

# Mental Health Association in Orange County, Inc.



## **WHISTLEBLOWER POLICY, SEXUAL HARASSMENT POLICY, NON-HARASSMENT POLICY AND EQUAL EMPLOYMENT OPPORTUNITY POLICY**

### **WHISTLEBLOWER POLICY**

A whistleblower as defined by this policy is an employee, board member, volunteer, intern, consultant or former employee of Mental Health Association in Orange County, Inc. (MHA) who reports an activity that they in good faith, reasonably believe to be illegal or dishonest to one or more of the parties specified below. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities.

Examples of illegal or dishonest activities are violations of federal, state or local laws; harassment; program participant abuse; billing for services not performed; fraudulent financial reporting and destruction of documents with the intent to conceal.

If anyone reasonably believes or has knowledge of illegal or dishonest fraudulent activity, they are to contact the Quality Assurance/Administrative Manager /HIPAA Privacy Officer at (845) 342-2400, ext. 1268 or the Human Resources Manager at (845) 342-2400, ext. 1261. The whistleblower must exercise sound judgment to avoid baseless allegations. Reports can also be made anonymously by calling MHA's anonymous hotline through Lighthouse Services, LLC. at; 833-687-0009 (English), 800-216-1288 (Spanish) or [www.lighthouse-services.com/mhaorangeny](http://www.lighthouse-services.com/mhaorangeny)

Whistleblower protections are provided in two important areas – confidentiality and against retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. MHA will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats to immigration status or of physical harm. Any whistleblower who believes they are being retaliated against must contact the Quality Assurance/Administrative Manager/HIPAA Privacy Officer, the Human Resources Manager or Lighthouse Anonymous Reporting Hotline immediately. The right of the whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

All good faith reports of illegal and dishonest activities will be promptly submitted to Quality Assurance/Administrative Manager/HIPAA Privacy Officer or Human Resources Manager, who are responsible for investigating and coordinating corrective action.

## **Under the NYS Labor Law Section 740, expansion of definitions and protections are as follows:**

The amendments to § 740 broaden the whistleblower protection available to private sector employees by adopting a “reasonable belief” standard in place of the dual requirements that the whistleblower reported an actual violation that poses a substantial and specific danger to the public health and safety. Now, an actual violation of the law, rule or regulation and a substantial risk to the public health and safety are not required for an employee seeking whistleblower protection under § 741. Whistleblowers need only demonstrate that they reasonably believed that their employer’s practices violated a law, rule or regulation **or** that these practice posed a substantial and specific danger to the public health or safety requirement. By employing the good faith and reasonable belief standard, the scope of protection afforded to all employees working in the private sector has been expanded significantly.

### **Changes to Definitions Expand Whistleblower Protection**

The amendments to § 741 include changes to key definitions in the statute that expand the statute’s protection to a larger swath of whistleblowers and afford broader protection. The definition of “employee” has been broadened to include former employees, and independent contractors, which means that substantially larger categories of whistleblowers can seek protection under § 740 for retaliatory actions.

The definition of “law, rule or regulation” has also been changed to include: (i) any duly enacted federal, state or local executive order; (ii) any rule or regulation promulgated pursuant to any such executive order; or (iii) any judicial or administrative decision, ruling or order. Obviously, these changes mean that an employer may not take retaliatory action against employees who report violations of executive orders, presumably including those that were enacted in response to the pandemic.

The definition a “retaliatory action” has been expanded beyond “the discharge, suspension or demotion of an employee, or other adverse employment action taken against an employee in the terms and conditions of employment.” A retaliatory action now includes:

An adverse action taken by an employer or his or her agent to discharge, threaten, penalize, or in any other manner discriminate against any employee or former employee exercising his or her rights under [§ 740], including:

- adverse employment actions or threats to take such adverse employment actions against an employee in the terms of conditions of employment, including, but not limited to, discharge, suspension, or demotion;
- actions or threats to take such actions that would adversely impact a former employee’s current or future employment; or
- threatening to contact or contacting United States immigration authorities or otherwise reporting or threatening to report an employee’s suspected citizenship or immigration status or the suspected citizenship or immigration status of an employee’s family or household member, as defined in subdivision two of section four hundred fifty- nine-a of the social services law, to a federal, state, or local agency.

Due to the foregoing changes, threats to take actions that would adversely impact the employee’s current or future employment are considered retaliatory, along with an employee’s demotion or termination or suspensions.

### **Expanded Statute of Limitations and Additional Rights and Relief for the Employee**

The statute of limitations for claims brought under § 740 has been expanded from one year to two years. With this expansion, the statute of limitations periods for §§ 740 & 741 are now identical.

With the amendments to § 740, employees are now expressly entitled to a trial by jury. The relief afforded under the revised statute also includes a civil penalty not to exceed ten thousand dollars and/or an award of punitive damages if the employers' violation of §741 was willful, malicious or wanton. These changes are in addition to the right to attorney fees and costs for the prevailing party.

### **Notification Requirements**

Every employer will now be required to post a notice informing employees of the protections, rights and obligations afforded to them under § 741. The required notices must be posted "conspicuously in easily accessible and well-lighted places customarily frequented by employees and applicants for employment." While the employers' obligation to provide notice has been expanded, the employees' obligations have been reduced. Employees must still make a good faith effort to notify their employer about the violation of law, rule or regulation by bringing it to the attention of a supervisor and affording such employer a reasonable opportunity to correct such activity, policy or practice. However, such notification is not required where:

- there is an imminent and serious danger to the public health or safety;
- where the employee reasonably believes that reporting to the supervisor would result in a destruction of evidence or other concealment of the activity, policy or practice;
- such activity, policy or practice could reasonably be expected to lead to endangering the welfare of a minor;
- the employee reasonably believes that reporting to the supervisor would result in physical harm to the employee or any other person; or
- the employee reasonably believes that the supervisor is already aware of the activity, policy or practice and will not correct such activity, policy or practice.

