

## Performance and Disciplinary Procedures Policy

It is expected that all Contractors will meet the Mass Save<sup>®</sup> program expectations, will complete their work scopes as specified on time, will perform work to the specified standards, will always maintain compliance with their participation agreement, will follow all local and state regulations and will deliver excellent service to customers, CLEARResult, and the Utilities. However, in the rare cases where performance issues negatively impact the Program and/or the customer experience, CLEARResult may in consultation with the Utilities apply the following disciplinary procedures but are not limited to them.

1. Contractors participating in the Mass Save<sup>®</sup> Program shall adhere to the following business practices:
  - a. Professional Conduct – All officers, directors, partners, managers, members, employees, agents and representatives shall treat all Customers fairly and deliver promised services in a timely, competent, professional, and reasonable manner.
  - b. Professional Courtesy – Whenever representing the Program, All officers, directors, partners, managers, members, employees, agents and representatives shall conduct themselves in a professional, respectful, and reasonable manner when interacting with any Utility staff, CLEARResult staff, Customers, governmental officials, media, or other Program stakeholders.
  - c. Program Metrics – Contractors shall achieve the minimum Program Performance Metrics, required volumes, and quality of work to remain active within the Mass Save program.
2. DISCIPLINARY PROCEDURES –CLEARResult, in its capacity as Lead Vendor to the Program, reserves the right to impose any of the following disciplinary measures at any time or any other measures they deem fit.
  - a. Suspension of Merit Based Work Allocation-(“turned off”) CLEARResult may deem that an IIC will be “turned off” from Merit Based Work Allocation. CLEARResult may notify the IIC verbally or by email of such designation and include the details of the infractions and the basis of this determination. Included in that communication will be what infractions need to be corrected and on what time table for the IIC to once again begin receiving Merit Based Work Allocation. Grounds for designation of “turned off” shall include, but not be limited to:  
Non-Compliance with;
    - Program Policies,
    - Procedures and
    - Conduct Requirements
  - b. Temporary Login Suspension- In consult with the Utilities, CLEARRESULT may deem that Software Logins need to be suspended. Login Suspension will prevent

- the scheduling of new HEAs. Any new HEA related work completed during the time of Login Suspension will not be paid. CLEARResult shall notify the Contractor in writing of such a designation and include the details of the infractions and the basis of this determination. The notice of infractions may include a timeline for correction of those infractions. Failure to correct the listed infractions in the frame may result in further disciplinary actions. Grounds for designation of “Temporary Login Suspension” shall include, but not be limited to:
- i. Non-Compliance with Program Policies, Procedures and Conduct Requirements
  - ii. Failure to Achieve Program Metrics or individual targets
- c. Not in Good Standing – In consult with the Utilities, CLEARResult may deem that an Contractor is “Not in Good Standing” with respect to the Program. CLEARResult shall notify the Contractor in writing of such a designation, and include the details of the infractions and the basis of this determination. CLEARResult will schedule a meeting to detail a plan to return to compliance with the Program’s requirements (the “Performance Improvement Plan”). A Performance Improvement Plan will include actionable improvement by the Contractor within a reasonable timeframe that is clearly stated in the Performance Improvement Plan (measurable improvements should occur within 30 days; the total time to remediate may depend upon the nature or severity of the infractions). Failure to adequately address the issues in the Performance Improvement Plan within thirty (30) days may result in a suspension or termination. Grounds for designation of “Not in Good Standing” shall include, but not be limited to:
- i. Non-Compliance with Program Policies, Procedures and Conduct Requirements
  - ii. Failure to adhere to the policies, procedures and conduct requirements of the Program.
- d. Suspension/Termination – In consultation with the Utilities, CLEARResult may suspend or terminate a Contractor’s participation in the Program. A suspended Contractor is not eligible to participate in the Program during the suspension period. CLEARResult shall notify the Contractor in writing of any suspension, and such notice shall include: (i) the reason(s) for suspension; (ii) the suspension period; and (iii) the actions that CONTRACTOR must take in order to participate in the Program after the suspension period. A terminated CONTRACTOR is not eligible for further participation in the Program. CLEARResult shall notify the Contractor in writing of termination, and such notice shall include the reason(s) for termination. Grounds for suspension or termination shall include, but not be limited to:
- i. Failure to Respond/Cooperate – - failure to reasonably respond to or cooperate with CLEARResult or the Utilities, including, but not limited to,

- the failure to meet and work in good faith with CLEAResult in order to establish a Performance Improvement Plan.
- ii. Failure to Achieve Improvements Set Forth in a Performance Improvement Plan within the time specified - failure to adequately improve in accordance with any Performance Improvement Plan imposed in Section 2(a) in the time specified in such Performance Improvement Plan.
  - iii. Non-Compliance with Program Policies, Procedures and Conduct Requirements
  - iv. Misrepresentation/Fraudulent Activity –submitted false or fraudulent documentation to the Utilities, CLEAResult or the Program at any time.
  - v. Grossly Inappropriate Behavior - engaged in grossly inappropriate behavior while at a customer’s home or in other Program settings. Grossly inappropriate behavior may include lewdness, extreme obscenity, threat of violence, or other acts of similar magnitude.
  - vi. Major Safety and/or Quality Violation –engaged in a major safety and/or quality violation.