

Boilermakers Southeastern Area Joint Apprenticeship Committee

3715 Upper Creek Dr. ♦ Ruskin, FL 33573 ♦ Telephone (813) 633-5500 Fax (813) 633-5508

Discrimination and Harassment Policy

PURPOSE

This Policy has been adopted by the Boilermakers National Joint Apprenticeship Board and each of the Area Apprenticeship Programs Committees to:

define their policy regarding discrimination or harassment directed at, or engaged in by, any of their apprentices,

to prohibit such discrimination or harassment in all its forms, and

to provide a method of redress for apprentices who believe that they have been victimized by or witnessed such discrimination or harassment while apprenticing in the Boilermakers National Apprenticeship Program and/or any of the Area Apprenticeship Programs.

COVERAGE

This Policy applies to all apprentices. For the purposes of this Policy, apprentices shall include all pre-apprentices, apprentices, trainees, interns and helpers in BNAP and any of the Area Apprenticeship Programs.

DISCRIMINATION DEFINED

Discrimination is adverse treatment of any individual based on race, color, religion, national origin, sex (including pregnancy and gender identity), sexual orientation, age, genetic information, or disability with regard to: (1) Recruitment, outreach, and selection procedures; (2) Hiring and/or placement, upgrading, periodic advancement, promotion, demotion, transfer, layoff, termination, right of return from layoff, and rehiring; (3) Rotation among work processes; (4) Imposition of penalties or other disciplinary action; (5) Rates of pay or any other form of compensation and changes in compensation; (6) Conditions of work; (7) Hours of work and hours of training provided; (8) Job assignments; (9) Leaves of absence, sick leave, or any other leave; and (10) Any other benefit, term, condition, or privilege associated with apprenticeship.

Discrimination may involve, but is not limited to, one of the following: (1) Making decisions based on stereotypes or assumptions about the abilities, traits, or performance of individuals of a certain race, color, religion, national origin, sex (including pregnancy and gender identity), sexual orientation, age, or individuals with disabilities, or based on myths or assumptions about an individual's genetic information, or (2) Denying opportunities to a person because of marriage to, or association with, an individual of a particular race, color, religion, national origin, sex (including pregnancy and gender identity), sexual orientation, age, genetic information or an individual with a disability.

HARASSMENT DEFINED

Harassment is a form of discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, (ADEA), the Americans with Disabilities Act of 1990, (ADA), the Pregnancy Discrimination Act, (PDA), the Genetic Information Nondiscrimination Act, (GINA) and the regulations promulgated thereunder.

Harassment is unwelcome conduct that is based on race, color, religion, national origin, sex (including pregnancy and gender identity), sexual orientation, age, genetic information, or disability. Harassment becomes unlawful where: (1) enduring the offensive conduct becomes a condition of continued participation in the apprenticeship program, or (2) the conduct is severe or pervasive enough to create a work

environment that a reasonable person would consider intimidating, hostile, or abusive. Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination or harassment charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.

Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.

Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. Harassment can occur in a variety of circumstances, including, but not limited to, the following:

The harasser can be the victim's supervisor, a supervisor in another area, a fellow apprentice, a journeyworker, an agent of an employer, a co-worker, or a non-employee.

The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct.

Unlawful harassment may occur without economic injury to, or discharge of, the victim.

PROHIBITION OF DISCRIMINATION AND HARASSMENT

BNAP and the Area Apprenticeship Programs believe that discrimination and harassment are forms of misconduct that undermine the integrity of the apprenticeship and training relationship, debilitate morale and, therefore, interfere with effective apprenticeship and training. BNAP and the Area Apprenticeship Programs will not tolerate discrimination or harassment of any kind. BNAP and the Area Apprenticeship Programs will not tolerate any adverse treatment of its apprentices because they reported instances of discrimination or harassment or provided information relating to an investigation into allegations of discrimination or harassment. It is the policy of the BNAP and the Area Apprenticeship Programs to prevent and promptly correct any instance of discrimination against, or harassment of or by its apprentices.

