



UPDATED HARASSMENT POLICY **EFFECTIVE OCTOBER 9, 2018**

CPS Recruitment prohibits all types of harassment on the basis of gender, sex, sexual orientation, gender identity, race, color, national origin, religion, disability, age, genetic information, or any other protected characteristic. We are committed to a harassment-free workplace for all of our employees. This Policy is one component of CPS Recruitment's commitment to a discrimination and harassment-free work environment.

Covered Individuals

This Policy applies to all CPS Recruitment employees, whether full-time, part-time or temporary employees. It also applies to individuals who are not employees of CPS Recruitment, but are employees of contractors, subcontractors, vendors, consultants, and other persons who provide services in the Company's workplace, such as interns, whether paid or unpaid.

General Policy

Sexual and other forms of unlawful harassment are not tolerated by CPS Recruitment and are prohibited by this Policy. This Policy not only prohibits conduct that may constitute unlawful harassment, but also other inappropriate or unprofessional behavior that may be reasonably considered to be offensive or otherwise inappropriate. Employees and other individuals covered under this Policy, including managers and supervisors, will be subject to disciplinary or other corrective action for any violations of this Policy, up to and including termination of employment.

What is "Sexual Harassment?"

Sexual harassment is a form of sex discrimination and is unlawful under federal, state and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, gender identity and the status of being transgender. Sexual harassment may also occur between any individuals, regardless of their sex or gender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature or which is directed at an individual because of the individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment even if the complaining individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment may consist of threats, derogatory comments or words, signs, jokes, pranks, intimidation or physical violence which are of sexual nature or which are directed at

an individual because of that individual's sex where the conduct is so severe or pervasive as to alter the terms of employment for the individual subject to harassment.

Sexual harassment may also occur when a person in authority tries to trade job benefits for sexual favors. This can be hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment. No person – no matter his/her job title or position in any company – has the right to condition any aspect of employment on receptivity to sexual activity. If any person tries to convince you otherwise, do not believe them and instead report them.

Examples of Sexual or Other Harassment

The following is a non-exhaustive list of some of the types of conduct that may constitute sexual or other form of harassment prohibited by this policy:

- Physical assaults of a sexual nature, such as:
 - Touching, pinching, patting, grabbing, brushing against another employee's body or poking another employee's body;
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the victim's job performance evaluation, a promotion or other job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Written conduct such as authoring threatening, derogatory or offensive letters, e-mails, text messages, or social media posts.
- Hostile actions taken against an individual because of that gender, sex, sexual orientation, gender identity including the status of being transgender, race, color, national origin, religion, disability, age, genetic information, or any other protected characteristic:
 - Interfering with, destroying or damaging a person's work station, tools or equipment or otherwise interfering with the individuals' ability to perform the job
 - Sabotaging an individual's work
 - Bullying, yelling, name-calling
 - Derogatory terms, slurs, or epithets

Where can harassment occur?

Sexual and other forms of unlawful harassment are not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

CPS Recruitment prohibits not only offensive conduct that rises to a level of violating the law but also prohibits lower level inappropriate conduct that is inconsistent with CPS's standards of professionalism. CPS will respond appropriately, including with discipline, to unprofessional, offensive incidents even if they are not harassment in a legal sense.

Policy Against Retaliation

Retaliation may include any conduct that could discourage a reasonable person from coming forward to make a complaint, or support a harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Protected activity includes opposing a discriminatory practice, making a good faith report of a suspected violation of this Policy, filing a harassment complaint, participating in an investigation or proceeding of such a report or complaint, or encouraging a fellow employee to make a report or file a complaint. Any such retaliation is unlawful under federal, state, and (where applicable) local law.

Individuals that engage in any protected activity as provided for in this Policy shall not be subject to adverse employment action. Any individual covered by this Policy who is found to have retaliated against any other individual covered under this Policy that has engaged in the protected activity as provided for this Policy, is in violation of this Policy and subject to remedial or disciplinary action, up to and including termination of employment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

Reporting Sexual and Other Harassment

Preventing sexual harassment is everyone's responsibility. CPS Recruitment cannot prevent or remedy sexual or other harassment unless it knows about it. Any person covered under this Policy who has been subjected to behavior that may constitute sexual or other harassment is encouraged to report such behavior to a supervisor, manager or Kirsi Donovan, Compliance, Benefits and Safety Specialist. Anyone who witnesses or becomes aware of potential instances of harassment should report such behavior to a supervisor, manager or Kirsi Donovan. If an individual believes that his/her supervisor or manager violated this Policy, then the individual should report the matter to a higher-level manager or, Kirsi Donovan.

Reports of harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all individuals covered by this Policy are encouraged to use this complaint form, but using the form is not required. Individuals who report sexual harassment on behalf of another person should state clearly that the complaining is made on another person's behalf.

To file a complaint or request a complaint form, please contact:

Kirsi Donovan, Compliance, Benefits and Safety Specialist, CPS Recruitment
kdonovan@cpsrecruiter.com, Direct Phone: 315-883-5494

A complaint form is also attached to the end of this policy.

An employee on assignment to a CPS client is reminded that CPS's clients also prohibit harassment in their workplaces and have reporting procedures that may be utilized if the harassment is occurring in the client's workplace or is being perpetrated by the client's employees.

The availability of this reporting procedure does not preclude individuals who believe they are being harassed from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.

Supervisory Responsibilities

All supervisors and managers who receive a complaint or information about suspected harassment, or observe what may be unlawful harassing behavior, **are required** to take appropriate steps to address the conduct and to report such suspected harassment to Kirsi Donovan, Compliance, Benefits and Safety Specialist.

