



# **Equal Employment Opportunity/Unlawful Harassment/Unlawful Retaliation Policy**

## **Equal Employment Opportunity**

Rocky Mountain Health Management Corporation (RMHMC) is dedicated to the principles of equal employment opportunity in any term, condition or privilege of employment. We do not discriminate against applicants or employees on the basis of ethnicity, race, color, national origin or ancestry, sex, age, military or veteran status, disability, creed, religion, sexual orientation, gender identity, genetic information, or any other status or class protected by applicable law. This prohibition includes unlawful harassment based on any legally protected status or class.

RMHMC is committed to making employment decisions based on valid job requirements, without regard to any legally protected status or class. This policy of equal employment opportunity shall apply to all terms, conditions, and privileges of employment, including, without limitation, recruiting, hiring, training and development, promotion, demotion, transfer, compensation, job assignments, leave, benefits, termination, rehiring, layoffs, retirement, and social and recreational programs. This Equal Employment Opportunity/Unlawful Harassment/Unlawful Retaliation Policy (Policy) shall not create contractual rights or in any way expand RMHMC's obligations or any employee's rights beyond what is required by law for at-will employment.

RMHMC's EEO Officer is the Director of Human Resources and Corporate Services, presently Dee M. Burke. The EEO Officer is responsible for ensuring RMHMC's compliance with state and federal equal employment opportunity laws. The EEO Officer is also responsible for implementing RMHMC's Affirmative Action Plan, including auditing, monitoring, and internal reporting. If you believe you have not been treated in accordance with this Policy, please follow the complaint procedure defined in the section entitled "Complaint Procedure". Affirmative Action Plans for females, minorities, individuals with disabilities, disabled veterans, and protected veterans are available for review by arranging an appointment with the EEO Officer during regular business hours.

## **Unlawful Harassment**

RMHMC considers harassment based on any protected status or class as serious and expressly prohibits such conduct. RMHMC will not tolerate harassment based on ethnicity, race, color, national origin or ancestry, sex (with or without sexual conduct), age, military or veteran status, disability, creed, religion, sexual orientation, gender identity, genetic information, or any other status, or class protected by applicable law. Unlawful harassment is defined as verbal or physical conduct that (1) denigrates or shows hostility or aversion toward an individual because of his or her protected status or class, and (2) has the purpose or effect of creating an offensive work environment, unreasonably interferes with work performance, or otherwise adversely affects an individual's work performance. Examples of unlawful harassment include, but are not limited to: making derogatory statements or belittling an individual based on a protected status or class; perpetuating stereotypes related to an individual's protected status or class; or refusing to assist an individual on the job because of his or her protected status or class. This policy of unlawful harassment applies to all employees including all levels of management, supervisors, co-workers, and non-employees such as customers, clients, vendors, consultants, etc. If you believe that you are being subjected to unlawful harassment or if you witness another individual, who you believe is being subjected to unlawful harassment, please follow the complaint procedure defined in the section entitled "Complaint Procedure".





## Unlawful Sexual Harassment

Because sexual harassment raises issues that are to some extent unique in comparison to other harassment, RMHMC believes it warrants separate emphasis. RMHMC strongly opposes sexual harassment and inappropriate sexual conduct. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- Submission to such conduct is made explicitly or implicitly a term or condition of employment;
- Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or
- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Inappropriate and unwelcome sexual conduct is expressly prohibited by this Policy. Such conduct includes, but is not limited to, sexually implicit or explicit communications whether in written, verbal, visual, or physical form, physical gestures or physical touching, and/or nonverbal behavior. All employees are expected to conduct themselves in a professional and business-like manner at all times (including conduct during work-related social functions, travel, and any business conducted off company premises).

## Equal Employment Opportunity/Unlawful Harassment/Unlawful Retaliation Policy

**Section 503 Protections.** Employees and applicants shall not be subjected to harassment, intimidation, threats, coercion or discrimination because they have engaged in or may engage in the filing of a complaint; assisting or participating in an investigation, compliance review, 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; 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 individuals with disabilities; or exercising any other right protected by Section 503 or its implementing regulations in this part. If you believe you have been or are being treated in a manner that is in violation of this Policy, please follow the complaint procedure defined in the section entitled "Complaint Procedure".

**Pay Transparency Protections.** RMHMC 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 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 RMHMC's legal duty to furnish information. Employees must maintain the confidentiality of information about other RMHMC employees as required by RMHMC policies and the related Confidentiality and Security Agreement that is signed by all employees.

**Complaint Procedure.** If you believe there has been a violation of this Policy, please use this Complaint Procedure. RMHMC expects employees to make a timely complaint to enable RMHMC to promptly investigate and correct any behavior that may be in violation of this Policy. Report the incident as soon as possible to the Sr. HR Advisor, presently Shirley Follett, or to the EEO Officer, presently Dee. M. Burke. If the incident directly concerns or involves the Sr. HR Advisor or the EEO Officer, report such incident to the President of RMHMC, presently Steve ErkenBrack. Complaints of alleged discrimination or harassment will be promptly, thoroughly, and impartially investigated. The investigator will objectively gather and consider relevant facts. Complaints made in good faith will in no way be held against an employee. RMHMC will





protect the confidentiality of the complaint to the extent possible. RMHMC considers unlawful discrimination, harassment and retaliation to be serious offenses. Employees engaging in these types of conduct will be subject to disciplinary action, up to and including termination of the offender from employment. Employees deliberately making false claims of harassment are subject to the same disciplinary action. All employees at all levels are required to cooperate in such investigations. Non-RMHMC personnel who refuse to cooperate in RMHMC's investigations may be barred from RMHMC premises or other appropriate action may be taken as needed. The time frame for filing a charge of unlawful discrimination, harassment, or retaliation with the applicable Federal or State agency runs from the date of the unlawful discrimination, harassment or retaliation. Neither this Policy, nor an internal RMHMC investigation nor RMHMC resolution delays or extends the time frame for filing a charge.

**Unlawful Retaliation.** Employees and applicants shall not be subjected to retaliation including, but not limited to harassment, intimidation, threats, coercion, discrimination or altering the terms and conditions of their employment because they have engaged in or may engage in a legally protected activity, exercising legally protected rights, the filing of a complaint regarding unlawful discrimination or harassment, for assisting or participating in an investigation regarding unlawful discrimination or harassment, or for opposing any unlawful act or practice.

**Communication and Endorsement.** In an effort to prevent unlawful discrimination, sexual and other unlawful harassment, and retaliation from occurring, this Policy is communicated to each employee upon employment, through the employee handbook and employee orientation, bulletin board postings, and in an annual reaffirmation of policies. As the President of RMHMC, I personally endorse this Policy and ask for each employee's continued assistance and support in maintaining an environment that reflects our commitment to this Policy and to an environment that values each individual. All personnel with responsibility for employment and personnel decisions are directed to perform their duties and responsibilities in accordance with this Policy.

Steve ErkenBrack, President, RMHMC

