

BRIAN E. FROSH
Attorney General



ELIZABETH HARRIS
Chief Deputy Attorney General

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STATE OF MARYLAND
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August 28, 2018

John B. Howard, Jr.

Dear Mr. Howard:

I am hereby appointing you as Pro Bono Assistant Counsel pursuant to my authority under State Government Article 6-105(f) and determination that this appointment is necessary to carry out the duties of my office. This appointment is effective July 30, 2018.

You will be working under the supervision of Carolyn Quattrocki Deputy Attorney General and you will not receive compensation for this appointment.

Thank you for your assistance to the Office of the Attorney General.

Sincerely,

Handwritten signature of Brian E. Frosh in cursive.

Attorney General



State Energy &
Environmental Impact Center
NYU School of Law

July 19, 2018

John B. Howard, Jr.
[REDACTED]

Dear John:

I am pleased to extend an offer of employment to you as a Research Scholar, in the State Energy & Environmental Impact Center at New York University.

Secondment Arrangement

During your employment, you will be seconded to the Maryland Attorney General's Office ("OAG") as a Special Assistant Attorney General. Pursuant to an agreement between the State Energy and Environmental Impact Center and the OAG, during your employment, you will be under the direction and control of, and owe a duty of loyalty to, the OAG, and will be subject to OAG policies regarding employee conduct. The OAG will provide additional details to you directly about the applicable policies.

Salary

Your annual base salary will be \$125,000 annually, paid over twelve months in equal installments on the first and the fifteenth of the month, and is subject to appropriate tax withholdings. This salary is inclusive of any future teaching assignments, if applicable.

Start Date

Your employment in this position shall commence on July 30, 2018 and is anticipated to end on July 30, 2020. This appointment may be extended upon mutual agreement.

Benefits

You will receive an email from the Benefits Office with a link to NYU's Benefits Overview Guide. The guide for Professional Research Staff contains instructions on how and when to enroll, comprehensive information on all benefit plans, dependent eligibility, employee contributions and more.

The Benefits Overview for full-time Professional Research Staff employees can be found by visiting the following web site: <http://www.nyu.edu/employees/benefit/full-time/Professional-Research-Staff-Code-103.html>.

If you plan to add dependent(s) to one of the NYU medical and/or dental plans, you are required to furnish proof of relationship, no later than the 31st day of employment, in order for coverage to remain in effect for your family member(s). Examples of acceptable documentation are: birth certificate, adoption papers, court order of guardianship/custody, marriage certificate, or your approved NYU Domestic Partner Registration form. Proof of relationship documents may be scanned and sent via e-mail to askpeoplelink@nyu.edu or may be mailed to NYU PeopleLink, 105 E. 17th Street, 1st floor, New York, NY 10003 or faxed to (212) 995-4333.

Policy Training

Attached to this letter are the University's Non-Discrimination and Anti-Harassment Policy and Complaint Procedures for Employees. All employees are expected to participate in a harassment prevention program. "OEO101: Preventing Harassment on Campus" is an instructor led course that is offered each month for

new employees. **All employees at NYU are expected to complete the harassment prevention program within 60 days of hire.** In addition to completing the OEO101 course, employees with supervisory responsibilities should also participate in "OEO102: Supervisor's Workshop," which immediately follows OEO101. All employees are also expected to complete the University's Preventing Campus Violence training program (HAS 001). You can register for these courses through the NYU iLearn portal.

Contingency

This offer of employment is contingent upon your eligibility to work in the United States. You are required to present original documentation that verifies your eligibility to work in the United States when your employment commences. On or before your first day of work, you will complete the entire Federal Form I-9 electronically as part of your new hire paperwork.

Probation

As an NYU employee, you will undergo a six-month probationary period. Information about NYU's probationary period and other policies may be found at: <http://www.nyu.edu/about/policies-guidelines-compliance/policies-and-guidelines/human-resources.html>.

At Will Employment

The terms of this letter do not imply employment for a specific period. Your employment is at will, which means that you, the OAG, or NYU can terminate your employment at any time, with or without cause. NYU and OAG can also withdraw or rescind this offer at any time prior to the commencement of work without restriction.

In addition to your at will status, continued employment in this position will be subject to the availability of grant funding.

