



Utility Notification Center of Colorado

“Whistleblower” Protection Policy

Effective July 28, 2009

Utility Notification Center of Colorado, a Not for Profit Colorado Corporation, prohibits its employees, contractors, subcontractors or its agents from discriminating in the terms and conditions of employment with respect to employees who:

- Provide information to or assist in securities law investigations with company supervisors or investigators, Federal regulatory or law enforcement agencies, or Congress, or
- File, testify, participate in, or otherwise assist in any proceedings, including private actions, currently filed or to be filed involving alleged violations of the securities laws, SEC regulations or securities fraud.

Utility Notification Center of Colorado is committed to protecting employees from interference with or retaliation for having made a protected disclosure or for having refused an illegal order.

Filing a Retaliation Complaint

A retaliation complaint may be filed directly with Human Resources Administrator, the Executive Director, the Chairman of the Board of Directors or any member of the Board of Directors. To submit an anonymous complaint, send a written or typed complaint to the following address:

The names and addresses of the members of the Board of Directors and Chairman of the Board of Directors can be found at www.uncc.org

A retaliation claim must be filed within 90 days of the day an employee discovers or learns of the behavior which is alleged to constitute retaliation. If there is a pattern of retaliation, a complaint must be filed within 45 days of the most recent alleged act or threat of interference or retaliation.

Investigation

The complaint filed by the employee will be submitted to UNCC legal counsel, if this individual did not initially receive the complaint, or the Chairman of the Board of Directors. The Chairman will convene a meeting of the Executive Committee of the Board of Directors for the purposes of a hearing within 15 days of the date the charge or complaint was received from the employee. The purpose of the hearing is to determine if probable cause exists to further investigate a charge or complaint of retaliation and to determine if the matter should be referred to an independent Hearing Officer.

The Chairman of the Board of Directors or legal counsel for UNCC may request any documentation or verbal statements from employees as may be reasonably required for appropriate fact finding. The employee filing the complaint may at the time of the initial or probable cause hearing, present their complaint to the Executive Committee in person. The employee may attend the hearing with a third party who need not be an employee of UNCC. If the third party is not an attorney then the third party acts an observer at the probable cause hearing and may not advocate for the employee. If the employee will have a third party, including an attorney, attend the probable cause hearing then the employee will notify the Chairman of the Board of Directors at least 3 days in advance of the hearing.

Decision

At the initial probable cause hearing the Chairman of the Board of Directors will preside. The Chairman may receive such evidence as the Chair deems relevant and appropriate. If the Executive Committee, after a hearing, finds probable cause to believe that retaliation did occur then the Chair will refer the matter to an independent hearing officer appointed by the Board of Directors to hear retaliation matters. The Hearing Officer, who shall have experience in hearing employment related matters, shall hold a hearing within 10 days of the matter being referred to the Hearing Officer. The hearing will be held at such times as will allow UNCC and the employee to be reasonably heard about the matter, upon reasonable notice. The Hearing shall be tape recorded. The Hearing Officer will make findings of fact regarding whether interference or retaliation has or has not occurred. The burden of proof at the hearing is by a preponderance of the evidence. The Hearing Officer may receive such evidence as is deemed relevant and hearsay evidence may be received. The Colorado Rules of Evidence do not apply to the conduct of the hearing. The Hearing Officer will provide a report and findings to the Chairman of the Board of Directors within 5 days of a hearing being held.

The Chairman of the Board of Directors and the Executive Director will receive the findings of the Hearing Officer and the Board of Directors and the Executive Director shall take such action as is deemed appropriate which may include taking action against the employee who is found to have interfered or retaliated. The action taken against an employee who has been found to violate this policy may range from a written warning to termination of employment, as is determined appropriate by the Executive Director. The Executive Director will communicate his or her decision regarding the matter in writing to the complainant, if known, and to the person or persons accused of violating this policy.

With regard to complaints where it is alleged that the Executive Director has interfered or taken retaliatory action, the findings and recommendations of the Hearing Officer shall be presented for a final decision to the Chairman of the Board of Directors. If the Executive Director is alleged to have violated this policy then the Executive Director shall not be a part of the deliberations at the probable cause hearing.

Appeal

An employee may appeal the decision of the Hearing Officer only upon the grounds that the employee was not given a reasonable opportunity to be heard upon reasonable notice. The appeal shall be to the Board of Directors at a hearing at which there is a quorum of the Board of Directors. The Board of Directors shall not take testimony or evidence but shall make a decision based upon the evidence previously submitted to the Hearing Officer.