COMPLAINT PROCEDURE

Filing a Complaint

BNAP and the Area Apprenticeship Programs cannot effectively prevent or remedy acts of discrimination or harassment without knowledge of its occurrence. Apprentices who believe they or another apprentice have been subjected to discrimination or harassment should immediately report such conduct through the Complaint Procedure described in Section V of this Policy. BNAP and the Area Apprenticeship Programs strongly encourage anyone who believes that they suffered or witnessed discrimination or harassment to report such harassment before it becomes severe or pervasive.

Complaints of discrimination or harassment should be submitted in writing to one or more of the individuals identified in Appendix B who are responsible for overseeing BNAP and the Area Apprenticeship Programs' commitment to equal opportunity in apprenticeship. Such complaints may be hand-delivered to any of these individuals or mailed to their address in an envelope marked "Personal." The Coordinator or Director of each respective Area should ensure that any changes to the appointed individuals or contact information in Appendix B are communicated in a timely manner. Individuals who believe they have been subjected to or witnessed discrimination or harassment by the Chairman and/or Secretary of BNAP or an Area Program

should submit their allegations in writing, in an envelope marked "Personal," to BNAP's legal counsel Jason McClitis or Michael J. Stapp (or BNAP's successor legal counsel) at the following address: Blake & Uhlig, P.A., 753 State Avenue, Ste. 475, Kansas City, KS 66101.

All such complaints should include the following information:

1. the identity of the complainant, including the complainant's name, address and telephone number or other means of contacting the complainant;
2. the identity of alleged offender(s);
3. the behavior that the apprentice believes constitutes discrimination or harassment, including the date(s), location(s), and the presence of any witnesses; and
4. any other information the complainant believes to be relevant or important.

In the event the alleged discrimination or harassment occurs during or in connection with employment with a signatory employer, all resulting claims of discrimination or harassment must be processed in compliance with the grievance/arbitration procedure as set forth in the applicable collective bargaining agreement (CBA). The complainant should contact his/her union steward or other union representative, if he/she needs assistance in filing a timely grievance. In the event the complainant does not know who to contact, he or she may contact the Area Coordinator or Director identified in Appendix B who shall assist the complainant in determining the proper person to contact. Please note many CBAs may have a short period of time within which to file a grievance. The union responsible for processing grievances under the applicable CBA shall process such grievance in accordance with the CBA and in accordance with the union's duty of fair representation.

In addition to filing a grievance under the terms of the CBA, apprentices should report discrimination or harassment in connection with their employment with a signatory employer to BNAP and/or the Area Apprenticeship Program using the complaint procedure provided in Section V of this Policy. It is the policy of BNAP and the Area Apprenticeship Programs to undertake steps to address harassment or discriminatory actions taken by signatory employers when BNAP and the Area Apprenticeship Programs have knowledge of such actions. Such steps include entering into written agreements with the employer setting forth reasonable procedures to ensure that employment opportunity is being granted and terminating relationships with employers who fail to remedy acts of discrimination or harassment.

Investigation of the Complaint

Immediately upon receipt of the complaint of discrimination or harassment, the individual who receives the complaint shall contact and promptly forward a copy of the complaint to the BNAP Chairman and Secretary and, if applicable, the equivalent trustees of the Area Apprenticeship Program and the Area Coordinator(s) or Director. In cases involving alleged harassment by the Chairman and/or Secretary of BNAP, BNAP's legal counsel will forward such complaints to the remaining members of the BNAP Board of Trustees who are not alleged to have involvement in the alleged discrimination or harassment.

An individual or a committee shall be appointed to conduct a prompt, thorough, and impartial investigation of the complaint and recommend remedial action, if warranted and available under the circumstances. In no event, shall the appointed investigator(s) include the alleged offender(s), nor shall the appointed investigator(s) be related to the alleged offender(s) by blood or by marriage. The investigation will include, but will not necessarily be limited to, interviews with the complainant and/or victim(s), offender(s), and witnesses.

Upon completion of the investigation, the appointed investigator or investigatory committee shall submit its findings and recommended remedial action, if any, to BNAP and/or the applicable Area Apprenticeship Committee.