In accepting this offer, you agree to abide by all NYU policies in effect, including but not limited to the conflicts of interest policies and intellectual property policies. These policies can be found on the NYU website at <http://www.nyu.edu>.

To indicate your acceptance of this offer, please sign this offer letter and fax or email it to Laura Stein, HR Administrator/Faculty at 212-992-8635 / Laura.Stein@nyu.edu. Laura will contact you to schedule an onboarding meeting around your start date.

John, I am delighted that you will be joining the legal fellowship team.

Sincerely,



David J. Hayes
Executive Director

Signature of Acceptance
John B. Howard, Jr.

Date

POLICY

Non-Discrimination and Anti-Harassment Policy and Complaint Procedures for Employees

STATEMENT OF POLICY

New York University ("NYU" or the "University") is committed to maintaining an environment that encourages and fosters appropriate conduct among all persons and respect for individual values. Accordingly, the University is committed to enforcing this Non-Discrimination and Anti-Harassment Policy and Complaint Procedures at all levels in order to create an environment free from discrimination, harassment, retaliation and/or sexual assault. Discrimination or harassment based on race, gender and/or gender identity or expression, color, creed, religion, age, national origin, ethnicity, disability, veteran or military status, sex, sexual orientation, pregnancy, genetic information, marital status, citizenship status, or on any other legally prohibited basis is unlawful and undermines the character and purpose of the University. Such discrimination or harassment violates University policy and will not be tolerated.

Any form of retaliation against anyone who has complained of or formally reported discrimination, harassment, or sexual assault, or has participated in an investigation of such a complaint, regardless of whether the complaint relates to the complaining person or someone else, will not be tolerated, and violates both this policy and applicable law.

The University prohibits discrimination, harassment, retaliation, and sexual assault. The University expects management level personnel to serve as models of appropriate conduct for other employees, and will hold them to a higher standard of accountability. Management personnel must not only refrain from actions that violate this policy, but also refrain from any activity that would give the appearance of impropriety.

This policy applies to all employees of the University, and applies regardless of whether the alleged wrongdoer is an employee. Employees represented by a labor organization retain all rights under their collective bargaining agreements and labor law including the right to use the grievance process. This policy does not override any provisions of those collective bargaining agreements. Other policies apply to other members of the University community.

I. DEFINITIONS

A. Discrimination is adverse treatment of any employee based on the protected class or category of persons to whom he/she belongs, rather than on the basis of his/her individual merit, with respect to the terms, conditions, or privileges of employment including, but not limited to hiring, firing, promoting, disciplining, scheduling, training, or deciding how to compensate that employee.

B. Harassment is unwelcome verbal or physical conduct prohibited by law directed toward, or differential treatment of, an employee because of his/her membership in any protected group or on any other prohibited basis (e.g., race, gender and/or gender identity or expression, color, creed, religion, age, national origin, ethnicity, disability, veteran or military status, sex, sexual orientation, pregnancy, genetic information, marital status or citizenship status). The harasser can be the employee's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the University, such as a client or customer.

Examples of such conduct include, but are not limited to:

- Offensive or degrading remarks, verbal abuse, or other hostile behavior such as insulting, teasing, mocking, degrading or ridiculing another person or group;
- Racial slurs, derogatory remarks about a person's accent, or display of racially offensive symbols;
- Unwelcome or inappropriate physical contact, comments, questions, advances, jokes, epithets or demands;
- Physical assault or stalking;
- Displays or electronic transmission of derogatory, demeaning or hostile materials; and
- Unwillingness to train, evaluate, assist, or work with an employee.

A hostile work environment results from harassing conduct that has the purpose or effect of unreasonably interfering with an employee's work performance, or creates an intimidating, hostile or offensive working environment.

Sexual harassment is a form of harassment that consists of making unwelcome sexual advances or requests for sexual favors, or engaging in other verbal or physical acts of a sexual or sex-based nature where such conduct interferes with the employee's work performance or creates an intimidating, hostile or offensive working environment.

Sexual harassment may also occur where a supervisor/manager demands that an employee/subordinate satisfy sexual demands in order to receive job benefits, to continue employment, or as a basis for making any other employment decision. Such sexual harassment occurs between a manager/supervisor and an employee due to the nature of the manager/subordinate relationship. A manager/supervisor for this purpose is someone who can affect or impact an employee's terms, conditions, or privileges of employment because he/she can take or impact action such as hiring, firing, promoting, disciplining, scheduling, training, or deciding how to compensate that employee.

