

Sustainable Terminal Services, Inc.,

POLICY AND NOTICE OF NONDISCRIMINATION

Sustainable Terminal Services, Inc. complies with Federal civil rights laws and relevant State and local law and is committed to providing its programs and services without discrimination in accordance with:

- *Title VI of the Civil Rights Act of 1964*, which prohibits discrimination based on **race, color, or national origin** (including language).
- *Section 504 of the Rehabilitation Act of 1973*, which prohibits discrimination based on **disability**.
- *Title IX of the Education Amendments Act of 1972*, which prohibits discrimination based on **sex** in education programs or activities.
- *Age Discrimination Act of 1975*, which prohibits discrimination based on **age**.
- *U.S. Department of Homeland Security regulation 6 C.F.R. Part 19*, which prohibits discrimination based on **religion** in social service programs.

It is against the law for Sustainable Terminal Services, Inc. to retaliate against anyone who takes action to oppose discrimination, files a grievance, or participates in the investigation of a grievance in accordance with the above authorities.

To File a Complaint

If you think that Sustainable Terminal Services, Inc. has failed to provide these services or discriminated in another way based on race, color, national origin (including language), disability, sex, age, or religion, you can file a complaint in person or by mail, fax or email with: Carol Lambos at cnlambos@lambosfirm.com.

You can also file a civil rights complaint with the U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties (CRCL):

E-mail: CRCLCompliance@hq.dhs.gov (fastest method to submit your complaint)

Fax: 202-401-4708

U.S. Mail:

U.S. Department of Homeland Security
Office for Civil Rights and Civil Liberties
Compliance Branch, Mail Stop #0190
2707 Martin Luther King, Jr. Ave., SE
Washington, D.C. 20528

For additional information: www.dhs.gov/crcl
Phone: 202-401-1474 Toll-Free: 1-866-644-8360

Information and Services for Persons with Disabilities and Persons with Limited English Proficiency

Sustainable Terminal Services, Inc. will:

- Provide free aids and services, such as qualified sign language interpreters and written information in other formats (large print, audio, accessible electronic formats, etc.), to communicate effectively with persons with disabilities.
- Provide free language services, such as qualified foreign language interpreters and information written in other languages, to ensure meaningful access to programs and activities for persons with limited English proficiency.

If you need these services, please contact:

Carol Lambos at cnlambos@lambosfirm.com

**ANTI-HARASSMENT
and
ANTI-DISCRIMINATION POLICY**

Guidelines for Respect and Dignity

**SUSTAINABLE TERMINAL SERVICES, INC.
707 Broadway
Bayonne, New Jersey 07002**

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I. MISSION STATEMENT

Sustainable Terminal Services, Inc. (STS) is an equal opportunity company that is committed to providing opportunities where all who seek to do business with STS as well as its service providers can fulfill their potential in a business environment that is free from discrimination and harassment. STS does not discriminate in business opportunities or hiring practices or business opportunities on race, color, religion, creed, sex, sexual orientation, gender identity, marital status, military status, criminal history, citizenship status, national origin, age, disability, genetic identity or any other characteristic protected by federal, state or local law and as such laws may be amended including but not limited to Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and U.S. Department of Homeland Security regulation 6 C.F.R. Part 19, which prohibits discrimination based on religion in social service programs.

Anyone doing business with or providing services to STS can raise questions or concerns about any type of discrimination or harassment allegedly perpetrated by STS to the attention of STS Counsel, Carol N. Lambos, The Lambos Firm, LLP, 303 South Broadway, Suite 410, Tarrytown, New York 10591, 212-381-9700, cnlambos@lambosfirm.com. Such individuals can raise concerns and make reports without fear of reprisal. STS has a zero-tolerance policy towards harassment and discrimination. Any harassing or discriminatory behavior will be investigated and appropriate actions will be taken against the perpetrators. Anyone found to be engaging in any type of behavior that violates this policy or is unlawful discrimination or harassment will be subject to investigation and action.

II. PROHIBITED CONDUCT

STS does not tolerate harassment based on sex (with or without sexual conduct), pregnancy, marital status, military status, sexual orientation, gender identity, race, creed, religion, citizenship status, criminal history, national origin, age, disability, genetic information or any other characteristic protected by relevant federal, state, or local law and as such law may be amended and protected activity (i.e., opposition to prohibited discrimination, participation in this policy's complaint process, or participation in a legal or administrative complaint process). Impacted individuals are encouraged to report harassment before it becomes severe or pervasive.

As a general matter, it is a violation of this Policy for anyone to treat an employee in a way that is threatening, intimidating, embarrassing or offensive, or that denies that person equal treatment and opportunities because of sex, race or other protected classification or characteristic. So-called "good intentions" or "joking around" does not excuse prohibited conduct.

