



DISCRIMINATION AND HARASSMENT POLICY

Policy Statement

Every employee has the right to work in a professional environment that promotes positive relationships and is free of harassment and discrimination. This policy is part of Berkshire Hathaway Energy's commitment to diversity and inclusion as set forth in the Diversity and Inclusion Policy. In keeping with this commitment, the company has a zero tolerance policy with respect to harassment and discrimination. Retaliation for reporting a good faith complaint of harassment or discrimination or participating in an investigation relating to such a complaint is also prohibited.

It is the policy of the company to ensure equal employment opportunity and administer employment practices without regard to race, color, religion or religious creed, age, national origin, ancestry, citizenship status (except as required by law), gender (including gender identity and expression), sex (including pregnancy), sexual orientation, genetic information, physical or mental disability,¹ veteran or military status, familial or parental status, marital status or any other category protected by local, state or U.S. federal law ("Protected Category" or collectively referred to as "Protected Categories"). Discrimination or harassment of an employee because the employee is a member of or affiliated with a member of any Protected Category is prohibited.

The purpose of this policy is to foster a safe and respectful workplace and to define appropriate behavior at work. As a matter of policy, the company will not tolerate any individual engaging in verbal, physical or other conduct that has the purpose or effect of unreasonably interfering with a person's work performance or creates an intimidating, hostile or offensive work environment. Any employee who violates this policy by engaging in harassment, discrimination or retaliation will be subject to disciplinary action, up to and including termination of employment.

Policy's Broad Scope/Respect for Others

Ultimately, each employee is responsible for their own actions. Even if done on personal time, harassment, discrimination or retaliation that would not be permissible in the workplace are not permissible outside the workplace (including online and/or in social media) if any such activity impacts the company by causing disruption in the workplace or tarnishes its image in the

¹ California also includes medical condition, as defined under California law.

community. It does not matter if the activity is done after hours, from home or on personal devices.

Employee actions that are inconsistent with this policy, including but not limited to, inappropriate social media postings that include discriminatory or hateful remarks, harassment, threats of violence or similar inappropriate or unlawful conduct, will not be tolerated and may subject employees to disciplinary action up to and including termination of employment.

The Law

Federal law prohibits discrimination, including harassment and retaliation. Many states and municipalities have passed similar laws and ordinances offering additional protections to employees, such as California's Fair Housing and Employment Act.

An action does not need to rise to the level of violating federal, state or local law before it will be considered a violation of this policy. The company's policy prohibiting discrimination, harassment and retaliation based on a Protected Category may prohibit a broader range of conduct than would be needed to meet the legal definition of "harassment," "discrimination" or "retaliation" as applied by the courts or government agencies.

Guidelines Harassment Generally

Harassment is generally defined as verbal, written or physical conduct that degrades or shows hostility or dislike toward an individual based on a Protected Category. Behavior that is not intended to be offensive can still constitute harassment. Any harassing conduct, even a single incident, is addressed under this policy.

Harassment in violation of the company's policy may occur 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
- Submission to such conduct is made either explicitly or implicitly as a term or condition of employment
- Submission to or rejection of such conduct by an employee is used as a basis for employment decisions, such as promotion, assignment, demotion, discipline or termination of employment

Depending on the circumstances, harassment may include, but is not limited to:

Verbal Harassment

- Certain descriptions, slurs, negative stereotyping, jokes, pranks, or other threatening, intimidating or hostile acts that relate to a Protected Category
- Unwanted sexual advances or propositions, such as requests for sexual favors accompanied by implied or overt threats concerning job benefits or detriments
- Subtle or obvious pressure for unwelcome sexual activities
- Sexually oriented gestures, noises, remarks or jokes or comments about a person's sexuality or sexual experience

Written Harassment

- Certain unwelcome poems, letters, cartoons or other visual or physical renderings that denigrate or show hostility or dislike toward an individual or group because of a Protected Category that are placed on walls, bulletin boards, email, internet, intranet or elsewhere on the company's premises or circulated in the workplace
- Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes sexual displays on work computers or cellular phones and sharing of such displays while in the workplace

Physical Harassment

- Unwelcome gestures, touching, impeding movement or other threatening, intimidating, hostile or offensive contact directed toward an individual because of a Protected Category
- Physical acts of a sexual nature, such as touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body in a sexual nature
- Rape, sexual battery, molestation or attempts to commit these assaults

Sexual Harassment

- Sexual harassment may include unwelcome verbal or physical sexual advances, requests for sexual favors and other verbal, written or physical conduct of a sexual nature directed toward an individual because of a Protected Category. Sexual harassment may include, but is not limited to, situations where:"
- 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
- Submission to such conduct is made either explicitly or implicitly as a term or condition of employment
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions, such as promotion, assignment, demotion, discipline or termination of employment

Sexual harassment can occur between members of the same sex; the victim or the harasser may be a woman or a man. The harasser may be a co-worker, a manager in an employee's work unit or another unit or someone who is not an employee who is encountered in the course of work for the company.

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 and privileges of employment. This is called "quid pro quo" harassment.