C. Retaliation is any adverse action taken against an individual (applicant or employee) because he or she filed a charge of discrimination, complained to the University or a government agency about discrimination on the job, or participated in an employment discrimination proceeding (such as an internal investigation or lawsuit), including as a witness. Retaliation also includes adverse action taken against someone who is associated with the individual opposing the perceived discrimination, such as a family member.

Examples of retaliation include termination, demotion, refusal to promote, or any other adverse action that would discourage a reasonable person from opposing perceived discrimination.

D. Sexual assault is a sexual act against the will and without the consent of the employee-victim or where the employee-victim is incapable of giving consent. This includes conduct that would be considered criminal under the New York State Penal Code.

Discrimination, harassment, retaliation, and sexual assault are unacceptable in the workplace. This behavior violates University policy even when it does not constitute a violation of law.

II. REPORTING DISCRIMINATION, HARASSMENT, RETALIATION, OR SEXUAL ASSAULT

Any employee who believes that he or she has been a victim of discrimination, harassment, retaliation or sexual assault prohibited by this policy, or any employee who

has witnessed such discrimination, harassment, retaliation or sexual assault, should immediately report the circumstances in accordance with the procedure set forth below. The University may investigate any conduct that violates this policy, even in the absence of a complaint, and take remedial action where appropriate.

An employee may make a complaint to any of the individuals listed below:

- a) The Office of Equal Opportunity ("OEO"); or
- b) The Human Resources Officer of the relevant School or Administrative Department; or
- c) the Solutions Center; or
- d) Any supervisor; or
- e) If the alleged respondent is a faculty member, the Dean of the appropriate School or Faculty or the Dean's designee.

Complaints may be submitted to OEO by any of the following methods:

- By phone at 212-998-2352
- By e-mail at equal.opportunity@nyu.edu;
- By completing an on-line complaint form available at www.nyu.edu/eo; or
- By filing a complaint with an OEO professional staff member at the OEO, 726 Broadway, Rooms 719-721, New York, New York 10003.

A contact List for Human Resources Officers of each School and Department is available at <http://www.nyu.edu/eo> (<http://www.nyu.edu/content/nyu/en/about/policies-guidelines-compliance/equal-opportunity.html>).

All complaints under this policy will be referred to the Human Resources Officer of the appropriate School or Department for investigation and resolution. If the Human Resources Officer has a personal relationship with the accused individual or otherwise has a conflicting interest, he or she must forward it to the OEO.

Note to Libraries Division Employees: All Libraries Division employees' complaints will be referred to the OEO for investigation.

The University encourages prompt reporting of complaints so that it may respond appropriately and conduct an investigation while the matter is freshest in witnesses' memory and other evidence is most likely to be available. There is no fixed deadline for reporting discrimination, harassment, retaliation or sexual assault complaints. Because it is not always easy to interpret words or actions, employees are further encouraged to bring forward any concerns under this policy before they rise to the level of violating the law.

Responsibilities of Managers and Supervisors

It is imperative that managers and supervisors set the tone for the enforcement of this policy. Managers and supervisors have a special obligation not to engage in discrimination, harassment, retaliation or sexual assault. All management and supervisory personnel have an affirmative duty and are required to promptly report any discrimination, harassment, retaliation or sexual assault that they observe, learn about from others, or reasonably suspect has occurred with respect to an employee.

III. INVESTIGATION AND DISPOSITION OF COMPLAINTS

(a) The Investigation

The University will conduct a prompt, thorough and impartial investigation of a complaint as necessary and appropriate. The University will make every effort to complete its investigation within thirty (30) days of a report of discrimination or harassment. The investigator may find it necessary to extend the time period for completing an investigation in some circumstances. The investigator will provide the complainant, the alleged wrongdoer, and the business unit head with notice of any extension and give them a new timetable for completion of the investigation.

The investigation will include an interview with the alleged employee-victim. It also may include interviews with the person who made the initial report, the complainant (if not the alleged victim), the alleged wrongdoer and/or any other person who may have information regarding the incident, each of whom is encouraged to cooperate with any investigation. The investigator may also review relevant documents.

