

EMPLOYEE NOTICE

Sexual harassment is prohibited by this company and is against the law.

Every employee should be aware of:

- what sexual harassment is,
- what steps to take if harassment occurs, and
- state law prohibiting retaliation for reporting sexual harassment.

Please read this information sheet. If you have any questions or concerns, call your Kimco Recruiter, Kimco Manager or contact Kimco's Director of Human Resources at (949) 752-6996 or e-mail humanresources@kimco.com.

HARASSERS ARE PERSONALLY LIABLE

If you, as an employee, are found to have engaged in sexual harassment, or if you as a manager know about the conduct and condone or ratify it, you may be personally liable for monetary damages. This company will **not** pay damages assessed against you personally.

In addition, this company will take appropriate disciplinary measures, up to and including termination, against any employee who engages in sexual harassment.

WHAT IS SEXUAL HARASSMENT?

Although many people think of sexual harassment as involving a male boss and a female employee, not all sexual harassment is done by males. Sexual harassment often involves co-workers, other employees of the company, or other persons doing business with or for the company. It's against the law for females to sexually harass males or other females, and for males to harass other males or females. Examples of sexual harassment as defined by California and federal law can be found in the following sections of this brochure.

CALIFORNIA LAW

California law defines harassment due to sex as sexual harassment, gender harassment, and harassment due to pregnancy, childbirth, or related medical conditions.

1. **Verbal harassment** - epithets, derogatory comments or slurs.

Examples: Name-calling, belittling; sexually explicit or degrading words to describe an individual; sexually explicit jokes; comments about an employee's anatomy and/or dress; sexually oriented noises or remarks; questions about a person's sexual practices; use of patronizing terms or remarks; verbal abuse, graphic verbal commentaries about the body.

2. **Physical harassment** - assault, impeding or blocking movement, or any physical interference with normal work or movement, when directed at an individual.

Examples: Touching, pinching, patting, grabbing, brushing against or poking against employee's body; hazing or initiation that involves a sexual component; requiring an employee to wear sexually suggestive clothing.

3. **Visual harassment** - derogatory posters, cartoons, or drawings.

Examples: Displaying sexual pictures, writings, or objects; obscene letters or invitations; staring at an employee's anatomy; leering; sexually oriented gestures; mooning; unwanted love letters or notes.

4. **Sexual favors** - unwanted sexual advances that condition an employment benefit upon an exchange of sexual favors.

Examples: Continued requests for dates; any threat of demotion, termination, etc. if requested sexual favors are not given; making or threatening

reprisals after a negative response to sexual advances; positioning an individual.

It is impossible to define every action or all words that could be interpreted as sexual harassment. The examples listed above are not meant to be a complete list of objectionable behaviors nor do they always constitute sexual harassment.

FEDERAL LAW

Under federal law, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

PROTECTION AGAINST RETALIATION

Kimco policy and California state law forbid retaliation against any employee who opposes sexual harassment, files a complaint, or testifies, assists, or participates in any manner in an investigation, proceeding, or hearing conducted by the company, the Department of Fair Employment and Housing, or the Fair Employment and Housing Commission.

Prohibited retaliation includes but is not limited to:

- demotion
- suspension
- failure to hire or consider for hire
- failure to give equal consideration in making employment decisions
- failure to make impartial employment

recommendations

- adversely affecting working conditions or otherwise denying any employment benefit to an individual

HOW TO STOP SEXUAL HARASSMENT

1. When possible, confront the harasser and ask him/her to stop.

The harasser may not realize that the advances or behavior are offensive. When it is appropriate and sensible, you may want to tell the harasser the behavior or advances are unwelcome and must stop. Sometimes a simple conversation will end the situation.

2. You are required to report sexual harassment.

Sexual harassment or retaliation should be reported verbally or in writing. You may report such activities even though you were not the subject of the harassment. To make a report, contact your local Kimco Branch Manager or the Director of Human Resources at (949) 752-6996 or e-mail humanresources@kimco.com.

3. An investigation will be conducted.

The company will investigate all reported incidents of sexual harassment and retaliation, and will preserve the confidentiality of complaints to the extent practicable.

4. Appropriate action will be taken.

Where evidence of sexual harassment or retaliation is found, disciplinary action, up to and including termination, may result.

ADDITIONAL INFORMATION

The Department of Fair Employment and Housing (DFEH) is the state agency that resolves complaints of unlawful discrimination, including sexual harassment. After a complaint is filed, the DFEH has one year to investigate the complaint.

The Fair Employment and Housing Commission (FEHC), headquartered in San Francisco, decides cases prosecuted by the DFEH at the state level.

To contact the DFEH, consult your local telephone directory under State Government Offices, ask directory assistance for the number of Department of Fair Employment and Housing headquarters in Sacramento, or write to Department of Fair Employment and Housing, 2014 T Street, Suite 210, Sacramento, CA 95814-6824.

The Equal Employment Opportunity Commission (EEOC) is the federal agency that resolves sexual harassment claims. To contact the commission, consult directory assistance for Washington, D.C. or write to Equal Employment Opportunity Commission, 1801 L Street NW, Washington, D.C. 20507.

If they find a complaint is justified, state and federal agencies have the power to order, among other actions, that the wronged party be hired, given back pay, promoted, reinstated, or granted damages for emotional distress. The agencies also may issue a "cease and desist" order to prevent further unlawful activity, and may order the violator to pay large fines.

SEXUAL HARASSMENT HURTS EVERYONE

Stop It Before It Starts