Discrimination

Discrimination occurs when an individual is subject to an adverse employment action because of the individual's membership in a Protected Category. Although not an exhaustive list, the following are examples of conduct that could constitute discrimination:

- Employment decisions based on stereotypes or assumptions about abilities, traits or performance of individuals of a certain sex, race, age, religion or ethnic group or individuals with disabilities or myths or assumptions about an individual's genetic information
- Denying employment opportunities to an individual because of age or sex or association with an individual of a particular race, religion, sexual orientation, gender identity, national origin or an individual with a disability or because of participation in schools or places of worship

associated with a particular racial, ethnic or religious group

- Denial of training opportunities, transfers or promotions due to a Protected Category Harassment is also considered discriminatory behavior if it is motivated by a Protected Category

Retaliation

Retaliation is strictly prohibited by the company. Retaliation occurs when an employee or applicant is punished for asserting their right to be free from unlawful employment discrimination, including harassment. For example, it is against company policy to retaliate against an employee or applicant for taking any of the following actions in good faith:

- Filing, being a witness or assisting in a discrimination charge, complaint, investigation or lawsuit
- Communicating with a supervisor, manager or human resources representative about suspected employment discrimination or harassment
- Answering questions during an employer investigation of alleged harassment
- Encouraging a fellow employee to report harassment

Internal Complaint Procedures

Filing a Complaint – Employee Responsibility

The first step for an employee who believes they have been subjected or exposed to any harassment, discrimination or retaliation in the workplace should always be to tell the individual engaging in such behavior that the behavior is improper or offensive and it must stop. A report of the behavior should also be made to the employee's manager. If an employee is uncomfortable approaching the offending individual or if the conduct continues and the employee would like the company to investigate the problem, the employee should immediately contact their manager, the legal department or a human resources representative. Similarly, employees who suspect unlawful harassment, discrimination or retaliation is occurring or who want to report an incident of an unfair employment practice should immediately contact their manager or a human resources representative.

If the employee is not comfortable dealing with their manager or the human resources representative in their area, the employee should contact any human resources representative, the legal department or file a written complaint using the internal employee EEO complaint form and sending it directly to:

Berkshire Hathaway Energy
Director, Human Resources Compliance
1111 S. 103rd St.
Omaha, NE 68124

Or via email to brian.mcgrath@brkenegy.com

The internal EEO complaint form is available to all employees who want to make a complaint of prohibited or unlawful harassment or discriminatory treatment. Employees are encouraged to use

the internal EEO complaint form to thoroughly describe the objectionable conduct. Employees can obtain an EEO complaint form from the intranet, a manager or a human resources representative.

If the situation is severe or the employee fears possible physical injury, the employee should immediately contact their manager or a human resources representative.

Employees are expected to make truthful reports and cooperate in internal and government investigations.

Manager Responsibilities

It is imperative that all managers at all company locations conduct themselves in accordance with this policy. Each manager is responsible for ensuring employees comply with this policy. The company will enforce this policy against any individual engaging in prohibited or unlawful harassment or discriminatory conduct and against management personnel who knowingly allow such behavior to continue.

Managers must take timely and appropriate action when they know or have reason to know behavior is occurring that might amount to prohibited or illegal harassment or discrimination. This action must include reporting to human resources, either at the company level or to the director of human resources compliance, at the address above. In addition, all employees, including managers, are prohibited from retaliating against employees for filing a complaint in good faith or for participating in good faith in an investigation.

Complaint Investigation and Resolution

All complaints, verbal or written, made according to these procedures will be investigated in a fair and timely manner. All employees, including managers, are required to cooperate with any internal investigation of alleged policy violations. If the investigation determines the allegations are true, disciplinary action, up to and including termination of employment, may be imposed on the offending party. The company will provide written notification to the complainant, the alleged harasser and any other person who has a need to know of the disposition of the complaint.

Review

Either the complainant or alleged harasser may request a review of a completed investigation by writing to the director of human resources compliance at the address above. The request should specify the complainant's name, the alleged offender's name and the reasons for the review.

Confidentiality

The company will take all necessary steps to protect the integrity of its investigations. Although the company strives to maintain confidentiality during the investigation, the company makes no guarantee of complete confidentiality. The information provided during the investigation process will only be shared with others as needed to complete a thorough review and take follow-up actions as appropriate. The company's intent is to protect witnesses from harassment, intimidation and retaliation; to keep evidence from being hidden, altered or destroyed; and to ensure that testimony is not fabricated. The company may decide in some circumstances that in order to achieve these objectives, employees must maintain the investigation and their role in it in strict confidence. If the company reasonably imposes such a requirement and an employee does not maintain such

confidentiality, the employee may be subject to disciplinary action, up to and including termination of employment.

False Claims

The company takes all allegations of harassment and discrimination seriously. If the company determines an individual has misused the process by intentionally filing a false charge of discrimination or harassment, the individual may be subject to disciplinary action, up to and including termination of employment.

Application

This policy applies to all work locations within the U.S. and to all U.S. citizens who are employees of the company, interns, volunteers or applicants for employment or persons providing services pursuant to a contract. The policy also applies to all employees in their interaction with nonemployees, such as customers, vendors or the general public.

Distribution

This policy shall be published annually through internal company communications and shall be posted at each of the company's U.S. work locations. This statement and the employee EEO complaint form shall be available to employees from their manager, the intranet or a human resources representative.

These policies supersede and revoke any and all past policies and practices, oral and written representations, or statements regarding terms and conditions of employment concerning the subject matter covered herein. PacifiCorp reserves the right to add to, delete, change or revoke these policies at any time, with or without notice. These policies do not create a contract between PacifiCorp and any employee, nor do they create any entitlement to employment or any benefit provided by PacifiCorp to its employees.

CAUTION! – This document may be out of date if printed.