



BLACK HILLS CORPORATION POLICY

Affected Business Unit(s): All

Originating Department(s): Human Resources

Effective Date: 12-19-2017

Policy No.: CORP-HR-07

Revision Date: 10-05-2020

AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT OPPORTUNITY

1. PURPOSE

The purpose of this policy is to outline the Company's responsibilities as a government contractor as provided by the Office of Federal Contractor Compliance Programs and the Equal Employment Opportunity Commission.

2. SCOPE AND DURATION

This Policy applies to all business units within Black Hills Corporation, its subsidiaries and affiliates (Company).

3. DEFINITIONS

3.1 Affirmative Action

Affirmative Action refers to the positive steps taken to eliminate discrimination with regards to any applicant or employee's race, gender, disability, veteran status, or any other protected class, and to attract members of affected minorities to redress any previous discriminatory practices.

3.2 Affirmative Action Plan

Official document that analyzes the workforce in terms of minority, female, disability, and veteran representation, identifies problem areas and sets goals to correct any underutilization. The plan must be prepared following compliance agency guidelines. Each Company location employing fifty (50) or more employees is required to have an Affirmative Action Plan.

3.3 Equal Employment Opportunity (EEO)

Ensures compliance with federal, state and local laws to provide all employees and applicants equal consideration for all personnel actions without regard to race, color, religion, sex, sexual orientation, gender

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identity, national origin, ancestry, creed, disability, origin, age, veteran status, or any other protected class.

3.4 Federal Government Contractor

Federal Government Contractor is a company that has a contract, subcontract or purchase order amounting to \$50,000.00 or more in a one year time period and has 50 or more employees.

3.5 Personnel Actions

Personnel Actions include recruitment, hiring, promotions, testing, transfers, demotions, layoffs, terminations, compensation, benefits, training and development, educational assistance, social, recreational, and professional programs and memberships, and on-the-job treatment and retirement.

3.6 Protected classes

Protected classes are groups protected in employment under federal, state or local laws.

3.7 Retaliation

Retaliation is any negative employment action or differential treatment of an employee by coworkers, managers, or Company representatives as a result of the employee filing or participating in a discrimination complaint.

3.8 Underutilization

Underutilization as used by the U.S. Department of Labor, is having a smaller number of employees in a job group than would be expected given availability in the labor market.

4. PROCEDURE

4.1 Affirmative Action and Equal Employment Opportunity

4.1.1 Human Resources is responsible for the completion and review of the Affirmative Action Plan annually. This plan will be reviewed with the Corporation officers and presented for Chairman of the Board's signature.

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4.1.2 Management will review the affirmative action information provided by HR If certain jobs are underutilized:

4.1.2.1 Human Resources will make recommendations and provide necessary support to supervisors/managers in meeting goals and desired outcomes of action plans.

4.1.2.2 Human Resources will periodically report to management the progress made toward the goals in the plan.

4.1.3 Human Resources will ensure that all new managers receive appropriate EEO/AA training within the first year of hire or promotion.

4.2 Reporting and Response to External Agencies

4.2.1 Human Resources will submit an annual Equal Opportunity Information Report, EE0-1, to the Joint Reporting Committee of the Equal Employment Opportunity Commission.

4.2.2 Employees will forward all written and verbal requests for EEO information and all notification regarding EEO/AA compliance review to Human Resource which will respond to external requests.

4.2.2.1 Upon received a charge or suit from an external source, Human Resources will notify appropriate personnel, including Legal Counsel, to investigate and respond to the alleged charge prior to responding to the agency or attorney.

4.2.3 Human Resources will retain Affirmative Action Plans for a minimum of two years following completion of the plan year. Outreach success analysis and records will be retained for three years. EEO-1 and Vets-100 reports will be retained in accordance with Company Retention Policies.

4.3 Posters

Human Resources will ensure that all required state and federal posters relating to Affirmative Action and Equal Opportunity are displayed in prominent locations at all Company locations.

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4.4 Non-Discrimination in Employment

- 4.4.1** Black Hills Corporation is an Affirmative Action/Equal Opportunity Employer and will make all employment decisions without regard to an applicant or employee's race, color, religion, sex, sexual orientation, gender identity, national origin, ancestry, creed, disability, origin, age, veteran status, or any other protected class.
- 4.4.2** Employees must not discriminate against other employees or applicants with regard to the employee or applicant's race, color, religion, sex, sexual orientation, gender identity, national origin, ancestry, creed, disability, origin, age, veteran status, or any other protected class. Violation of this policy is considered grounds for disciplinary action up to and including termination.
- 4.4.3** Supervisors and managers will comply with all federal, state and local provisions and this Policy or be subject to disciplinary action, up to and including termination.
- 4.4.4** The Company will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other employees or applicants as a part of their essential job functions cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or (c) consistent with the Company's legal duty to furnish information. *41 CFR 60-1.35(c)*

4.5 Internal Complaint Response

- 4.5.1** Employees must notify Human Resources immediately if an internal report of discrimination is received or if they have reason to believe that the policy may have been violated. They will immediately forward all documentation regarding the alleged discrimination to Human Resources.

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4.5.1.1 Human Resources, at the direction of the Legal Department, will conduct or support an investigation and contact appropriate personnel within two business days.

4.5.1.2 If it appears that discrimination occurred, the individual responsible for the discrimination will be subject to disciplinary action, up to and including termination.

4.5.1.3 Human Resources will document and retain official comments regarding investigations of alleged discrimination complaints and any actions taken.

4.5.2 Retaliation by employees or managers in response to a complaint or an individual's participation in an investigation will be considered grounds for disciplinary actions, up to and including termination.

4.5.3 Supervisors and managers may take disciplinary action against an employee who deliberately makes a false complaint against another employee, applicant, or customer only with advice and consent from Human Resources.

4.6 Accommodations

4.6.1 Accommodation requests submitted by candidates or employees will be managed with the assistance of Human Resources to determine if there is any reasonable way to modify or reassign the job duties to accommodate the disabled individual while taking business necessity and financial costs into consideration.

5. REVISION HISTORY

Rev.	Revision Date	Description	Revised By
1	03-19-14	Added AA/EOE language to section 4.4.1. Added "at the direction of the Legal Department" language at 4.5.1.1.	Darin Seeley/Todd Brink
2	01-01-2018	Added 4.4.4 to add the Pay Transparency Nondiscrimination	Franki Coulter

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		Provision as required by the OFCCP effective 1/11/16	
3	10-05-2020	Annual review – no changes. Put on new template.	Franki Coulter
(List every instance of the document being changed and reissued).			