



AMES CONSTRUCTION

AFFIRMATIVE ACTION PLAN

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I. EQUAL EMPLOYMENT OPPORTUNITY POLICY

Objective

Ames Construction is an equal opportunity employer. In accordance with anti-discrimination law, it is the purpose of this policy to enforce these principles and mandates. Ames Construction prohibits discrimination and harassment of any type and affords equal employment opportunities to employees and applicants without regard to race, color, religion, religious creed (including religious dress and grooming practices), national origin, ancestry, citizenship, physical or mental disability, medical condition (including cancer and genetic characteristics), genetic information, marital status, sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, gender expression, age, sexual orientation, veteran and/or military status, protected medical leaves, domestic violence victim status, political affiliation, and any other status protected by state or federal law. Ames Construction conforms to all applicable laws and regulations.

Scope

The policy of equal employment opportunity (EEO) applies to all aspects of the relationship between Ames Construction and its employees, including recruitment, recruitment advertising, hiring, employment, pre-apprenticeship, apprenticeship, promotion, demotion, transfer, on or off the job training, layoff or termination, working conditions, wages and salary administration or other forms of compensation, employee benefits, and application of policies.

Affirmative Action

Ames Construction and one or more of its subsidiaries are federal contractors or subcontractors subject to Title VII of the Civil Rights Act of 1964, Section 4212 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended ("Section 4212") and Section 503 of the Rehabilitation Act of 1973, as amended ("Section 503"). As such, it is Ames Construction's policy to take affirmative action to employ, advance in employment, and otherwise treat qualified minorities, women, protected veterans, and individuals with disabilities without regard to their race/ethnicity, sex, veteran status, or physical or mental disability. Ames Construction also will provide reasonable accommodation to the known physical or mental limitations of qualified individuals with disabilities unless the accommodation would impose undue hardship on the operation of the Company's business.

Dissemination and Implementation of Policy

The officers of Ames Construction will be responsible for the dissemination of this policy. Directors, managers and supervisors are responsible for implementing equal employment practices within each department. The HR department is responsible for overall compliance, including monitoring all EEO activities and reporting the effectiveness of the Affirmative Action Plan as required by Federal, State, and Local agencies, and will maintain records compliant with applicable laws and regulations.

Procedures

Ames Construction administers our EEO policy fairly and consistently by:

- Posting all required notices regarding employee rights under EEO laws in areas highly visible to employees.
- Advertising for job openings with the statement that Ames Construction is an equal opportunity employer.
- Posting all required job openings with the appropriate state agencies.
- Forbidding retaliation against any individual who files a charge of discrimination, opposes a practice believed to be unlawful discrimination, reports harassment, or assists, testifies or participates in an EEO agency proceeding.
- Requires employees to report any apparent discrimination or harassment to a member of management, an HR representative, general counsel, or the Ethics Reporting Hotline (800-495-5605).

Written Affirmative Action Plans are available for review by employees and applicants for employment by making a request with Human Resources.



Jerry Ouimet

President and Chief Executive Officer
Ames Construction

II. ASSIGNMENT OF RESPONSIBILITY FOR AFFIRMATIVE ACTION PROGRAM

Ames Construction, Inc. ("Ames") has designated Melissa Abraham as Corporate EEO/AA Manager to monitor employment related activity to ensure that our EEO/AA policies are being carried out. She has been given the necessary top management support and staffing to fulfill her job duties. Duties includes, but are not limited to the following:

- A. Develop the Ames EEO/AA Policy Statement and Affirmative Action Plan/Program, consistent with Ames' policies, affirmative action goals and objectives.
- B. Implement the Affirmative Action Plan/Program including internal and external dissemination of the Ames EEO/AA policies and plan.
- C. Conduct and coordinate EEO/AA training and orientation of Ames' supervisors and managers to inform them of their responsibilities pursuant to the Affirmative Action Plan/Program.
- D. Ensure that managers and supervisors understand it is their responsibility to take action to prevent the harassment of protected class employees and applicants for employment.
- E. Hold discussions with supervisors, managers and employees to ensure that Ames' equal opportunity policies are being followed.
- F. Ensure that employees are provided equal opportunity as it relates to benefit plans, pay and other working conditions without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, disability, or status as a protected veteran.
- G. Periodically audit hiring and promotion patterns to remove impediments to the attainment of goals and objectives.
- H. Design, implement and maintain EEO audits, reporting and record systems which will measure the effectiveness of Ames' Affirmative Action Plan/Program, determines whether or not company goals and objectives have been attained.
- I. Maintain, monitor and measure Ames' progress toward meeting affirmative action goals.
- J. Identify problem areas and recommend solutions to the problem(s).
- K. Coordinate the implementation of necessary remedial actions to meet compliance requirements and goals.
- L. Serve as liaison between Ames and pertinent or applicable governmental enforcement agencies.
- M. Serve as liaison between Ames and protected class groups.
- N. Coordinate recruitment, employment, and utilization of individuals with disabilities and protected veterans.
- O. Receive, investigate and attempt to resolve EEO complaints.
- P. Keep management informed of latest developments in the area of EEO.

- Q. Monitor work sites to ensure compliance in posting of EEO posters and ensure working conditions are free of harassment and intimidation.

III. DISSEMINATION OF AFFIRMATIVE ACTION POLICY AND PLAN

A. INTERNAL DISSEMINATION

1. The EEO/AA Policy Statement and Non-Discrimination and Non-Harassment policy will be permanently posted and conspicuously displayed in areas available to employees and applicants for employment such as employee bulletin boards, lunchrooms, etc. throughout the place of employment, and at each location and construction site.
2. The EEO/AA Policy Statement will be published in company newsletters, magazines, annual reports and communicated to employees in the same way that other major personnel policies or decisions are communicated to employees.
3. The EEO/AA Policies Statement will be included in the Ames Employee Handbook.
4. All management and supervisory personnel will be furnished a full copy of the Affirmative Action Plan/Program and Employee Handbook.
5. Each employee will be furnished a copy of the Policy Statement and have access to the Affirmative Action Plan/Program. This Policy will be made available to all employees including part-time, temporary and seasonal employees.
6. Orientation and training sessions will be conducted to thoroughly inform all employees and management of the employer's EEO/AA commitment and AAP, and individual responsibility for effective implementation.
7. Include the EEO/AA tagline in any advertising in the news media as well as on the company website.
8. Review Ames' EEO/AA policies with employees and management at least once a year.
9. Include non-discrimination clauses in all union agreements, and review all contractual provisions to ensure that they are non-discriminatory. Meet with union officials to inform them of the policy and request their cooperation.

B. EXTERNAL DISSEMINATION

1. Communicate Ames' EEO/AA commitment and subcontractors' responsibility regarding EEO/AA at pre-bid, pre-award and pre-construction meetings.
2. Ames will notify all subcontractors verbally and/or in writing of our EEO/AA policy and project goals requiring supportive action on their part.
3. Ames will notify recruitment sources, labor unions or representatives with which we have a collective bargaining agreement of our EEO/AA policies, and encourage them to actively recruit and refer

individuals with disabilities and protected veterans to assist us in achieving our affirmative action objectives.

4. Include the statement "Equal Opportunity Employer/Contractor" or "Affirmative Action Employer/Contractor" on all organization stationery letterhead, in advertisements recruiting employees and the news media of our EEO/AA policies.
5. Communicate to prospective employees the existence and contents of our Affirmative Action Plan/Program and policies.