The investigation process is strictly internal to NYU. Any union represented employee retains his or her right to have union representation during the investigation process.

(b) Findings and Recommendations

The investigator will report his or her findings to the person who made the initial report, the alleged victim of discrimination, harassment, retaliation or sexual assault, the alleged wrongdoer, and relevant managers and supervisors.

Where the investigator concludes that a violation of this policy has occurred, the relevant School or Department will take prompt and appropriate remedial action, including disciplinary action. Depending on the circumstances, disciplinary action may include (but is not limited to): reprimand/verbal counseling, training, censure, removal of privileges, letters of warning or suspension, and dismissal. Discipline for a violation of this policy need not be progressive, so a first violation of this policy may warrant suspension or discharge.

(c) The Investigatory File

Every complaint will trigger the creation of an investigatory file. The investigatory file will consist of the initial complaint, the final investigative report, including a record of the remedial action to be taken, if any, and any documents created or used during the investigation.

For the duration of the investigation, the Human Resource Officer will maintain the investigatory file. Upon completion of the investigation, the Human Resource Officer will transfer the file to the OEO. Additionally, the OEO will record and maintain complaints in a database management file consistent with the NYU fiscal year (September 1st – August 31st). The OEO will maintain records of all complaints for a period of seven (7) years after the conclusion of an investigation.

(d) Responsibilities of Managers and Supervisors

In cases where an investigation confirms a violation of this policy, management in the appropriate School or Department must ensure that the prescribed remedial action, including disciplinary action, is implemented. Managers must provide confirmation to their Human Resources Officer within 14 days that the recommended action has occurred. Only upon such confirmation will the Human Resource Officer close the investigatory file and forward it to the OEO. Management is also responsible for regular monitoring to ensure that all remedial and/or disciplinary steps are completed and no further discrimination or harassment occurs in the work environment.

IV. CONFIDENTIALITY

The University will maintain the confidentiality of the complaint, and the privacy of the persons involved, to the greatest extent possible, consistent with its goal of conducting a thorough and complete investigation and to the extent permitted by law.

V. NON-RETALIATION

The University will not in any way retaliate against an individual who reports a perceived violation of this policy, participates in any investigation, or otherwise opposes

perceived discrimination, harassment, or retaliation, including as a witness. It will also not retaliate against anyone associated with the individual who engages in such protected conduct, such as a family member. NYU further will not tolerate retaliation by any employee. Retaliation is a serious violation of this policy, as well as federal, state, and local law. Anyone who believes he/she is a victim of retaliation should report the matter immediately according to the same procedure provided in this policy for making complaints of discrimination, harassment, or sexual assault. Any person found to have retaliated against another individual will be subject to the same disciplinary action provided under this policy for other violations.

VI. SEXUAL ASSAULT

The medical, emotional, and legal needs of a sexual assault victim may differ from those of other harassment complainants. Sexual assault victims who are employees should, therefore, in addition to filing a complaint under this policy, report the assault to the police and pursue counseling and other services available at the University. Student employees may consult the Wellness Exchange at 212-443-9999 for guidance on medical and counseling services. Employees should consult the Carebridge Corporation at 1-800-437-0911 for guidance on medical and counseling service referrals.

VII. CONSENSUAL RELATIONSHIPS

Consensual relationships involving sexual behavior that is welcome and voluntary do not constitute sexual harassment under the law. Romantic relationships in situations where one individual has greater power or authority over another, however, frequently result in claims of harassment when the relationship ends, and perceptions of favoritism while they continue. Such relationships are inappropriate. A "consensual" relationship between a supervisor and a subordinate is an example of an inappropriate relationship. If a consensual relationship occurs, any situation of authority must be discontinued and appropriate action may be taken.

This policy does not form a contract of any kind. Any comments or suggestions concerning this policy should be forwarded to the Executive Director of the Office of Equal Opportunity at equal.opportunity@nyu.edu.

