

POLICY AGAINST COVID-19-RELATED
DISCRIMINATION, HARASSMENT & RETALIATION

As further reflected in its separate Policy Against Harassment and Discrimination, The Berg Group is committed to providing a workplace free of unlawful harassment and discrimination. This includes harassment of or discrimination against individuals for COVID-19-related reasons, including but not limited to an individual's exposure or possible exposure to COVID-19, showing symptoms of COVID-19, testing positive for COVID-19, taking a leave of absence for COVID-19-related reasons, reporting violations of the Company's health, safety, or social distancing policies, or any other reason protected by local, state, or federal law.

The Berg Group strongly disapproves of and will not tolerate harassment of or discrimination against applicants, employees, unpaid interns, or volunteers by managers, supervisors, co-workers, or third parties with whom employees come into contact. Similarly, the Company will not tolerate harassment by its employees of non-employees with whom the Company employees have a business, service, or professional relationship.

Discrimination Defined

It is a violation of Company policy to discriminate in the provision of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, for COVID-19-related reasons, described above. Discrimination in violation of this policy will be subject to disciplinary measures up to and including termination.

Harassment Defined

The Company also prohibits harassment of any kind, including harassment related to COVID-19, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. For purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate or coerce an employee, co-worker, or any person working for or on behalf of the Company, including harassment for COVID-19-related reasons, described above. Harassment in violation of this policy will be subject to disciplinary measures up to and including termination.

Reporting and Disclosure of COVID-19-Related Information

The Berg Group expects and requires that all employees stay home, notify their supervisor, and get tested if they experience cough, fever, difficulty breathing, shortness of breath, chills, muscle pain, headache, sore throat, or the loss of taste or smell while on the job (COVID-19-related symptoms). The Company expects and requires that all employees to immediately report to their immediate supervisor and/or Human Resources if they experience COVID-19-related symptoms while on the job.

The Company will comply with all applicable statutes and regulations that protect the privacy of persons who have tested positive for or have been exposed to COVID-19. Although all reasonable measures will be taken to ensure procedurally sufficient safeguards to maintain the

personal confidence about persons who have tested positive for or who have been exposed to COVID-19, the Company will also comply with all local, state, and federal requirements related to the disclosure of information when an employee is exposed to, experiences symptoms or, or tests positive for COVID-19.

Reporting and Investigating Violations of Company Health, Safety, or Social Distancing Policies

The Berg Group takes the health and well-being of its employees very seriously and has implemented various health, safety, and social distancing policies in order to better protect its employees against COVID-19. Employees are encouraged to report any violations of these policies to their immediate supervisor and/or Human Resources so that the appropriate investigation and corrective action can be taken. The Company will not tolerate any retaliation against any employee for making a good faith complaint of a COVID-19-related policy violation.

Reporting and Investigating Harassing or Discriminatory Conduct

The Company understands that victims of harassment or discrimination are often embarrassed and reluctant to report their experiences for fear of being blamed or due to concerns about being retaliated against. However, no employee should have to endure harassing or discriminatory conduct, and the Company therefore encourages employees to promptly report any such incidents so that corrective action may be taken. Any incidents of COVID-19-related harassment or discrimination should be reported immediately to Human Resources, who is responsible for investigating these complaints.

An employee is not required to complain to Human Resources if that person is the individual who is discriminating against or harassing the employee, but may instead report the conduct to his or her immediate supervisor or any other member of management. Supervisors and managers who receive complaints or who observe such conduct must immediately inform Human Resources or other appropriate company official so that an investigation may be initiated.

Every reported complaint of harassment or discrimination will be investigated thoroughly and promptly by impartial and qualified personnel. The investigation will be handled in as confidential a manner as possible consistent with a fair, timely, and thorough investigation in a manner that provides all parties appropriate due process and reaches reasonable conclusions based on the evidence collected.

In addition to notifying the Company about harassment, discrimination, or retaliation complaints, affected employees may also direct their complaints to the California Department of Fair Employment and Housing (“DFEH”), which has the authority to conduct investigations of the facts. The deadline for filing complaints with the DFEH is one year from the date of the alleged unlawful conduct. If the DFEH believes that a complaint is valid and settlement efforts fail, the DFEH may file a lawsuit in court. The courts have the authority to award monetary and non-monetary relief in meritorious cases. Employees can contact the nearest DFEH office at the locations listed in the Company’s DFEH poster or by checking the State Government listings in the local telephone directory

Corrective Action

The Company will not tolerate retaliation against any employee for making a good faith complaint of harassment, discrimination, policy violation, or for cooperating in an investigation. If harassment, discrimination, or retaliation in violation of this policy is established, the Company will take appropriate corrective action. Corrective action may include, for example: training, referral to counseling, disciplinary action ranging from a verbal or written warning to termination of employment, or increased policy enforcement, depending on the circumstances. Employees will not experience retaliation as a result of lodging a complaint or participating in any workplace investigation.