

HARASSMENT

Harassment in employment on the basis of sex, race, color, national origin, ancestry, citizenship, religion, age, physical or mental disability, medical condition, sexual orientation, veteran or marital status is unlawful under federal and state law. The Company does not tolerate harassment of employees in the workplace or in a work-related situation, and harassment is a violation of the Company's rules of conduct.

Unlawful harassment in employment may take many different forms. Some examples are:

- Verbal conduct such as epithets, derogatory comments, slurs, or unwanted comments and jokes;
- Visual conduct such as derogatory posters, cartoons, drawings, or gestures;
- Physical conduct such as blocking normal movement, restraining, touching, or otherwise physically interfering with work of another individual;
- Threatening or demanding that an individual submit to certain conduct or to perform certain actions in order to keep or get a job, to avoid some other loss, or as a condition of job benefits, security, or promotion; and
- Retaliation by any of the above means for having reported harassment or discrimination, or having assisted another employee to report harassment or discrimination.

Sexual harassment under these laws includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

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

Internal Complaint Procedure

Both as a matter of law and of common decency, each employee of the Company is entitled to pursue his or her employment free of discrimination and harassment based on sex, race, color, national origin, ancestry, citizenship, religion, age, physical or mental disability, medical condition, sexual orientation, or marital status. Accordingly, discrimination and harassment of any Company employee by either a co-worker or member of management will not be tolerated. Violation of this policy will result in disciplinary action up to, and including, immediate discharge.

Any employee who believes that he or she is the object of harassment or discrimination on any prohibited basis, or who has observed such harassment or discrimination, should notify his or her supervisor, the Company's Operations Manager or the Executive Director. The Company will investigate the matter and take such action as is warranted under the circumstances.

Agency Complaint Procedure

Both the state and federal governments have agencies whose purpose is to address unlawful discrimination in the workplace. If an employee believes him or herself to be harmed by an unlawful practice, and is not satisfied with the Company's response to the problem, he or she may file a written complaint with these agencies. For the State of California, the agency is called the Department of Fair Employment and Housing ("DFEH"). The local address for the DFEH is 39141 Civic Center Drive, Suite 250 Fremont, CA 94538. The United States Equal Employment Opportunity Commission ("EEOC") also processes administrative charges of discrimination and harassment; the local address for the EEOC is 450 Golden Gate Avenue, 5 West, PO Box 36025 San Francisco, CA 94102-3661.

If, after an investigation and hearing, either of these agencies find that unlawful discrimination has occurred, the injured employee may, depending on the circumstances, be entitled to reinstatement or promotion, with or without back pay.

Employees are protected by law from retaliation by their employer for opposing unlawful discriminatory practices, for filing a complaint with the DFEH or EEOC, or for otherwise participating in any proceedings conducted by either of these agencies.