

EEO/ANTI-HARASSMENT POLICY & COMPLAINT PROCESS

- ★ The complainant will not be retaliated against for filing an EEO complaint.

Revised: 3/16/2010, 10/17/2006, 12/08/1992, 12/31/1987

Equal Employment Opportunity

Frankfort Plant Board (FPB) provides equal employment opportunities to all employees and applicants for employment without regard to race, color, religion, sex, national origin, age (40 or older), physical or mental disability, status as Vietnam-era or special disabled veteran, genetic information, or any protected status in accordance with applicable federal, state, and local laws. This policy applies to all terms and conditions of employment, including, but not limited to hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, benefits, compensation, and training.

To further the principle of equal employment opportunity for all, FPB has developed Affirmative Action Plans for minorities and women, individuals with disabilities, and Vietnam-era and special disabled veterans. These plans or relevant portions of them are available for your inspection upon request. Please ask your supervisor or member of the Human Resources Department for information regarding these plans.

ANTI - HARRASSMENT AND DISCRIMINATION POLICY

FPB will not tolerate unlawful discrimination or harassment of any kind. In this connection, FPB expressly prohibits any form of unlawful employee harassment based on race, color, religion, sex, national origin, age (40 or older), physical or mental disability, status as a Vietnam-era or special disabled veteran, genetic information, or status in any group protected by local, state or federal law. Improper interference with the ability of FPB employees to perform their expected job duties is not tolerated.

With respect to sexual harassment, FPB prohibits the following:

1. Unwelcome sexual advances, requests for sexual favors, and all other verbal, visual, or physical conduct of a sexual or otherwise offensive nature, especially where:
 - submission to such conduct is made either explicitly or implicitly a term or condition of employment;
 - submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or

- such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.

Examples of the types of conduct expressly prohibited by this policy include, but are not limited to, the following:

- Touching, such as rubbing or massaging someone's neck or shoulders, stroking someone's hair, or purposefully brushing against another's body.
- Sexually suggestive touching.
- Grabbing or groping, kissing, fondling.
- Violating someone's "personal space."
- Whistling.
- Lewd, off-color, sexually oriented comments or jokes.
- Foul or obscene language.
- Leering, staring, stalking.
- Suggestive or sexually explicit posters, calendars, photographs, graffiti, cartoons.
- Unwanted or offensive letters or poems.
- Sitting or gesturing sexually.
- Offensive E-mail or voice - mail messages.
- Sexually oriented or explicit remarks, including written or oral references to sexual conduct, gossip regarding one's sex life, body, sexually activities, deficiencies, or prowess.
- Questions about one's sex life or experiences.
- Repeated request for dates.
- Sexual favors in return for employment rewards, or threats if sexual favors are not provided.

- Sexual assault or rape.
- Any other conduct or behavior deemed inappropriate by FPB.

THE COMPLAINT PROCESS

A. Responsibilities

Each member of management is responsible for creating an atmosphere free of discrimination and harassment, sexual or otherwise. If a member of management knows that inappropriate conduct is occurring, then he or she must take immediate action and address the problem. If the alleged discrimination, harassment or retaliation is not within their area of responsibility or oversight, superintendents, department heads, and supervisors must notify the Human Resource Director (H. R. Director) or General Manager, who must then take prompt steps to address the allegation.

The H. R. Director has the primary responsibility of responding to inquiries and complaints from management and employees regarding discrimination, sexual harassment, other harassment, or retaliation; maintaining records of these inquiries and complaints as well as their resolution, and keeping the General Manager advised of them. Together with other staff, the H.R. Director will also provide information and education to the employees and management on recognizing, understanding, and combating unlawful discrimination and harassment.

All FPB employees must share the responsibility of understanding and preventing discrimination and harassment. FPB strongly encourages individuals who believe they have been discriminated against or harassed to inform their supervisor, department head or the H. R. Director of the alleged inappropriate or illegal act or retaliation, recounting specific actions or occurrences whenever possible.

If you experience any job related harassment based on race, color, religion, sex, national origin, age (40 or older), physical or mental disability, status as Vietnam-era or special disabled veteran, genetic information, or any protected status or believe that you have been treated in an unlawful, discriminatory manner, promptly report the incident to your supervisor, department or division head, or H. R. Director. The policy applies to all incidents of alleged harassment, including those that occur off-premises or off-hours, where the alleged offender is a supervisor, coworker, or even a non employee with whom the employee is involved, directly or indirectly, in a business or potential business relationship.

Illegal harassment can occur at times other than normal business hours and in any work-related context, including conferences, work functions, business travel, FPB social gatherings, etc., and can include interactions with clients and customers. If harassment occurs after normal business hours, the complaint should be filed as early as practicable, preferably on the first day following the alleged incident.

The registering of a complaint will in no way be used against the employee, nor will it have an adverse impact on the individual's employment status. While reporting such incidents would be a difficult personal experience, allowing harassment activities to continue will most certainly lead to less desirable outcomes. For that reason, employees are strongly urged to utilize this procedure without fear of reprisal.