IV. MEASURES TO FACILITATE IMPLEMENTATION OF EQUAL EMPLOYMENT OPPORTUNITY POLICY AND AFFIRMATIVE ACTION PROGRAMS

A. RECRUITMENT OF EMPLOYEES

1. All solicitations or advertisements for employees placed by or on behalf of Ames or for any subcontractors will state that all qualified applicants will receive consideration for employment regardless of their race, color, religion, religious creed (including religious dress and grooming practices), national origin, ancestry, citizenship, physical or mental disability, medical condition (including cancer and genetic characteristics), genetic information, marital status, sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, gender expression, age, sexual orientation, veteran and/or military status, protected medical leaves (requesting or approved for leave under the Family and Medical Leave Act or the California Family Rights Act), domestic violence victim status, political affiliation, and any other status protected by state or federal law. Copies of job advertisements for employees will be kept on file for review by enforcement agencies.
2. In job advertisements, Ames will not indicate a preference, limitation, specification, or discrimination based on sex unless gender is a bona fide occupational qualification for a particular job involved.
3. Ames and our subcontractors will contact, verbally and in writing, community organizations and agencies requesting individuals with disabilities and veteran employees. We will maintain consistent contact with these agencies and documentation will be kept on all contact made and their responses. When seeking to fill specific openings, we will give these agencies a reasonable amount of time to locate and refer applicants. The application form and application filing procedures shall be consistent with business requirements.
4. Active recruitment programs, where applicable, will be carried out at secondary schools and community colleges. Recruiting efforts at all schools will incorporate efforts to reach individuals with disabilities and protected veterans.
5. Ames and our subcontractors will make job opportunity information equally available to potential applicants from both protected and non-protected class groups, unless there is a bona fide occupational requirement for a particular job.
6. Ames will list job openings on the company internet website and will utilize America's Job Bank to post current openings.

V. INTERNAL AUDIT AND REPORTING PROCEDURE

Ames has developed and continues to make improvements to the record keeping process. Ames' HR Compliance Manager will assist with administering the Affirmative Action and Equal Employment Opportunity (AA/EEO) policies. The duties include, but are not limited to:

- Measure the effectiveness of the AA/EEO programs;
- Indicate the need for remedial action;
- Determine the degree to which Ames' objectives have been attained;
- Determine whether known individuals with disabilities or protected veterans have had the opportunity to participate in all company sponsored educational, training, recreational, and social activities.

Ames has developed tools to assist with measuring the effectiveness of the AA/EEO programs that will include internal audits performed annually. These audits will serve as a guide to determine which efforts are complying with federal and state requirements and which efforts need restructuring. If the AA/EEO programs are found to be deficient, Ames will undertake necessary action to bring the program into compliance.

A compliance checklist has been developed and will be utilized to determine the level of compliance by indicating what actions are performed and what documents are collected for record retention. All records will be retained for a minimum of 3 years from the date the record was created.

The internal audit includes reviewing personnel reports that are prepared in table format and dated. Categories include: Applicants Flow, New Hires, Promotions, Transfers and Termination for each job category. Figures for each of these personnel processes show a breakdown by disability and veteran classifications. These reports will ensure disabled and protected veteran applicants and employees have equal access to jobs for which they are qualified. If underutilization is identified, Ames will maintain good faith efforts to outreach and hire in these recruitment areas. Ames will notify community organizations and request assistance with meeting the workforce goals.

VI. COMPLAINT PROCEDURE

Ames prohibits discrimination or harassment based on the following categories: race, color, religion, religious creed (including religious dress and grooming practices), national origin, ancestry, citizenship, physical or mental disability, medical condition (including cancer and genetic characteristics), genetic information, marital status, sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, gender expression, age (40 years and over), sexual orientation, veteran and/or military status, protected medical leaves (requesting or approved for leave under the Family and Medical Leave Act or the California Family Rights Act), domestic violence victim status, political affiliation, hair style and hair texture, and any other status protected by state or federal law. In addition, Ames prohibits retaliation against a person who engages in activities protected under this policy. Reporting, or assisting in reporting, suspected violations of this policy and cooperating in investigations or proceedings arising out of a violation of this policy are protected activities under this policy.

Ames requires employees to report all incidents of discrimination, harassment or sexual harassment to a member of management, an HR representative, general counsel, or the Ethics Reporting Hotline (800-495-5605), whether they are witness or bystander to an incident or the object of the harassing or discriminatory behavior. Ames investigates all complaints of harassment and discrimination promptly and fairly, and, when appropriate, takes immediate corrective action to stop the harassment and prevent it from recurring.

Appropriate disciplinary action will be taken against anyone who violates this policy. Based on the seriousness of the offense, disciplinary action is up to and including termination of employment. If investigations reveal other people were discriminated against, corrective measures will extend to all affected parties. Aside from the Company's internal process, employees may choose to pursue formal legal remedies or resolution through local, state or federal agencies or the courts.