Determinations of Discrimination and/or Harassment and Corrective Action

BNAP and/or the Area Apprenticeship Committee shall review the investigation's findings and recommendations, and (with the aid of legal counsel, if necessary): (1) make a determination as to whether discrimination or harassment has occurred; and, if so, (2) take any action it believes to be available and appropriate to correct such discrimination or harassment and to prevent its reoccurrence. BNAP and/or the Area Apprenticeship Committee shall issue a written determination of its findings, which shall be mailed to the complainant's address.

If BNAP and/or the Area Apprenticeship Committee determine from the investigation that no discrimination or harassment has occurred, and/or that BNAP and/or the Area Apprenticeship Committee is not the appropriate entity to remedy the alleged discrimination or harassment, the results of the investigation will be reduced to writing and the complainant shall be so notified. The investigatory file shall be closed and no notation shall be made in the personnel files of either the complainant or the alleged offender.

Should BNAP and/or the Area Apprenticeship Committee determine from the investigation that discrimination or harassment has occurred, it shall, if appropriate under the circumstances, take any action it believes to be available and appropriate to correct such discrimination or harassment and to prevent its reoccurrence, including actions that may differ from the investigation's recommendations. The complainant shall be informed of the determination and the remedial actions taken against the offender. Additionally, a notation regarding the discrimination or harassment and the remedial action taken shall be placed in the offender's file.

In the event an apprentice believes he/she has been subject to discrimination or harassment on a job site or in connection with employment by a signatory employer, he/she shall make his/her employer immediately aware and follow the employer's discrimination and harassment policy. He/she may also file a grievance in accordance with the applicable collective bargaining agreement in effect. Should BNAP or an Area Program determine that a signatory employer has not properly remedied or addressed acts of discrimination or harassment, it shall address such acts with the employer, and if continuing or otherwise unremedied, take steps to remove the employer from participating in the apprenticeship program.

Appeals

If a complainant or an alleged offender feels that BNAP's and/or the Area Apprenticeship Committee's determinations and/or corrective actions are incorrect, inappropriate, or otherwise not satisfactory or sufficient, he or she may appeal such determination and/or action at the next full meeting of the National Board and/or Area Apprenticeship Committee, by filing a written "Appeal" addressed to the National Board (753 State Ave., Ste. 754 Kansas City, KS 66101) and/or Area Committee, as appropriate. An "Appeal" must be received within 30 days of the written determination as set forth in Article V(c) of this Policy.

Confidentiality & Prohibition against Retaliation

All complaints and testimony provided by individuals during the course of an investigation into allegations of discrimination or harassment shall be kept as confidential as possible and shall be held in a file separate from other personnel and apprentice files.

It should be noted, however, that the identity of the complainant is usually revealed to the alleged offender and witnesses during the course of an investigation into alleged discrimination or harassment. Nonetheless,

retaliation against any apprentice for bringing a discrimination or harassment complaint or assisting in the investigation of such a complaint is strictly prohibited. Any employee or apprentice who believes that they are a victim of or have knowledge of such retaliation should report such conduct through this Complaint Procedure. Such a complaint shall be investigated and addressed in the same manner as a discrimination or harassment complaint.