In addition to being subject to discipline if they engaged in any harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue. Supervisors and managers will also be subject to discipline for engaging in any retaliation against individuals covered by this Policy.

Investigation of Sexual or Other Harassment

All reports, complaints or other information about suspected sexual or other harassment will be investigated regardless of whether that information was reported in verbal or written form. Investigations will be conducted in a timely and thorough manner commensurate with the nature of the complaint, and will be confidential only to the extent possible.

In conducting a fair and impartial investigation, CPS Recruitment will: (i) provide appropriate notice of the allegations to anyone who is the subject of a complaint at a time deemed appropriate by CPS; (ii) provide an opportunity to respond to the allegations; and (iii) provide complainants and witnesses an opportunity to present relevant information, including documents relevant to the investigation. Typically, an investigation will consist of interviews with the complainant and respondent (which interviews will be conducted separately), interviews of witnesses, a review of any relevant documentation or other information, and the investigation will culminate in a written investigation document that will include CPS' decision about whether this policy was violated and, if so, the response that CPS will implement to remedy the situation. The Company may adapt and modify the investigatory procedure, in its sole discretion, based on the nature of the complaint and the conduct at issue.

All employees and individuals covered under this Policy are required to cooperate, as needed, in an investigation of suspected sexual harassment. Any employees or other individuals who participate in any investigation are protected from retaliation.

If CPS Recruitment determines that this Policy has been violated, it will take effective and remedial action commensurate with the circumstances. Any employee who has been found by the Company to have engaged in harassment will be subject to corrective action, up to and including termination of employment. If it is concluded that a non-employee has engaged in harassment, or other conduct in violation of this Policy, prompt and effective action will be taken to stop the harassment and deter any future harassment, which may include a ban from CPS's property.

CPS Recruitment will notify the individual who was subject to the reported conduct and the person who filed the complaint, if different, of the conclusion of the investigation, and will follow up with that individual as appropriate under the circumstances.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by CPS Recruitment but is also prohibited by state, federal, and, where applicable, local law. Aside from the internal process at CPS Recruitment employees may also choose to pursue legal remedies with the following governmental entities. CPS Recruitment prohibits conduct that is unprofessional and offensive even if it does not violate the law. Therefore, not every incident that may violate this policy necessarily rises to the level of a legal violation.

New York State Division of Human Rights ("DHR")

In New York, the New York State Division of Human Rights ("DHR") enforces the Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., which prohibits sexual harassment in employment in New York State, and protects employees, and other individuals working in an employer's workplace. A complaint alleging a violation of the HRL may be filed either with the DHR, subject to a one-year statute of limitations, or in New York State Supreme Court, subject to a three-year statute of limitations. Filing an internal complaint with CPS does not extend the statute of limitations.

If discrimination is found after a hearing, the DHR or the court may award relief, which may include requiring the employer to take action to stop the harassment, to redress the damage caused, including reversing an unlawful employment action, and paying monetary damages, attorney's fees, and civil fines.

Contact information for the DHR:

Telephone: (888) 392-3644

Website: www.dhr.ny.gov.

U.S. Equal Employment Opportunity Commission ("EEOC")

The U.S. Equal Employment Opportunity Commission ("EEOC") enforces federal anti-discrimination laws, including Title VII of the 1964 Civil Rights Act, codified as 42 U.S.C. § 2000e et seq. An employee must file a complaint with the EEOC within 300 days from the conduct giving rise to the complaint. Filing an internal complaint with CPS does not extend the statute of limitations. The EEOC investigates complaints, and may pursue a claim in federal court on behalf of the complaining party, or issue a Right to Sue Letter that allows an individual to pursue his/her claims in federal court. Federal courts may award remedies if discrimination is found to have occurred.

Contact information for the EEOC:

Telephone: 1-800-669-4000 (1-800-669-6820 (TTY)),

Website: www.eeoc.gov

Email: info@eeoc.gov

If an individual files an administrative complaint with the DHR, the DHR will file a concurrent complaint with the EEOC to preserve the individual's right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city, or town in which they live in to find out if such a law exists.

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime and it may be appropriate to report such conduct to the local police department.

**Workplace Harassment Report Form
(Return to Human Resources or a Manager @ CPS)**

REPORTING PERSON INFORMATION:

Your Name*:

**You may submit a report anonymously. However, please understand that CPS's ability to investigate and to respond to anonymous information may be limited.*

REPORTED INFORMATION:

- (1) Please describe the conduct or incident(s) that is the basis of this report. Please use additional sheets of paper if necessary and attach any relevant documents or evidence currently available to you.

- (2) Please list the date(s) that the incidents occurred (provide approximate dates, if you do not have exact dates):

- (3) Please list the name(s) of any witnesses or individuals that may have information related to the incidents of concern:

- (4) Have you previously reported this conduct? If so, please explain the person(s) to whom the information was reported and any action(s) taken about which you are aware:

- (5) What action would you like CPS to take in response to this situation?***

****CPS will consider your information and additional information gathered through an investigation in reaching a conclusion as to whether there has been a violation of our policies. CPS may not necessarily respond in the way most preferred by the reporting individual. However, a reporting individual's wishes will be considered when deciding what responsive action is appropriate.*

THANK YOU FOR REPORTING THIS INFORMATION. WE WILL BE IN TOUCH WITH YOU PROMPTLY. IF ANY ADDITIONAL INCIDENTS OCCUR, INCLUDING IF YOU EXPERIENCE ANY ACT OF RETALIATION, PLEASE INFORM HUMAN RESOURCES IMMEDIATELY.



EMPLOYEE ACKNOWLEDGMENT FORM
UPDATED HARASSMENT POLICY
EFFECTIVE OCTOBER 9, 2018

Employee Name

Employee Signature

Date

CPS Representative