While not every remark or action is an act of harassment or discrimination under this Policy, or relevant law, employees should be aware of the potential impact of jokes, remarks, or behavior.

A. DEFINITIONS

STS prohibits discrimination based on any characteristic protected by federal, state, or local law and as such laws may be amended. STS is offering the following definitions of commonly referenced employment discrimination categories for the employee's basic reference. These definitions are provided for informational purposes only and are not to be construed as exhaustive legal definitions or exhaustive of protected characteristics. Individuals are encouraged to consult other sources for an in-depth analysis of employment discrimination law.

1. SEXUAL HARASSMENT:

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- 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, even if the complaining individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment consists of words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called “quid pro quo” harassment.

Any employee who feels harassed should complain so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of sexual harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical assaults of a sexual nature, such as:
 - Touching, pinching, patting, grabbing, brushing against another employee’s body or poking another employees’ body;
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the victim’s job performance evaluation, a promotion or other job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person’s sexuality or sexual experience, which create a hostile work environment.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.

- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, name-calling.

Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. Relevant federal, state, and local law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. A perpetrator of sexual harassment can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises or not during work hours.

Supervisory Responsibilities. All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to Carol Lambos. In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue. Supervisors and managers will also be subject to discipline for engaging in any retaliation.

2. GENDER DISCRIMINATION:

occurs if males and females are not judged on their individual capacities to perform a particular job, rather than on preconceived opinions as to their respective sexes (sex stereotyping). In addition, adverse decisions relating to

hiring, termination, promotion, compensation, job training, overtime, or any other term, condition, or privilege of employment based on an individual's sex are prohibited sex discrimination unless otherwise related to a bona fide occupational qualification. Assumptions about the inability of one sex or the other to perform certain kinds of work are not acceptable reasons for adverse employment decisions.

3. PREGNANCY DISCRIMINATION:

constitutes sex discrimination if an employer refuses to hire a woman because of her pregnancy related condition as long as she is able to perform the major functions of the job with or without reasonable accommodation. Pregnant employees must be permitted to work as long as they are able to perform their jobs in a manner so as not to endanger the safety of others. If an employee is temporarily unable to perform her job due to pregnancy, the employer must treat her the same as any other temporarily disabled employee. Pregnant employees needing accommodations for pregnancy-related issues can seek workplace accommodations under this policy. *See* page 11 for procedures for requesting workplace accommodations for pregnancy-related issues.

4. DISCRIMINATION BASED ON MARITAL STATUS:

occurs if an applicant's or employee's status of being married, unmarried, widowed, divorced, or a single parent caused an adverse employment decision relating but not limited to hiring, termination, promotion, compensation, job training, or any other term, condition, or privilege of employment.

5. DISCRIMINATION BASED ON SEXUAL ORIENTATION OR GENDER IDENTITY:

is the disparate treatment of an applicant or employee in regard to hiring, termination, promotion, compensation, job training, or any other term, condition, or privilege of employment based on an individual's sexual orientation or perceived sexual orientation gender identity or gender expression.

6. DISCRIMINATION BASED ON RACE, RELIGION, CREED, NATIONAL ORIGIN:

is adverse employment decisions in regard to hiring, termination, promotion, compensation, job training, or any other term, condition, or privilege of employment based on an individual's race, religion or national origin.

- A. Ethnic slurs, racial “jokes,” offensive or derogatory comments, or other verbal or physical conduct based on an individual’s race, religion or national origin constitutes harassment if the conduct creates an intimidating, hostile, or offensive working environment, or interferes with the individual’s work performance.

STS will reasonably accommodate the religious practices of an employee or prospective employee, unless to do so would create an undue hardship on STS. *See* page 11 for procedures for requesting workplace accommodations for religious beliefs.

7. AGE DISCRIMINATION:

is the failure or refusal to hire or the discharge of any individual or otherwise discriminate against any individual with respect to their compensation, terms, conditions, or privileges of employment--including but not limited to promotion, layoff, compensation, benefits, job assignments, and training--because of that individual’s age. Age Discrimination generally applies to individuals over 40 years of age.

8. DISABILITY DISCRIMINATION:

is discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions and privileges of employment. It may also be disability discrimination to fail to provide an appropriate reasonable accommodation to a qualified individual with a disability. *See* page 11 for procedures for requesting workplace accommodations for a disability.

