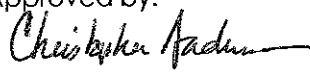
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I. POLICY


The Alaska Railroad Corporation (ARRC) is an equal employment opportunity employer. The ARRC complies with all applicable laws that prohibit discrimination and harassment in the workplace. It is the policy of the ARRC to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, gender, age, disability, genetic information, national origin, marital status, change in marital status, pregnancy or parenthood when the reasonable demands of the position do not require distinction on the basis of age, physical or mental disability, sex, marital status, change in marital status, pregnancy, or parenthood. Through enforcement of this policy and by education of employees, the ARRC will seek to prevent, correct and appropriately address behavior that violates this policy.

The ARRC expects all employees to support this policy and to comply with all applicable laws prohibiting discrimination, harassment, and retaliation in employment

No adverse employment action will be taken against any individual for exercising his or her rights under applicable law, making a good faith complaint, or assisting in an investigation under this policy. Retaliation for any such protected activity is strictly prohibited, is unlawful, and will be dealt with immediately.

II. PURPOSE:

This policy defines prohibited discrimination and harassment and outlines responsibilities for compliance. This policy clarifies procedures available to ARRC employees and applicants who believe that they have been discriminated against or denied equal employment opportunity in any aspect of employment because of race, color, religion, gender, age, disability, genetic information, national origin, marital status, change in marital status, pregnancy or parenthood, when the reasonable demands of the position do not require distinction on the basis of age, physical or mental disability, sex, marital status, change in marital status, pregnancy, or parenthood. These factors or characteristics are referred to as "protected class status."

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III. COVERAGE:

This policy applies to all ARRC employees and applicants for employment. This policy applies to conduct on ARRC property, on ARRC business, and in any location during work time. It also applies to conduct outside of the ARRC, such as during social or business occasions and events, if the improper conduct adversely impacts the employee's work environment.

IV. DISTRIBUTION:

This policy is provided to all ARRC employees, unions, and to the general public upon request. This policy is available on the ARRC intranet and website. Managers and supervisors must ensure that employees without email access receive a hard copy of this policy.

V. REFERENCES/AUTHORITY:

A. Federal


1. Title VII of the Civil Rights Act of 1964 (as amended)
2. Age Discrimination in Employment Act of 1967
3. Section 504 of the Rehabilitation Act of 1973 Pregnancy Discrimination Act of 1978
4. The Americans with Disability Act
5. Uniform Guidelines on Employee Selection Procedures" 41 CFR Part 60-3," and 29 CFR Part 1607
6. Equal Pay Act of 1963
7. Civil Rights Act of 1991
8. Family & Medical Leave Act
9. Genetic Information Nondiscrimination Act of 2008

B. State

1. Alaska Human Rights Act, Alaska Statutes (AS) 18.80.010 et seq.
2. Pregnancy, Childbirth and Family Leave, AS 23.10.500-23.10.550

VI. RESPONSIBILITIES:


- A. *All Employees* are responsible for supporting and complying with this policy through their individual conduct and by treating each other equitably and respectfully without regard to protected class status.

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- B. *Director, Labor Relations* is responsible for the interpretation of this policy and investigation of complaints of discrimination, harassment, and retaliation.
- C. *Office of the General Counsel* is responsible for the legal interpretation of this policy and for assisting in its implementation.
- D. *Vice Presidents, Directors, Managers, and Supervisors* are responsible for monitoring and addressing unlawful conduct and behavior in the workplace and taking appropriate and timely correction when a problem is discovered.