Your Right to Equal Opportunity

It is against the law for a sponsor of an apprenticeship program registered for Federal purposes to discriminate against an apprenticeship applicant or apprentice based on race, color, religion, national origin, sex, sexual orientation, age (40 years or older), genetic information, or disability. The sponsor must ensure equal opportunity with regard to all terms, conditions, and privileges associated with apprenticeship. If you think that you have been subjected to discrimination, you may file a complaint within 300 days from the date of the alleged discrimination or failure to follow the equal opportunity standards with the U.S. Department of Labor, Office of Apprenticeship or State Apprenticeship Agency: Alabama: Medical Forum Bldg., 950 22nd Street North, Room 648, Birmingham, AL 35203, Tel: (205) 731-1308, E-Mail: Dixon.Rowland@dol.gov, Attn: Rowland C. Dixon; Arkansas: 700 West Capitol Street, Room 3507, Little Rock, AR 72201-3204, Tel: (501) 324-5415, E-Mail: Price.Lester@dol.gov, Attn: Lester 'Lee' Price; District of Columbia: 4058 Minnesota Avenue, NE, Suite 3900, Washington, DC 20019, Tel: (202) 698-5099, Email: Lewis.Brown@dc.gov, Attn: Lewis Brown; Florida: 325 W. Gaines Street, Room 754, Tallahassee, FL 32399, Tel: (850) 245- 0454, E-Mail: Richard.Norman@fldoe.org, Attn: Richard "Ted" Norman; Georgia: 61 Forsyth Street SW, Room 6T80, Atlanta, GA 30303, Tel: (404) 302-5897, Attn: William Kraus; Iowa: 210 Walnut Street, Room 715, Des Moines, IA 50309, Tel: (515) 284-4690, Email: Sisson.Greer@dol.gov, Attn: Greer Sisson; Kansas: 1000 Southwest Jackson Street, Suite 100, Topeka, KS 66612-1354, Tel: (913) 577-5940, Email: TConey@kansascommerce.com, Attn: Theo Coney; Kentucky: 1047 U.S. Highway 127 South, Suite 4, Frankfort, KY 40601, Tel: (502) 564-3070, E-Mail: Mike.Donta@ky.gov, Attn: Mike Donta; Louisiana: P.O. Box 94094, 1001 N.23rd, Baton Rouge, LA 70802-3338, Tel: (225) 342-7819, E-Mail: KMiller@lwc.la.gov, Attn: Karen Miller; Maryland: 1100 North Eutaw Street, Baltimore, MD 21201, Tel: (410) 767-3969, E-Mail: Christopher.Maclarion@maryland.gov, Attn: Christopher Maclarion; Mississippi: Federal Building, 100 West Capitol Street, Room 771, Jackson, MS 39269, Tel: (601) 965-4346, E-Mail: Westcott.Fred@dol.gov, Attn: Woodrow Middleton; Missouri: Robert A. Young Federal Building, 1222 Spruce Street, Room 9.102E, St. Louis, MO 63103, Tel: (314) 539-2519, E-Mail: Perry.Neil@dol.gov, Attn: Neil Perry; Nebraska: 222 South 15th Street – Suite 405C, Central Park Plaza, South Tower, Omaha, NE 68102-1608, Tel: (402) 221-3281, Email: Cremeens- Risinger.D@dol.gov, Attn: Debra Cremeens-Risinger; North Carolina: 4316 Mail Service Center, Raleigh, NC 27699, Tel: (919) 814-0303, E-Mail: apprenticeshipmail@nccommerce.com, Attn: Kathryn P. Castelloes; Ohio: P.O. Box 1618, Columbus, OH 43216-1618, Tel: (614) 466-9498, E-Mail: MacieA@odjfs.state.oh.us, Attn: Andy Maciejewski; Oklahoma: 215 Dean A McGee Avenue, Suite 346, Oklahoma City, OK 73102, Tel: (405) 231-4338, E-Mail: Walton.Shannan.L@dol.gov, Attn: Shannan L. Walton; South Carolina: 1835 Assembly Street, Room 838, Columbia, SC 29201, Tel: (803) 765-5547, Email: Vaughan.Charles@dol.gov, Attn: Charles Vaughan; Tennessee: Airport Executive Plaza, 1321 Murfreesboro Road, Suite 541, Nashville, TN 37217, Tel: (615) 781-5318, E-Mail: Brown.Nat@dol.gov, Attn: Nathaniel Brown; Texas: 300 East 8th Street, Suite 914, Austin, TX 78701, Tel: (512) 916-5435, E-Mail: Light.Dudley@dol.gov, Attn: James 'Dudley' Light; Virginia: Main Street Centre, 600 East Main Street, Ste 207, Richmond, VA 23219, Tel: (804) 225-4362, E-Mail: Patricia.Morrison@doli.virginia.gov, Attn: Trish Morrison. West Virginia: 405 Capitol Street, Suite 409, Charleston, WV 25301, Tel: (304) 347-5794, E-Mail: Milnes.Kenneth@dol.gov, Attn: Kenneth Milnes. You may also be able to file complaints directly with the

EEOC, or State fair employment practices agency. If those offices have jurisdiction over the sponsor/employer, their contact information is listed below.