VII. SMALL BUSINESS AND SMALL DISADVANTAGE BUSINESS

A. COMMITMENT

Ames is committed to meeting Small Business (SB) and/or Disadvantage Business Enterprise (DBE) goals set and will make a good faith effort to comply.

Ames has designated a Project Engineer, per project, as SB/DBE Liaison Manager to manage the SB/DBE program. Their duties include but are not limited to the following:

1. Monitoring all SB/DBE activities.
2. Ensuring that all SB/DBE's, who perform work with Ames are certified as such.
3. Acting as liaison between Ames and outside agencies.
4. Ensuring that established goals are met.
5. Soliciting SB/DBE's.

Ames will contact verbally and in writing such agencies as: Chamber of Commerce, Small Business Administration, etc., and will document all contact when soliciting SB/DBE's.

B. DISSEMINATION OF POLICY

1. Ames will communicate at all pre-bid, pre-award and pre-construction conferences, its commitment to achieving SB/DBE goals.
2. EEO clause is standard on Ames' Subcontract Agreement forms.
3. All subcontractors and/or joint ventures are informed of Ames' commitment to reaching SB/DBE goals, and are encouraged to make maximum efforts to achieve goals as well.

VIII. AFFIRMATIVE ACTION PLAN FOR INDIVIDUALS WITH DISABILITIES AND PROTECTED VETERANS

A. INTRODUCTION

This affirmative action plan (AAP) pertains to individuals with a disability and protected veterans. Federal government regulations define the groups covered by this plan as the following:

Definitions

- **Qualified individual:** An individual with a disability who satisfies the requisite skill, experience, education and other job-related requirements of the employment position the individual holds or

desires, and who can perform the essential functions of such position with or without reasonable accommodation.

- Individual with a disability: Is any individual who: 1) has a physical or mental impairment that substantially limits one or more major life activities of such individual; 2) has a record of such impairment; or 3) is regarded as having such an impairment.
- Disabled Veteran: A veteran of the U.S. military, ground, naval or air service who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Secretary of Veterans Affairs, or a person who was discharged or released from active duty because of a service-connected disability.
- Active Duty Wartime or Campaign Badge Veteran: A veteran who served on active duty in the U.S. military, ground, naval or air service during a war or in a campaign or expedition for which a campaign badge has been authorized, under the laws administered by the Department of Defense.
- Recently Separated Veteran: A veteran during the three-year period beginning on the date of such veteran's discharge or release from active duty in the U.S. military, ground, naval or air service.
- Armed Forces Service Medal Veteran: A veteran who, while serving on active duty in the U.S. military, ground, naval or air service, participated in a United States military operation for which an Armed Forces service medal was awarded pursuant to Executive Order 12985 (61 FR 1209).
- Reasonable accommodation: 1) Modifications or adjustments to a job application process that enable a qualified applicant with a disability or a disabled veteran to be considered for the position such applicant desires; 2) Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability or disabled veteran to perform the essential functions of that position; or 3) Modifications or adjustments that enable the contractor's employee with a disability or who is a disabled veteran to enjoy equal benefits and privileges of employment as are enjoyed by the contractor's other similarly situated employees who are not disabled or disabled veterans.
- Undue hardship: An accommodation significant difficulty or expense incurred by the contractor.

B. INDIVIDUALS WITH DISABILITIES AND PROTECTED VETERANS AFFIRMATIVE ACTION CLAUSE

Ames shall not discriminate against any employee or applicant for employment because of physical or mental disability, or because of disabled and protected veteran status in regard to any position for which the employee or applicant for employment is qualified. Ames agrees to take affirmative action to employ, advance in employment, and otherwise treat qualified individuals with disabilities, or disabled and protected veterans, without discrimination based upon their physical or mental disability in all employment practices. Such as the following; recruitment, recruitment advertising, hiring, employment, pre-apprenticeship, apprenticeship, promotion, demotion, transfer, on or off the job training, layoff or termination, working conditions, wages and salary administration or other forms of compensation, employee benefits, and application of policies.