VII. DEFINITIONS:

- A. *Age Discrimination* – Is an adverse employment action taken against an employee or applicant for employment that is based upon the individual's age, unless the reasonable demands of the position require distinction on the basis of age or the challenged action is lawfully based upon a reasonable factor other than age. Age discrimination occurs when the individual's age is the "but for" cause of the challenged adverse employment action.
- B. *Color Discrimination* – Color is an unalterable physical characteristic which may or may not be specifically associated with race. Discrimination on the basis of color may occur when individuals are treated differently because of their skin color. For example, color discrimination may occur when African American individuals are treated differently based on their lighter or darker complexion. Color discrimination may occur in the absence of, or in conjunction with, race discrimination.
- C. *Discrimination* – Any act or failure to act based on an individual's protected class status, and/or reprisal, that adversely affects privileges, benefits, working conditions, results in disparate treatment, or has a disparate impact on an individual.
- D. *Disability Discrimination* – Occurs when a qualified individual with a disability is treated less favorably because the individual: (1) has a physical or mental impairment that substantially limits a major life activity; (2) has a record of having had such impairment; or (3) is regarded as having such impairment. Major life activities include, but are not limited to: hearing, speaking, breathing, seeing, learning, walking, etc. An individual who has been discriminated

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against because he or she has a known association or relationship with a disabled individual is also protected under the law.

E. *Disparate Treatment* – The act of treating an employee or applicant for employment differently based up the individual’s membership in a protected class.


F. *Disparate Impact* – Results when an employer has policies or practices that are neutral on their face but have the effect of disproportionately impacting an individual or group of individuals based upon their membership in a protected class, and the policy or practice is not job-related for the position and consistent with business necessity.

G. *Equal Employment Opportunity (EEO)* – Is a body of laws that prohibit discrimination with regard to terms, conditions, or privileges of employment, including recruiting, hiring, assignment, compensation, benefits, promotions, demotions, transfers, discipline and termination, and any form of unlawful harassment based on protected class status.

H. Harassment


1. *Hostile / Offensive Work Environment* – A hostile work environment results when there is discriminatory conduct or behavior in the work place that is unwelcome and offensive to an individual or a group of individuals based on protected class status. An unlawful work environment may include the inappropriate use of unwelcome slurs, jokes, or other verbal or physical conduct. In order to be unlawful, the conduct must be (a) based upon a protected class status; (b) unreasonable; (c) adversely interfere with an individual’s ability to perform his or her job or advance in his or her career; and (d) create an uncomfortable, intimidating and offensive work environment. The law considers a hostile work environment to be one where communication or conduct is “severe” and “pervasive” enough that the employee(s) and a “reasonable person” would find it to be hostile and abusive. In most cases, a single isolated instance does not constitute a hostile work environment.

2. *Sexual (Gender) Harassment* – Sexual harassment can range from unwelcome sexual advances, requests for sexual favors, and/or other

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verbal or physical conduct of a sexual nature based on one or more of the following conditions: (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (c) 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.

- I. *National Origin Discrimination* – Occurs when an individual suffers adverse employment treatment based upon the fact that the individual is from a particular country or part of the world, because of the person's ethnicity or accent, because they appear to be of a certain ethnic background, or because the individual is married to or associated with a person of a particular national origin.
- J. *Protected Class* – Is a term used in state and federal anti-discrimination law. The term describes characteristics or factors that cannot be targeted for discrimination and harassment. The following characteristics are considered "protected classes" under law and individuals cannot be discriminated against based on these characteristics: race, color, religion, gender, age, disability, genetic information, national origin, marital status, change in marital status, pregnancy or parenthood.
- K. *Race* – Race may be defined broadly as a group of persons related by a common descent or heredity. The entities that enforce racial discrimination laws include many other factors within the term "race," however, including physical characteristics associated with a particular race; illnesses associated with a race (such as sickle cell anemia); cultural characteristics associated with race, such as one's name, cultural dress, accent, or manner of speech; and an individual's relationship or association with an individual of a particular race.
- L. *Religion* – For purposes of religious discrimination, the term "religion" means all aspects of religious observance and practice, as well as belief. It also includes moral or ethical beliefs as to what is right and wrong that are sincerely held with the strength of traditional religious views.
- M. *Retaliation or Reprisal* – Taking any form of adverse employment action against an individual because he or she filed a complaint of discrimination or served as

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a witness, representative, investigator, or other participant in connection with a complaint of discrimination.

