

EEO, Non-Discrimination and Anti-Harassment-Section 1401

Provided to and applicable to all employees.

Policy: Equal Employment Opportunity

Policy No.: 1401-01 Effective: 03/18/2010; Last Revision Date: 10/10/2018

The Company is committed to the principle of equal employment opportunity for all. It is policy to ensure that all employees and applicants for employment are treated without regard to their race, creed, color, religion, citizenship, national origin, age, marital status, disability status, gender, gender identity, sexual orientation, military service, "pregnancy, childbirth, or related medical conditions, including, but not limited to, lactation" or other characteristic protected by law. All decisions regarding employment and all other personnel actions are made or administered in accordance with these principles. The policy of the Company is consistent with the requirements of, and objectives set forth in, the various statutes, regulations, and executive orders relating to equal employment opportunity.

Policy: Non-Discrimination and Anti-Harassment

Policy No.: 1401-02 Effective: 03/08/2012; Last Review Date: 05/17/2018

Statement of Philosophy

The Company is committed to a work environment that respects the dignity and worth of each individual. Inappropriate workplace behavior and unlawful harassment create conditions that are wholly inconsistent with this commitment. The purpose of the policy set forth below is not to regulate the personal morality of employees, but rather to foster a work environment that is free from all forms of harassment, whether that harassment is because of sex, race or other protected characteristics.

Discriminatory Harassment is Prohibited

Discriminatory harassment, including sexual and racial harassment, will not be tolerated by the Company. This policy applies to all harassment occurring in the work environment, whether on Company premises or in any Company-related setting, and applies regardless of the gender of the individuals involved. This policy covers all employees of the Company, including applicants for employment and third parties over whom the Company has control.

Workplace sexual harassment is unlawful under Title VII of the Civil Rights Act, New York State Human Rights Law and New York City Human Rights Law. The legal remedies available to someone who has experienced sexual harassment can include economic damages, compensatory damages, punitive damages, equitable relief, and attorneys' fees.

Sexual Harassment Defined

For purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- submission to such conduct is either explicitly or implicitly made a term or condition of an individual's employment; or
- submission to or rejection of such conduct is used as the basis for employment decisions affecting the individual; or
- such conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.

Some examples of what may constitute sexual harassment are: threatening to take or taking employment actions, such as discharge, demotion or reassignment, if sexual favors are not granted; demands for sexual favors in exchange for favorable or preferential treatment; unwelcome and repeated flirtations, propositions or advances; unwelcome physical contact; whistling, leering, improper gestures, tricks, or horseplay; use of stereotypes or offensive, insulting, derogatory or degrading remarks; unwelcome comments about appearance; sexual jokes or use of sexually explicit or offensive language; gender- or sex-based pranks; and the display in the workplace of sexually suggestive objects or pictures. The above list of examples is not intended to be all-inclusive. Care should be taken in informal business situations, including Company parties and business trips.

Other Harassment Defined

For purposes of this policy, other harassment is defined as verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, creed, color, religion, citizenship, national origin, age, marital status, disability status, gender, gender identity, sexual orientation, military service or other characteristic protected by law, which:

- creates an intimidating, hostile or offensive work environment; or
- unreasonably interferes with an individual's work performance.

Some examples of such harassment are: using epithets or slurs; mocking, ridiculing or mimicking another's culture, accent, appearance or customs; threatening, intimidating or engaging in hostile or offensive acts that focus on an individual's race, creed, color, religion, citizenship, national origin, age, marital status, disability status, gender, sexual orientation, military service or other characteristic protected by law; the displaying on walls, bulletin boards or elsewhere on Company premises, or circulating in the workplace, of written or graphic material that denigrates or shows hostility or aversion toward a person or group because of race, creed, color, religion, citizenship, national origin, age, marital status, disability status, gender, sexual orientation, military service or other characteristic protected by law. The above list of examples is not intended to be all-inclusive.

Consensual Relationships

Consensual romantic and/or sexual relationships between an employee with supervisory authority and any subordinate including one not directly under the supervisor, will compromise the Company's ability to enforce its policy against sexual harassment. Consequently, if such relationships arise, they will be considered carefully by the Company, and appropriate action may be taken. Such action may include a change in the responsibilities of the individuals involved in such relationships or transfer of location within the Company. Any supervisory employee involved in such a relationship is required to report the relationship to his or her direct manager, and while the relationship continues, to all subsequent managers to whom the supervisory employee reports.

Reporting Instances of Harassment

The Company strongly encourages the prompt reporting of all incidents of discriminatory harassment. If an employee believes he or she is being harassed or has observed harassment, the employee should notify promptly his or her direct manager or any manager, including his or her direct manager. Alternatively, employees may report their concerns to the Ethics and Employee Advocate Helpline at <https://dayzim.alertline.com> or by calling 1.877.319.0270. The following governmental agencies are also available to receive complaints of workplace sexual harassment. Contact information for each can be found on the respective agency websites. The New York State Division of Human Rights (<https://dhr.ny.gov/>); The New York City Commission on Human Rights (www1.nyc.gov/site/cchr/index.page); The Equal Employment Opportunity Commission (<https://www.eeoc.gov/field/newyork/>).

Investigation

When an employee reports harassment as specified above, the Company will undertake a prompt and comprehensive investigation appropriate to the circumstances. The specific steps to be taken during the investigation cannot be fixed in advance, but will vary depending upon the nature of the allegations and the information obtained through the investigative process itself. Confidentiality will be maintained throughout the investigative process to the extent practicable and consistent with the Company's need to undertake a full investigation.

Resolving the Matter

Upon completion of the investigation, appropriate remedial action will be taken, if necessary and supported by the facts. Remedial action may include verbal or written counseling, referral to formal counseling, disciplinary suspension or probation, or discharge from the Company. Sexual harassment is a form of employee misconduct, and those who commit harassment, or managers who knowingly allow sexual harassment to continue will be subject to appropriate disciplinary action.

Nonretaliation

An individual who reports incidents that the employee, in good faith, believes to be violations of this policy, or who is involved in the investigation of harassment, will not be subject to reprisal or retaliation. Retaliation is a serious violation of this policy and should be reported immediately. The report and investigation of allegations of retaliation will follow the procedures set forth in this policy. Any person found to have retaliated against an individual for reporting discriminatory harassment or participating in an investigation of allegations of such conduct will be subject to appropriate disciplinary action.

Communication

This policy is part of the Company's overall commitment to open communication. The Company encourages any employee with workplace concerns of any nature (including, but not limited to, any alleged discrimination) to bring those concerns to the attention of the direct manager.