Ames agrees to comply with the rules and relevant orders of the Department of Human Rights issued pursuant to the Human Rights Act.

Under federal government funded projects Ames will comply with Section 503 of the Rehabilitation Act and the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA), if applicable.

Ames agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the commissioner of the Department of Human Rights. Such notices shall state

Ames' obligation under the law to take affirmative action to employ and advance in employment qualified disabled and protected veteran employees and applicants for employment, and the rights of applicants and employees.

C. UTILIZATION GOALS FOR INDIVIDUALS WITH DISABILITIES AND PROTECTED VETERANS

Percentage hiring benchmarks for protected veterans and placement rate goals for individuals with disabilities are equal to the rates set by the Office of Federal Contract Compliance Programs. These affirmative action goals are not inflexible quotas that must be met. Rather, they are targets against which Ames will make good faith efforts to achieve.

Individuals with Disabilities
Percentages for Each Craft
7.0%

Protected Veterans
Percentages for Total Workforce
5.2%

D. INVITATION TO SELF-IDENTIFY

For coverage under this AAP, applicants for employment and employees are invited to voluntarily self-identify pre-employment, once hired, and every five years. Applicants for employment and employees who decide not to self-identify at the time that the invitation is made may choose to do so at a later time. Self-identification is strictly voluntary and no adverse action is taken against an applicant or employee because he or she chooses to self-identify or refrain from self-identification. Information obtained through voluntary self-identification is maintained on a confidential basis as provided for by government regulations.

E. ACCOMMODATIONS TO PHYSICAL AND MENTAL LIMITATIONS OF EMPLOYEES

Ames ensures that all individuals are provided with equal employment opportunities without regard to disability. A qualified individual with a disability will be afforded the same opportunity to compete in the workplace based upon the same performance standards and requirements expected of persons who are not disabled.

When an individual with a disability needs accommodation to perform their job, Ames will consider under appropriate circumstances whether a reasonable accommodation exists that will enable the individual to perform the essential functions of the job. Determining whether a reasonable accommodation is appropriate is an individualized process. Decisions will be made on a case-by-case basis, depending upon the individual involved and the essential functions of the job in question. No specific form of accommodation is guaranteed for all individuals with a disability.

The responsibility for seeking a reasonable accommodation begins with the employee. If an employee believe that a disability is preventing them from receiving equal employment opportunities, it is an employee's responsibility to inform their supervisor or Human Resources and to request a reasonable accommodation. Upon notification that a disability may exist, Ames may need information from physician(s) or other health care provider(s) to determine whether an appropriate reasonable accommodation can be implemented. This is an interactive process that requires participation by Ames and the employee. Although Ames cannot guarantee that it will provide the accommodation that is most desired by the employee, Ames will do its part to ensure that individuals with disabilities have an equal opportunity to compete in the workplace with those who are not disabled.

F. COMPENSATION

In offering employment or promotions to individuals with disabilities and protected veterans, Ames shall not reduce the amount of compensation offered because of any disability income, pension, or other benefit the applicant or employee receives from another sources.

G. OUTREACH, POSITIVE RECRUITMENT AND EXTERNAL DISSEMINATION OF POLICY

Ames shall review employment practices to determine whether the personnel programs provide the required affirmative action for employment and advancement of qualified individuals with disabilities and protected veterans. Based upon the findings of such review, Ames shall undertake appropriate outreach and positive recruitment activities, such as those listed below.