III. ANTI-RETALIATION POLICY

STS will not tolerate the adverse treatment of individuals because they report harassment, provide information related to such complaints, or are involved in legal action against the company concerning a harassment/discrimination claim. Retaliatory behavior in and of itself can give rise to a complaint. Such retaliatory behavior is prohibited by this Policy as well as under relevant federal, state, and local law and may lead to discipline of the offender or form the basis for administrative or judicial action against the offender. This Policy as well as relevant federal, state, and local law protects any individual who has engaged in “Protected Activity.” Protected Activity occurs when a person has:

- Filed a complaint of sexual or other prohibited harassment or discrimination, under this Policy or with any anti-discrimination or equal opportunity agency;
- Testified or assisted in a proceeding involving sexual or other prohibited harassment or discrimination under relevant federal, state, or local law;
- Opposed sexual or other prohibited harassment or discrimination by making a verbal or informal complaint under this Policy;
- Complained that another has been sexually harassed or harassed or discriminated against based on a classification protected under this Policy or relevant federal, state, or local law; or
- Encouraged another to report harassment or discrimination.

IV. COMPLAINT PROCESS

STS encourages all individuals covered by this Policy to report harassment before it becomes severe or pervasive.

A. INDIVIDUALS SUBJECT TO POLICY

This Complaint process is not limited to the inappropriate behaviors of co-workers and supervisors; and covers other people that the individual may encounter in the course of their business with STS including but not limited to clients, vendors, service providers, and invitees.

B. FILE A COMPLAINT

If you experience harassment based on your sex (with or without sexual conduct), sexual orientation, gender identity, marital status, pregnancy, race, religion, creed, national origin, age, disability, genetic information, and protected activity, or another factor, or believe that you have been treated in an unlawful or discriminatory manner, promptly report the matter to Carol Lambos, who will initiate the appropriate inquiries into the matter. Individuals should report all incidents of harassment whether they are victims or witnesses. Forms for this purpose are available.

Your complaint will be kept confidential to the maximum extent possible (see ABOUT CONFIDENTIALITY at page 10).

STS will promptly determine the appropriate inquiries and appropriate method of fact-finding. In conducting a thorough and impartial fact-finding, STS can interview the parties and witnesses as well as gather evidence.

C. INDIVIDUALS SHOULD DOCUMENT THEIR CLAIMS

It is recommended, although not mandatory, that individuals subject to this Policy contemporaneously document in writing, any alleged incidents of harassment noting the date, time and place of the occurrence, the nature of the incident and the presence of witnesses.

D. INDIVIDUALS ARE ENCOURAGED TO COOPERATE IN THE PROCESS

Individuals who have information about another employee's complaint are encouraged to cooperate with the fact-finding process and should do so without fear of reprisal from STS or others. Cooperation in this process is important to the organization.

E. REMEDIAL ACTION

STS will undertake immediate and appropriate corrective action, whenever it determines that harassment has occurred in violation of this Policy. Remedial measures taken will be designed to stop the harassment, correct its effects, and ensure that it does not recur. Both parties will be informed of the results of the fact-finding and the remedial measures taken.

F. FALSE COMPLAINTS

If after investigating any complaint of harassment or unlawful discrimination, STS determines that the complaint is not bona fide or that an individual has provided false information regarding the complaint, disciplinary action may be taken against the individual who instigated the complaint or who gave the false information.

V. ABOUT CONFIDENTIALITY

STS will protect the confidentiality of harassment complaints to the extent possible. STS cannot guarantee complete confidentiality, since under certain conditions it cannot conduct effective inquiries without revealing certain information to an alleged harasser and/or potential witnesses. An alleged harasser would be entitled to receive certain information concerning the details of the allegations and inquiry. Information about the alleged harassment will be shared only with those who need to know about it. Records

relating to harassment complaints will be kept confidential on the same basis. However, information concerning the allegations and inquiry may have to be produced by STS during an administrative investigation or litigation.

VI. REQUESTING ACCOMMODATIONS

STS is committed to complying fully with applicable federal, state, and local law, and to ensure equal opportunity for qualified persons with disabilities. Reasonable accommodations for qualified individuals with known disabilities, bone fide religious beliefs, or pregnancy will be provided unless to do so would be an undue hardship on STS. If there is a STS policy barrier that is preventing an individual, due to a disability, religious belief, or pregnancy-related condition from effectively competing for a position, performing a job, or gaining equal access to a service provided by STS, you should submit your request for a reasonable accommodation to Carol Lambos. Upon the receipt of the request, an interactive process will be initiated to permit STS to make an informed decision about the request. The adverse treatment or retaliation against an individual seeking a reasonable accommodation is expressly prohibited.

If the disability or the need for accommodation is not obvious, the individual should include any reasonable medical documentation and other information about the individual's disability and functional limitations that would assist STS in reaching a decision. This may include appropriate documentation from the individual's private health care providers.

Individuals seeking accommodations based on religious beliefs or pregnancy will also be required to provide sufficient information to permit STS to review the request.

VII. ACCESS TO PROGRAMS AND SERVICES TO INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY

STS will take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access and an equal opportunity to participate in its services. Individuals with LEP should contact Carol Lambos to inform STS of their need. Thereafter, STS will work with its service providers to determine how it may provide such access.