U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at www.eeoc.gov or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at www.eeoc.gov.

Alabama: Alabama Department of Human Resources, Office of Equal Employment & Civil Rights, Gordon Persons Building, Suite 2104, 50 North Ripley Street, Montgomery, AL 36130, Tel: (334) 242-1550, Fax: (334) 353-1115, Email Address: oeecr@dhr.alabama.gov, Website: <http://dhr.alabama.gov>; Arkansas: N/A;

Delaware: Delaware Human Relations Division, Carvel Building, 820 N. French Street, Wilmington, DE 19801, Tel: (302) 577-8277, Fax: (302) 577-3996, Email: jobs@state.de.us, Website: <http://statehumanrelations.delaware.gov>; District of Columbia: District of Columbia, Office of Human Rights, 441 4th Street NW, Suite 570N, Washington DC, 20001, Tel: (202) 727-4559, TTY, 711, Fax: (202) 727-9589, Email: ohr.intake@dc.gov, Website: ohr.dc.gov; Florida: Florida Commission on Human Relations, 4075 Esplanade Way, Suite 110, Tallahassee, FL 32399-7020, Tel: (850) 488-7082, Toll-Free: 1-800-342-8170, The Florida Relay Service Voice (statewide): 711, TDD ASCII: (800) 955-1339, TDD Baudot: (800) 955 – 8771, Fax: (850) 487-1007, E-Mail: fchrinfo@fchr.myflorida.com, Web Site: <http://fchr.state.fl.us>; Georgia: Georgia Commission on Equal Opportunity, 7 Martin Luther King, Jr. Drive, S.E., 3rd Floor-Suite 351, Atlanta, GA 30334, Tel: (404) 651-6458, 1-800-473-6736, Fax: (404) 656-4399, Email: rbrown@gceo.state.ga.us, Website: <http://gceo.state.ga.us>; Iowa: Iowa Civil Rights Commission, Grimes State Office Building, 400 East 14th Street, Des Moines, IA 50319-0201, Tel: (515) 281-4121, (800) 457- 4416, Fax: (515) 242-5840, Website: <https://icrc.iowa.gov>; Kansas: Kansas Human Rights Commission, Landon State Office Building, 900 SW Jackson Street, Suite 568 South, Topeka, KS 66612-1258, Tel: (785) 296-3206, TDD: (785) 296-0245, Fax: (785) 296-0589, Website: <http://www.khrc.net>; Kentucky: Kentucky Commission on Human Rights, Louisville: 332 W. Broadway, Suite 1400, Louisville, KY 40202, Tel: (502) 595-4024, Toll- free: (800) 292-5566, Fax: (502) 595-4801; Northern Kentucky: 20 West Pike St., Suite 108, Covington, KY 41011-242, Tel: (859) 292-2935, Fax: (859) 292-2938; Email: kchr.mail@ky.gov, Website: www.kchr.ky.gov; Louisiana: Louisiana Commission on Human Rights, P.O. Box 94094, Baton Rouge, LA 70804-9094, Tel: (225) 342-6969, Fax: (225) 342-2063, Website: <http://gov.louisiana.gov/page/lchr>; Maryland: Maryland Human Rights Commission, Attn: Intake, William Donald Schaefer Tower, 6 Saint Paul Street, 9th Floor, Baltimore, MD 21202-1631, Tel: (410) 767-8600, Toll-free number: 1-800-637-6247 (Para español, marque el 2), Maryland Relay: 711, Email: mccr@maryland.gov, Website: mccr.maryland.gov; Mississippi: N/A; Missouri: Missouri Commission Human Rights, 3315 W. Truman Blvd., Rm 212, P.O. Box 1129, Jefferson City, MO 65102-1129, Tel: (573) 751-3325, Toll-Free Complaint Hotline: 1-877-781-4236, Relay Missouri: 711, TDD: 1-800-735-2966, Fax: (573) 751-2905, Email: mchr@labor.mo.gov, Website: <http://labor.mo.gov/mohumanrights>; Nebraska: Nebraska Equal Opportunity Commission, Lincoln (Main Office): Nebraska State Office Building, 301 Centennial Mall South, 5th Floor, PO Box 94934, Lincoln, NE 68509-4934, Tel: (402) 471-2024, Toll Free: (800) 642-6112, Fax: (402) 471-4059; Omaha: State Office Building, 1313 Farnam-on-the-Mall, Suite 318, Omaha, NE 68102-1836, Tel: (402) 595-2028, Toll Free: (800) 382-7820, Fax: (402) 595-1205; Scottsbluff: Panhandle State Office Complex, 505A Broadway, Suite 600, Scottsbluff, NE 69361-3515, Tel: (308) 632-1340, Toll Free: (800) 830-8633, Fax: (308) 632-1341; Website: www.nol.org/home/NEOC; North Carolina: N/A; Ohio: Ohio Civil Rights Commission, Central Office: Rhodes State Office Tower, 30 East Broad Street, 5th Floor, Columbus, OH 43215, Tel: (614) 466-2785, Fax: (614) 644-8776; Cincinnati- Satellite Office: Mid-Pointe Towers, 7162 Reading Road, Suite 1005, Cincinnati, OH 45237, Tel: (513) 351-2541, TTY: (937) 285-6500, Fax: (513) 351-2616; Columbus Regional Office: Rhodes State Office Tower, 30 East Broad Street, 4th Floor, Columbus, OH 43215, Tel: (614)