- N. *Sex (Gender) Discrimination* – Occurs when a male or female is treated differently because of his or her gender. Sex discrimination also includes sexual harassment.


VIII. COMPLAINTS OF DISCRIMINATION, HARASSMENT, OR RETALIATION:

The ARRC encourages reporting of all perceived incidents of discrimination, harassment, or retaliation. Individuals who believe they have been the victim of any form of discrimination, harassment, or retaliation may discuss their concerns with anyone in their chain of command, their Union representative (for union members), or the Director of Labor Relations, or they may file a *Complaint of Discrimination*.

The ARRC encourages individuals who believe they are being subjected to harassment to advise the offender(s) promptly that his, her, or their behavior is unwelcome and to request that it stop. This is not, however, a requirement prior to making a complaint, and it is not a substitute for the complaint procedure described above.


A. Complaint Process:

1. Complaints must be filed within 180 calendar days of the alleged incident(s) giving rise to the complaint. Complaints filed outside of this time frame are considered untimely and will not be accepted for review.
2. An individual or applicant for employment (complainant) who believes he or she is being harassed, discriminated or retaliated against may initiate the Complaint Process by filing a written and signed statement with the Director, Labor Relations (Director). The complaint must contain sufficient details to allow the Director to determine if the policy may have been violated. The complainant may be required to complete the ARRC Complaint of Discrimination form.
3. If a complainant needs assistance with the preparation and/or presentation of a discrimination complaint, the complainant may designate a co-worker or a union representative to assist him or her. An applicant for employment may have any non-lawyer individual assist him or her. The representative

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may participate in the complaint process along with the complainant.

4. Within five business days of receipt of a complaint, the Director will notify the applicable vice president (VP) of the complaint.
5. Complaints will be investigated impartially and promptly by the Director. The investigation will include interviews of the complainant, the respondent, and other individuals(s) who may have relevant knowledge. Investigations should be completed within 30 calendar days from receipt of a complaint unless legitimate circumstances necessitate a longer period. The Director will keep the complainant informed of any extra time needed to complete the investigation.
6. Upon conclusion of the investigation, the Director will issue a report of findings which shall include findings, determinations, and recommendations. The Director will meet with the respondent's VP to discuss the report. A copy will be sent to Office of the General Counsel and the Chief Financial Officer. If the Director finds that prohibited conduct has occurred and the conduct constitutes a violation of this Policy, the respondent's VP will take effective and appropriate corrective action. The VP is the responsible authority for determining corrective action but shall confer with the Director and/or the Office of the General Counsel. If the Director finds that prohibited conduct has not occurred, the complainant will be notified and the case will be closed.
7. Corrective action may include discipline up to and including suspension or termination. Corrective action shall be appropriate for the conduct and consistent with this policy. Discipline for non-represented employees must comply with Policy & Procedure 61-1, Corrective Actions and Disciplinary Actions for All ARRC Executive and Key Executive Employees. Discipline for represented employees must comply with the discipline process outlined in the applicable collective bargaining agreement.
8. Disciplinary action which may be taken as a result of an investigation is confidential and shall not be disclosed to another party except on a legitimate need to know basis.
9. Immediately following the meeting with the VP, the Director will issue a notice of findings to the complainant(s) and respondent(s). The notice will

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inform the parties that the investigation has concluded and a report has been submitted to the respondent's VP. The notice will identify the findings, e.g., the alleged conduct constituted a violation of the policy, the alleged conduct did not constitute a violation of the policy. Any party to the complaint may request a meeting with the Director and/or the VP regarding the notice.

10. No adverse action will be taken against an individual for exercising his or her rights under applicable law or for making a good faith complaint or assisting in an investigation under this policy. Any threats or attempts at retaliation must be reported to the Director or Human Resources Director immediately.
11. Complaints of discrimination or harassment and any information received during the course of an investigation and the resolution of an investigation will be kept strictly confidential. Availability of this information will only be to those individuals with a legitimate need to know, as determined by the ARRC, unless required by law to be divulged.
12. All individuals, including the complainant, who are involved in the investigation, are expected to use discretion in maintaining the confidentiality of information and documents generated or discussed during the investigation. This provision does not restrict an individual's ability to exercise his or her rights under applicable law.