VIII. LEGAL RECOURSE AND EXTERNAL REMEDIES

While individuals are encouraged to report harassment before it becomes severe, pervasive, or unlawful, the company recognizes that some employees who feel that their employment rights have been violated will seek administrative or judicial intervention in handling their complaint. There are federal, state, and local agencies that are mandated to address discrimination issues.

New Jersey Division on Civil Rights

The New Jersey Law Against Discrimination (LAD), codified as N.J.S.A. § 10:5-1 *et seq.*, applies to employers and employees in New Jersey.

Administrative remedy: Complaints brought under the LAD must be filed with the Division on Civil Rights within 180 days after the alleged act of discrimination. If you would like to file a complaint, contact a regional office.

Judicial remedy: In the alternative, an individual who believes he or she has been discriminated against in violation of the LAD may file a complaint and try his or her case in New Jersey Superior Court. Individuals usually hire an attorney to represent them in a Superior Court action. A party cannot file with the Division on Civil Rights and in Superior Court at the same time. A Superior Court action must be filed within two years from the act of discrimination.

To file a complaint with the New Jersey Division on Civil Rights, contact or visit the office nearest you:

South Shore Regional Office: 1325 Boardwalk, Tennessee Ave. & Boardwalk Atlantic City, NJ 08401, Phone: (609) 441-3100 • Fax: (609) 441-3578

Southern Regional Office: 5 Executive Campus, Suite 107 Cherry Hill, NJ 08034, Phone: (856) 486-4080

Northern Regional Office: 31 Clinton Street, Newark, NJ 07102, Phone: (973) 648-2700 • Fax: (973) 648-4405

Central Regional Office: 140 East Front Street / P.O. Box 090, Trenton, NJ 08625-0090, Phone: (609) 292-4605 • Fax: (609) 984-3812

Visit www.NJCivilRights.gov

United States Equal Employment Opportunity Commission (EEOC)

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e *et seq.*). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court. The EEOC does not hold hearings or award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. If an employee believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.gov or via email at info@eeoc.gov If an

individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city, or town in which they live to find out if such a law exists.

Contact the Local Police Department

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

New York State Division of Human Rights (DHR)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to employers in New York State with regard to sexual harassment and other forms of prohibited harassment and discrimination and protects employees, paid or unpaid interns and non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with DHR or in New York State Supreme Court. Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged discrimination. An individual may not file with DHR if they have already filed a HRL complaint in state court. Complaining under this Policy does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment. You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400, www.dhr.ny.gov. Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

Sustainable Terminal Services, Inc. (STS)

Anti-Harassment and Anti-Discrimination COMPLAINT FORM

Name

Street Address

City

State

Zip Code

Telephone Number

Cell Phone Number

DATE

I wish to file a complaint under the STS Anti-Harassment and Anti-Discrimination Policy (the "Policy") and request that STS investigate my claim(s). The information below is true to the best of my knowledge. The basis for my complaint is as follows: [check all that apply]

I believe that I was discriminated against or harassed in violation of the Policy on the following ground(s):

- | | | | |
|--|---|---|--|
| <input type="checkbox"/> sex | <input type="checkbox"/> sexual harassment | <input type="checkbox"/> sexual orientation | <input type="checkbox"/> gender identity |
| <input type="checkbox"/> race | <input type="checkbox"/> religion | <input type="checkbox"/> creed | <input type="checkbox"/> national origin |
| <input type="checkbox"/> pregnancy | <input type="checkbox"/> disability | <input type="checkbox"/> marital status | <input type="checkbox"/> age |
| <input type="checkbox"/> military status | <input type="checkbox"/> citizenship status | <input type="checkbox"/> other protected category (specify) | |

I believe that I have been retaliated against for: reporting harassment or discrimination; providing information related to any complaint of harassment or discrimination, or; participating in an investigation covered by the Policy.

I am a person with Limited English Proficiency and I need access to STS's programs.

I believe the following individual or individuals discriminated against me or harassed me or otherwise violated the Policy:

The offending act(s) occurred on the following dates and times:

The following are the facts that support my claim(s). _____

I believe that the following individuals have personal knowledge of the events leading up to or relating to my complaint:

I believe that the following documents, materials, and evidence support my claim(s):

I certify that, to the best of my knowledge, the information that I have provided is accurate and the events and circumstances are as I have described them. I have attached to this complaint or have identified any evidence and/or documentation which I believe supports my claim(s).

I consent to the disclosure of the information contained in this complaint for the purpose of investigating my complaint. I am willing to cooperate fully with the investigation and provide whatever evidence is deemed relevant.

I understand that the confidentiality of my complaint will be protected to the extent practicable. Complete confidentiality cannot be guaranteed, however, as under certain circumstances the effective investigation of my complaint may require appropriate disclosure of the claims made in it.

Signature: _____

Date: _____