About This Policy

Effective Date: August 12, 2012
Issuing Authority: Diane Yu, Deputy President
Responsible Officer: Mary Signor, Executive Director, Office of Equal Opportunity
Office Name: Office of Equal Opportunity

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Purpose of the Policy (javascript:displayOrHideFormSection('a1a'); changeBtna('qc1a','q1-btna','q1a');)

New York University is committed to maintaining a learning and working environment that is free of bias, prejudice, and harassment - an environment that supports, nurtures, and rewards career and educational advancement on the basis of ability and performance. Harassment based upon race, gender and/or gender identity or expression, color, creed, religion, age, national origin, ethnicity, disability, veteran or military status, sex, sexual orientation, marital status, citizenship status, or any other legally protected basis is prohibited by law and undermines the character and purpose of the University. Such harassment is illegal and against University policy, and will not be tolerated.

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Who needs to know this policy (javascript:displayOrHideFormSection('a2a'); changeBtna('qc2a','q2-btna','q2a');)

Employees in codes 100/110, 102/112, 103/113, 104/114, 106/116, 107/117, 115, 111, 101, 130, 131.

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Policy Definitions (javascript:displayOrHideFormSection('a3a'); changeBtna('qc3a','q3-btna','q3a');)

Any comments or suggestions concerning this policy should be forwarded to the Executive Director of the Office of Equal Opportunity at equal.opportunity@nyu.edu (<mailto:equal.opportunity@nyu.edu>).

From: Howard, JB
Sent: Thursday, March 14, 2019 9:00 AM
To: david.hayes@nyu.edu
Subject: Re: Energy fellow position

Will do. Thanks.

John B. ("J.B.") Howard, Jr.
Special Assistant Attorney General
Office of the Attorney General
200 Saint Paul Place
Baltimore, Maryland 21202
410-576-6970

From: David J. Hayes <david.hayes@nyu.edu>
Sent: Thursday, March 14, 2019 8:58:29 AM
To: Howard, JB
Subject: Re: Energy fellow position

JB: give me a buzz on my cell whenever you free up after 11. 202-258-3909.
Thanks.
David

On Wed, Mar 13, 2019 at 4:16 PM Howard, JB <jbhoward@oag.state.md.us> wrote:
Thank you, David. Tomorrow morning sounds good. I'm going to be tied up from 10:00 to 11:15-30, but could talk before or after, whichever suits you.

Best,

J.B.

John B. ("J.B.") Howard, Jr.
Special Assistant Attorney General
Office of the Attorney General
200 Saint Paul Place
Baltimore, Maryland 21202
410-576-6970

From: David J. Hayes <david.hayes@nyu.edu>
Sent: Wednesday, March 13, 2019 2:49:41 PM
To: Howard, JB
Subject: Re: Energy fellow position

JB:

I'd be happy to chat with you about this. This afternoon is a bit crazed for me. Could we talk tomorrow morning?

David


On Wed, Mar 13, 2019 at 12:52 PM Howard, JB <jbhoward@oag.state.md.us> wrote:

Good afternoon, David,

I'm considering moving from my current environmental-focused position to the energy position that the Maryland AG's Office has open. Would you have a few minutes this afternoon to call me? I want to get a little better sense than I currently have about what the Center envisions for these positions, which states have fellows and/or are particularly active on these issues, how the fellow would coordinate with the Center, and other things.

Many thanks.

J.B.

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|  | <p>John B. ("J.B.") Howard, Jr. <i>Special Assistant Attorney General</i> Office of the Attorney General 200 Saint Paul Place Baltimore, Maryland 21202 410-576-6970 www.marylandattorneygeneral.gov</p> |
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David J. Hayes
Executive Director
State Energy & Environmental Impact Center
1015 15th Street, NW, Suite 600
Washington, D.C. 20005

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www.law.nyu.edu/centers/state-impact

The State Impact Center is part of the NYU School of Law

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From: Elizabeth Klein <elizabeth.klein@nyu.edu>
Sent: Monday, August 19, 2019 9:36 AM
To: Segal, Joshua;Howard, JB;Goldstein, Steven
Cc: Quattrocki, Carolyn
Subject: Salary increase and term extension

Follow Up Flag: Follow up
Flag Status: Completed

Good morning,

We are pleased to let you know that we are able to increase your salary by 5% and extend your fellowship term to 8/31/2020. Salary increases are effective September 1, and you should see it reflected in your September 15 paycheck (issued 9/13). If that does not occur for some reason, be sure to contact Laura Moste (previously Stein) in HR.

Thanks for all you do!

--

Elizabeth Klein
Deputy Director
State Energy & Environmental Impact Center
NYU School of Law
202-641-8364