FPB takes complaints of discrimination and harassment very seriously. Thus, there is no requirement to follow any formal chain of command when filing a complaint, or discussing or expressing an issue of concern regarding alleged discrimination or harassment. If you believe it is necessary because of possible reprisal, you may bypass anyone in your direct chain of command and file your complaint or discuss or express any issue of concern with the H. R. Director.

The H.R. Director, or someone under his or her supervision, will undertake an investigation of any EEO related complaints. All complaints will be kept confidential to the maximum extent possible. However, FPB may be legally obligated to take action once informed that discrimination, harassment or retaliation has occurred or may be occurring. Confidentiality cannot be guaranteed in such a case.

B. Complaint Procedure

The following complaint procedure will be followed in order to address a complaint regarding EEO related harassment, discrimination, or retaliation.

- 1) A person who feels harassed, discriminated or retaliated against may initiate the complaint process by filing a written and signed complaint with the H.R. Director. While FPB may investigate allegations not made formally, it is strongly encouraged that a written and signed formal complaint be filed in order that FPB may establish the facts to determine if the EEO policy has been violated. The complainant (the employee or applicant making the complaint) is encouraged to utilize the complaint form, "EEO Complaint Form." If a supervisor or manager becomes aware that harassment or discrimination is occurring, either from personal observation or as a result of an employee coming forward, the supervisor or manager should immediately report it to the H.R. Director no later than 24 hours after the allegation(s) have been made.

2) Upon receiving the complaint or being advised by a supervisor or management employee that discrimination or harassment may be occurring, the H.R. Director will notify the General Manager and review the complaint with the FPB staff attorney.

3) Within five (5) working days of receiving the complaint, the H.R. Director will:

- a) provide a copy of the complaint to the person(s) charged, hereafter referred to as "respondent(s)"; and
- b) initiate the investigation to determine whether there is a reasonable basis for believing that the alleged violation occurred.

4) During the investigation, the H.R. Director, together with the staff attorney or other management employee, will interview the complainant, the respondent, and applicable witnesses to determine whether the alleged violation occurred. Both the complainant and respondent will be provided an opportunity to present any information they feel is important or relevant to the complaint.

5) Within 15 working days of the complaint being filed or referred to the H.R. Director, the H.R. Director or a designated official will conclude the investigation and submit a report of his or her findings to the General Manager. If for any reason it is not possible to conclude the investigation within this timeframe, the H.R. Director will provide a report on the status of the complaint to the General Manager.

6) If it is determined that harassment or discrimination in violation of FPB's policy has occurred, the H.R. Director will recommend the appropriate disciplinary action to be taken by FPB. The appropriate action will depend on the severity, frequency and pervasiveness of the conduct as well as the quality of the evidence.

7) If the investigation is inconclusive or it is determined that there has been no harassment or discrimination, but some potentially problematic conduct is revealed, preventative action may be taken.

8) Within five (5) days after the investigation is concluded, the H.R. Director will contact the complainant and the respondent to arrange separate meetings to discuss the results of the investigation and to inform them of the action which may be recommended by the H.R. Director.

9) The complainant and the respondent may submit statements to the H.R. Director challenging the factual basis of the findings. Any such statement must be submitted no later than five (5) working days after the meeting with the H.R. Director in which the findings of the investigation are discussed.

10) Within ten (10) days from the date the H.R Director meets with the complainant and respondent, the General Manager (or designated representative) will review the investigative report and any statements submitted by the complainant or respondent. The General Manager will then discuss results of the investigation with the H.R. Director and other management staff as may be appropriate and decide what action, if any, will be taken. The H.R. Director will report the company's decision to the complainant, the respondent, and the superintendent(s) or department head(s) in which the complainant and the respondent work. Because of confidentiality requirements, the complainant may not be provided specific details of disciplinary actions taken to resolve the complaint.

11) The General Manager as well as other management staff will ensure there is no retaliatory action taken against the complainant or respondent or anyone who assisted or participated in any manner on behalf of a complainant in an investigation.

12) Employees receiving disciplinary action may appeal to the Plant Board's Board of Directors and should notify the Human Resource Director in writing if they elect to do so.

C. Alternative Legal Remedies

Nothing in this policy shall prevent the complainant or respondent from pursuing formal legal remedies or resolution through state or federal agencies or the courts.

Frankfort Plant Board EEO COMPLAINT FORM

Instructions: Complete this form and return the original to the Director of Human Resources. Attach additional pages to fully explain the allegations.

Date of this complaint: _____

Your Name: _____

Your Supervisor: _____

Date of incident: _____

EEO Basis for the complaint: (Check all that apply)

National Origin _____
Age _____
Race _____
Gender/Sex _____
Color _____
Disability _____
Religion _____
Veteran Status _____
Genetic Information _____

Please state the incident(s) or the event(s) that led you to write this complaint. The written complaint should include the following details:

1. A description of the alleged harassment or discrimination;
2. Explanation of why the event(s) appear to be harassing or discriminatory, indicating date(s), event(s), name(s), location(s), time of day, and witnesses (if any);
3. Provide all evidence (written or otherwise) that may substantiate the allegations;
4. Specify the requested remedy. (Note: FPB retains the right to take appropriate action to fully resolve the complaint and is not obligated to provide the remedy requested by complainant.)

Your Signature & Date: _____

When completed, turn in the complaint to the FPB H.R. Director.