1. Develop an internal communication plan focused on affirmative action efforts to employ qualified individuals with disabilities and protected veterans. These efforts are to foster understanding, acceptance and support from executive, management, supervisory and all other employees, and to encourage such persons to take the necessary action to aid Ames in meeting this obligation.
2. Develop internal procedures to ensure that the obligation to engage in affirmative action to employ and promote qualified individuals with disabilities and protected veterans is being fully implemented.
3. Periodically inform all employees and prospective employees of the commitment to engage in affirmative action to increase employment opportunities for qualified individuals with disabilities and protected veterans.
4. Communicate Ames' commitment to provide meaningful employment opportunities to qualified individuals with disabilities and protected veterans to recruiting sources (including state employment security agencies, state vocational rehabilitation agencies or facilities, sheltered workshops, college placement offers, state education agencies, labor organizations and organizations of or for disabled individuals) and enlist their assistance and support to recruit these individuals.
5. Review employment records to determine the availability of promotable and transferable qualified known individuals with disabilities and protected veterans presently employed, and to determine whether their present and potential skills are being fully utilized or developed.
6. Send written notification of the Ames Affirmative Action policy to all employees, vendors and suppliers, and request that they act in a manner consistent with this policy.
7. Take positive steps to attract qualified individuals with disabilities and protected veterans who have the requisite skills and can be recruited through affirmative action measures.

IX. NON-DISCRIMINATION & NON-HARASSMENT POLICY

Ames is committed to providing a professional work environment free from discrimination and harassment, including discrimination and harassment based on a protected category, and an environment free from retaliation for participating in any protected activity covered by this policy. Ames is committed to providing equal employment opportunities to all employees and applicants for employment. Accordingly, we have adopted and maintain this anti-discrimination policy designed to encourage professional and respectful behavior and prevent discriminatory and harassing conduct in our workplace. We will implement appropriate corrective action(s), up to and including formal discipline, in response to misconduct--including

violations of Ames Construction's anti-discrimination policy--even if the violation does not rise to the level of unlawful conduct.

Ames prohibits discrimination or harassment based on the following categories: race, color, religion, religious creed (including religious dress and grooming practices), national origin, ancestry, citizenship, physical or mental disability, medical condition (including cancer and genetic characteristics), genetic information, marital status, sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, gender expression, age (40 years and over), sexual orientation, veteran and/or military status, protected medical leaves (requesting or approved for leave under the Family and Medical Leave Act or the California Family Rights Act), domestic violence victim status, political affiliation, hair style and hair texture, and any other status protected by state or federal law. In addition, Ames prohibits retaliation against a person who engages in activities protected under this policy. Reporting, or assisting in reporting, suspected violations of this policy and cooperating in investigations or proceedings arising out of a violation of this policy are protected activities under this policy.

All employees are expected to assume responsibility for maintaining a work environment that is free from discrimination, harassment and retaliation. Employees are encouraged to promptly report conduct that they believe violates this policy so that we have an opportunity to address and resolve any concerns. Managers and supervisors are required to promptly report conduct that they believe violates this policy. We are committed to responding to alleged violations of this policy in a timely and fair manner and to taking appropriate action aimed at ending the prohibited conduct.

Scope of Protection

This policy applies to Ames applicants and employees (co-workers, supervisors, managers, and third-parties with whom employees come into contact, such as contractors and volunteers). In addition, this policy extends to conduct with a connection to an employee's work, even when the conduct takes place away from Ames' premises, such as a business trip or business-related social function.

Discrimination

Discrimination is defined as the unequal treatment of an employee or applicant in any aspect of employment, including discrimination based solely or in part on a protected category. Protected categories include race, color, religion, religious creed (including religious dress and grooming practices), national origin, ancestry, citizenship, physical or mental disability, medical condition (including cancer and genetic characteristics), genetic information, marital status, sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, gender expression, age, sexual orientation, veteran and/or military status, protected medical leaves, domestic violence victim status, political affiliation, and any other status protected by state or federal law. Discrimination also includes unequal treatment based upon an association with a member of these protected classes.

Discrimination may include, but is not necessarily limited to: hostile or demeaning behavior towards applicants or employees because of their protected category; allowing a protected category to be a factor in hiring, promotion, compensation or other employment related decisions unless otherwise permitted by applicable law, and providing unwarranted assistance or withholding work-related assistance, cooperation, and/or information to applicants or employees because of their protected category.

Harassment

Harassment is defined as disrespectful or unprofessional conduct based on any of the protected categories listed above. Harassment can be:

- Verbal (such as slurs, jokes, insults, epithets, gestures, or teasing);
- Visual (such as the posting or distribution of offensive posters, symbols, cartoons, drawings, computer displays, or emails); or
- Physical conduct (such as physically threatening another person, blocking someone's way, making physical contact in an unwelcome manner, etc.).

