentation of key performance indicators for all staff
- Improvement of Training for new associates at the facility

The action plan should provide for closure of all identified actions within a maximum of 30 calendar days, at which time a formal assessment of progress against the plan will be conducted.

Barry Francis, Regional HR Manager - Baltimore Region has offered his assistance in developing this plan.

Original: HR Records, Spartanburg

Copy: Employee

Copy: Supervisor

CONFIDENTIAL

EXHIBIT 14

WIT: Colten

DATE: 6/29/09

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Immediate and sustained improvement is required in all areas addressed in this corrective action.

**Consequences of Failure to Improve** – *What disciplinary action will follow for failure to improve?*  
Failure to demonstrate immediate and sustained improvement, and/or the failure to submit the required action plan by the date specified above, will result in further corrective action, up to and including termination of your employment.

**Employee Comments** (If additional space is needed, please use back or attached additional paper)

I have received a copy of this Corrective Action Record. I also understand that the company has an Open Door Policy under which I may discuss this issue or another employee relations issue with my supervisor's supervisor and/or Human Resources and/or the company Employee Relations Specialist.

*[Handwritten Signature]*  
(employee signature)

6-3-05  
(date)

*[Handwritten Signature]*  
(supervisor signature)

6-13-05  
(date)

Employee reviewed *Corrective Action Record* and refused to sign. \*Note- If Verbal Counseling, employee is not required to sign.

CONFIDENTIAL

Original: HR Records, Spartanburg

Copy: Employee

Copy: Supervisor

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