



## EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

It is the policy of Plug Power not to discriminate against any employee or applicant for employment because of his or her race, color, religion, sex, or national origin or because he or she is an individual with a disability or disabled veteran, Armed Forces service medal veteran, recently separated veteran, or active duty wartime or campaign badge veteran, or thereafter referred collectively as “protected veterans” or any other characteristics protected under applicable law. It is also the policy of Plug Power to take affirmative action to employ and to advance in employment, all persons regardless of their status as individuals with disabilities or protected veterans, and to base all employment decisions only on valid job requirements. This policy shall apply to all employment actions, including but not limited to recruitment, hiring, upgrading, promotion, transfer, demotion, layoff, recall, termination, rates of pay or other forms of compensation and selection for training, including apprenticeship, at all levels of employment.

Employees and applicants shall not be subjected to harassment, intimidation, threats, coercion or discrimination because they have engaged in or may engage in any of the following activities: (1) Filing a complaint; (2) Assisting or participating in an investigation, compliance evaluation, hearing, or any other activity related to the administration of Section 503 of the Rehabilitation Act of 1973, as amended (Section 503) or any other Federal, State or local law requiring equal opportunity for individuals with disabilities; (3) Opposing any act or practice made unlawful by Section 503 or its implementing regulations in this part or any other Federal, State or local law requiring equal opportunity for disabled persons; or (4) Exercising any other right protected by section 503 or its implementing regulations in this part. Further, Plug Power 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.

As President & Chief Executive Officer of Plug Power, I am committed to the principles of Affirmative Action and Equal Employment Opportunity. In order to ensure dissemination and implementation of equal employment opportunity and affirmative action throughout all levels, I have selected Tammy Kimble as the Vice President, Human Resources for Plug Power. One of the Vice President, Human Resources’ duties will be to establish and maintain an internal audit and reporting system to allow for effective measurement of Plug Power’s programs.

In furtherance of Plug Power’s policy regarding Affirmative Action and Equal Employment Opportunity, Plug Power has developed a written Affirmative Action Program which sets forth the policies, practices and procedures that Plug Power commits to in order to ensure that its policy of nondiscrimination and affirmative action for qualified individuals with disabilities and qualified protected veterans is accomplished. This Affirmative Action Program is available for inspection by any employee or applicant for employment upon request between normal business hours at the Human Resources department. Any questions should be directed to me, your supervisor, or Tammy Kimble, Vice President, Human Resources.

Andy Marsh, President & Chief Executive Officer  
Plug Power

October 1, 2021



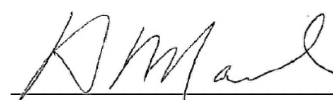
## **Reaffirmation of EEO Policy**

The employees of Plug Power are our most important asset. Our continued success and development depends on the future and effective use of all of our skills and talents to their fullest extent. Plug Power has an obligation to hire and develop the best people we can find based on job-related qualifications and irrespective of any characteristics protected under applicable law.

Plug Power is committed to the principles of Equal Employment Opportunity and Affirmative Action because it is morally right and legally required. It is the obligation of each officer, manager, and supervisor to ensure all employment activities are conducted in an equal and equitable fashion, without regard to race, color, creed, religion, sex (including pregnancy, childbirth or related medical conditions), sexual orientation, gender identity or expression, transgender status, age, national origin, marital status, citizenship, physical and mental disability, criminal record, genetic information, predisposition or carrier status, status with respect to receiving public assistance, domestic violence victim status, a disabled, special, recently separated, active duty wartime, campaign badge, Armed Forces service medal veteran, or any other characteristics protected under applicable law.

Such employment activities include, but are not limited to: recruitment, advertising, selection, hiring, training, promotion, upgrade, demotion, transfer, layoff, discharge, return from layoff, leaves of absence, performance evaluation, rate of pay, other compensation and fringe benefits and selection for training, including apprenticeship, at all levels of employment.

Further, Plug Power 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.



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Andy Marsh, President & Chief Executive Officer  
Plug Power  
October 1, 2021