B. Complaint Appeal:

1. If the complainant is not satisfied with the findings, the complainant may file appeal to the ARRC's President and CEO (CEO) within 15 calendar days of receipt of the notice of findings.
2. The appeal must be submitted in writing and specify the grounds on which the complainant is appealing the notice of findings.
3. The CEO will issue a written decision within 30 calendar days of receipt of the appeal. The CEO may attempt an informal resolution prior to issuing a written decision. The decision of the CEO shall be final.

Nothing in this policy shall prevent the complainant from pursuing formal legal remedies

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or resolution through state or federal agencies or the court.

IX. RESPONSIBLE DIVISION/DEPARTMENT:

The Labor Relations Department and Office of the General Counsel are responsible for the periodic review and update of this policy and procedure.

X. APPENDICES AND FORMS

- Appendix A – ARRC Complaint of Discrimination Form
- Appendix B – ARRC Designation of Representative Form



ALASKA RAILROAD CORPORATION

Complaint of Discrimination

Please type or print.

1. Complainant:

Name: _____ ARRC Location: _____

Home Address: _____

City / Town: _____ State: _____ Zipcode: _____

Home / Cell Phone: _____ Work Phone: _____

2. Individual(s) who you believe discriminated against you:

ARRC Division / Office: _____

ARRC Location: _____

3. You believe this individual discriminated against you on the basis of your:

(check all that apply)

- Age Race Sex Color National Origin
 Disability Religion Pregnancy Marital Status
 Change in Marital Status Parenthood
 In Retaliation for your having engaged in a protected activity.

Note: if your complaint is not based upon one of the above protected classes, you may not have an Equal Employment Opportunity (EEO) claim. If that is the case, you should refer to ARRC Policy 64-8 (Non-Disciplinary Complaint Resolution for Executives), ARRC Policy 61-1 (Corrective Action and Disciplinary Action for Non-rep Employees), or consult with your union representative, whichever is applicable to you.

Complete the second side of this form.

4. State the facts regarding the specific incident(s) of discrimination that you are claiming, including the date of the incident and the exact way in which you believe you were discriminated against.

5. Have you discussed your complaint with a manager or supervisor? .

Yes No If yes, with whom and when (note below)?

Name: _____ Date: _____

6. Have you filed a complaint about this incident with an outside agency?

(Alaska Human Rights Commission, EEOC, etc.) Yes No

If yes, which agency: _____

7. Complainant's Signature: (Note: Complainant must sign this complaint personally)

_____ Date: _____

FOR ARRC USE ONLY:

Date Received (MM/DD/YYYY): _____ / _____ / 20_____



ALASKA RAILROAD CORPORATION

Complaint of Discrimination

Designation of Non-Lawyer Representative

I, _____ hereby designate _____,
(Complainant) (Printed Name/Title of Representative)

to act as my Representative in the matter(s) pertaining to my complaint of discrimination filed with the Alaska Railroad Corporation on the date below. Even though I have a designated representative, I understand it is still my responsibility to cooperatively participate in the investigation of my complaint.

I understand that the authority and responsibilities granted to the above-named individual, by virtue of this designation, may be terminated by me at any time. Should this occur, I will notify the Manager of Labor Relations in writing of my decision.

Check one and complete as appropriate:

1. By designating the individual named above as my representative, I understand that all official correspondence will be sent to my representative with copies to me.

Check the preferred method of contact to me:

- Telephone No (w/ area code): _____
- Email address: _____
- Mailing address: _____

2. I am requesting that all correspondence be sent to:

Check the preferred method of contact:

- Individual's Name: _____
- Email address: _____
- Mailing address: _____

Complainant Signature: _____ Date: _____

Printed Name: _____