466-2785, TTY: (614) 752-2391, Fax: (614) 466-6250; Dayton Regional Office: 3055 Kettering Blvd, Suite 111, Dayton, OH 45439, Tel: (937) 285-6500, TTY: (937) 285-6500, Fax: (937) 285-6606; Website: crc.ohio.gov; South Carolina: South Carolina Human Affairs Commission, 1026 Sumter Street, Suite 101, Columbia, SC 29201, Tel: (803) 737-7800, Toll Free: 1-800-521-0725, Fax: (803) 737-7835, Email: information@schac.state.sc.us, Website: <http://www.schac.sc.gov>; Tennessee: Tennessee Human Rights Commission, 312 Rosa L Parks Ave, 23rd floor Nashville, TN 37243, Tel: (615) 741-5825, Toll Free: (800) 251-3589, Fax: (615) 253-1886 | 615-532-2197, Email: ask.thrc@tn.gov, Website: <https://www.tn.gov/humanrights>; Texas: Texas Workforce Commission Civil Rights Division, 101 East 15th Street, Guadalupe CRD, Austin, TX 78778-0001, Tel: (888) 452-4778, Fax: (512) 482-8465, Email: EEOIntake@twc.state.tx.us, Website: <http://www.twc.state.tx.us>; Virginia: Office of the Attorney General - Division of Human Rights, 202 North Ninth Street, Richmond, VA 23219, Tel: (804) 225-2292, Fax: (804) 225-3294, Email: human_rights@oag.state.va.us, Website: <http://www.oag.state.va.us/programs-initiatives/human-rights>; West Virginia: West Virginia Human Rights Commission, 1321 Plaza East Room 108A, Charleston, WV 25301-1400, Tel: (304) 558-2616, Toll Free: (888) 676-5546, Fax: (304) 558-0085, Website: <http://www.hrc.wv.gov>.

Each complaint filed must be made in writing and include the following information:

1. Complainant's name, address and telephone number, or other means for contacting the complainant;
2. The identity of the respondent (i.e. the name, address, and telephone number of the individual or entity that the complainant alleges is responsible for the discrimination);
3. A short description of the events that the complainant believes were discriminatory, including but not limited to when the events took place, what occurred, and why the complainant believes the actions were discriminatory (for example, because of his/her race, color, religion, sex, sexual orientation, national origin, age (40 or older), genetic information, or disability);
4. The complainant's signature or the signature of the complainant's authorized representative.