Harassment becomes unlawful where:

- Enduring the offensive conduct becomes a condition of continued employment, or
- The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Sexual Harassment

Sexual harassment is one type of harassment prohibited by this policy. Sexual harassment is defined as harassment based on sex or conduct of a sexual nature, and includes harassment based on sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity or gender expression. It may include all of the actions described above as harassment, as well as other unwelcome sex-based conduct, such as unwelcome or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities, or other verbal or physical conduct of a sexual nature. Sexually harassing conduct need not be motivated by sexual desire and may include situations that began as reciprocal relationships, but that later cease to be reciprocal.

Sexual harassment is generally categorized into two types:

1. Quid Pro Quo Sexual Harassment ("this for that")
 - Submission to sexual conduct is made explicitly or implicitly a term or condition of an individual's employment.
 - Submission to or rejection of the conduct by an employee is used as the basis for employment decisions affecting the employee.
2. Hostile Work Environment

Conduct of a sexual nature or on the basis of sex by any person in the workplace that unreasonably interferes with an employee's work performance and/or creates an intimidating, hostile or otherwise offensive working environment. Examples include:

 - Unwelcome sexual advances, flirtation, teasing, sexually suggestive or obscene letters, invitations, notes, emails, voicemails or gifts.
 - Sex, gender or sexual orientation-related comments, slurs, jokes, remarks or epithets.
 - Leering, obscene or vulgar gestures or making sexual gestures.
 - Displaying or distributing sexually suggestive or derogatory objects, pictures, cartoons, or posters or any such items.

- Impeding or blocking movement, unwelcome touching or assaulting others.
- Any sexual advances that are unwelcome as well as reprisals or threats after a negative response to sexual advances.
- Conduct or comments consistently targeted at one gender, even if the content is not sexual.

Reporting

Ames requires employees to report all incidents of discrimination, harassment or sexual harassment to a member of management, an HR representative, general counsel, or the Ethics Reporting Hotline (800-495-5605), whether they are witness or bystander to an incident or the object of the harassing or discriminatory behavior. Ames investigates all complaints of harassment and discrimination promptly and fairly, and, when appropriate, takes immediate corrective action to stop the harassment and prevent it from recurring. Appropriate disciplinary action will be taken against anyone who violates this policy. Based on the seriousness of the offense, disciplinary action is up to and including termination of employment. If investigations reveal other people were discriminated against, corrective measures will extend to all affected parties.

Aside from the Company's internal process, employees may choose to pursue formal legal remedies or resolution through local, state or federal agencies or the courts.

Retaliation

Retaliation is defined as any adverse employment action taken against an employee because the employee engaged in activity protected under this policy. Protected activities may include, but are not limited to, reporting or assisting in reporting suspected violations of this policy and/or cooperating in investigations or proceedings arising out of a violation of this policy. Anyone who is found to have violated this aspect of the policy will be subject to disciplinary action up to and including termination of employment.

Confidentiality

All complaints and investigations are treated confidentially to the extent possible, and information is disclosed strictly on a need-to-know basis. The identity of the complainant is usually revealed to the parties involved during the investigation, and HR will take adequate steps to ensure that the complainant is protected from retaliation during and after the investigation. All information pertaining to a complaint or investigation under this policy will be maintained in secure files within Human Resources.

X. DATA COLLECTION ANALYSIS

Ames will document the following tabulations pertaining to applicants and hires on an annual basis to assist us in evaluating the effectiveness of our affirmative action efforts for individuals with disabilities and protected veterans:

- A. The total number of job openings at each AAP establishment;
- B. The total number of jobs filled at each AAP establishment;
- C. The total number of applicants for all jobs;
- D. The total number of applicants who self-identified as an individual with a disability;
- E. The total number of applicants who self-identified as a protected veteran;
- F. The total number of applicants hired;
- G. The total number of applicants hired who self-identified as an individual with a disability; and

H. The total number of applicants hired who self-identified as a protected veteran.

These computations are collected and maintained for internal purposes only and, in accordance with federal regulations, are not made available to the public.