Individuals with any questions regarding this policy should contact the Quality Assurance/Administrative Manager/HIPAA Privacy Officer.

### **SEXUAL HARASSMENT POLICY**

MHA is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of MHA's commitment to a discrimination-free work environment. Sexual harassment is against the law<sup>1</sup> and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with their Supervisor, Human Resources Manager at (845) 342-2400, ext. 1261, or the Executive Director at (845) 342-2400, ext. 1326. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

1. MHA's policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with MHA. In the remainder of this document, the term "employees" refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. MHA will not tolerate such retaliation against anyone

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<sup>1</sup> While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

who, in good faith, reports or provides information about suspected sexual harassment. Any employee of MHA who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees<sup>2</sup> working in the workplace who believe they have been subject to such retaliation should inform, Human Resources Manager at (845) 342-2400, ext. 1261, or the Executive Director at (845) 342-2400, ext. 1326. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.

4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject MHA to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.
5. MHA will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. MHA will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. MHA will provide all employees a complaint form for employees to report harassment and file complaints.
7. Supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of to the Human Resources Manager at (845) 342-2400, ext. 1261, or the Executive Director at (845) 342-2400, ext. 1326.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy will be posted prominently in all work locations, to the extent practicable, and be provided to employees upon hiring.

### **What Is “Sexual Harassment”?**

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or

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<sup>2</sup> A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, “gig” workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

### **Examples of sexual harassment**

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
  - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
  - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
  - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - Sabotaging an individual's work; or
  - Bullying, yelling, name-calling.

## **Who can be a target of sexual harassment?**

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

## **Where can sexual harassment occur?**

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

## **Retaliation**

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; or
- Encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

## **Reporting Sexual Harassment**

**Preventing sexual harassment is everyone’s responsibility.** MHA cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a Supervisor, Human Resources Manager at (845) 342-2400, ext. 1261, or the Executive Director at (845) 342-2400, ext. 1326. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a Supervisor, Human Resources Manager at (845) 342-2400, ext. 1261, or the Executive Director at (845) 342-2400, ext. 1326.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are

reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

### **Supervisory Responsibilities**

All Supervisors who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to Human Resources Manager at (845) 342-2400, ext. 1261, or the Executive Director at (845) 342-2400, ext. 1326.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, Supervisors will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors will also be subject to discipline for engaging in any retaliation.

### **Complaint and Investigation of Sexual Harassment**

*All* complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. MHA will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, Human Resources Manager or the Executive Director will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the

following:

- A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents, reported or unreported; and
  - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
  - Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
  - Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

### **Legal Protections And External Remedies**

Sexual harassment is not only prohibited by MHA but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at MHA, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections?

### **State Human Rights Law (HRL)**

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to MHA does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov).

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The

website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

### **Civil Rights Act of 1964**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

### **Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml).

### **Contact the Local Police Department**

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

### **NON-HARASSMENT POLICY**

It is MHA's policy to prohibit intentional and unintentional harassment of any individual by another person on the basis of any protected classification including, but not limited to, race, color, religion, sex, marital status, familial status, military or veteran status, age, disability, national origin, ancestry, ethnicity, citizenship, sexual orientation, genetic information, status as a victim of domestic violence, stalking, or sex offenses, or any other status protected by federal, state, or local law. Employees must respect the rights of their coworkers. In addition, that same respect must be held for MHA's program participants and vendors. The purpose of this policy is not to regulate employees' personal morality, but to ensure that in the workplace, no one harasses another individual.

Harassment is any conduct that: (1) has the purpose or effect of creating an intimidating, hostile, or offensive working environment; or (2) has the purpose or effect of unreasonably interfering with an individual's work

performance; or (3) otherwise adversely affects an individual's employment opportunities. Examples include but are not limited to vulgar or offensive conversation or jokes; unwelcome comments about an employee's physical characteristics, religious beliefs, ethnic background, medical condition, or disability; teasing, slurs, threats, derogatory comments, or other similar verbal, non-verbal or physical conduct directed toward a person, which is sufficiently severe or pervasive to create an unprofessional and hostile working environment. Such conduct will be considered to violate this policy regardless of whether it is verbal, physical, visual, or written (including materials transmitted via e-mail, text or instant messages, social media posts, and other electronic means).

Anyone who feels that he or she has been subjected to conduct which violates this policy, should immediately report the matter to their Supervisor, Human Resources Manager at (845) 342-2400, ext. 1261, or the Executive Director at (845) 342-2400, ext. 1326. If you are unsure of to whom to raise an issue of harassment, or if you have not received a satisfactory response within five (5) business days after reporting any incident of what you perceive to be harassment, please contact the Executive Director. Every report of perceived harassment will be fully investigated and corrective action will be taken where appropriate. Violation of this policy will result in disciplinary action, up to and including discharge. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed. In addition, MHA will not allow any form of retaliation against individuals who report unwelcome conduct to management in good faith or who cooperate in the investigations of such reports in accordance with this policy. Employees who make complaints in bad faith may be subject to disciplinary action, up to and including discharge.

Please note, any harassment identified as Sexual Harassment under the MHA Sexual Harassment Policy will be handled as set forth in the MHA Sexual Harassment Policy. If there is any conflict between this general Harassment Policy and the MHA Sexual Harassment Policy, the terms of the MHA Sexual Harassment Policy will prevail and should be followed.

### **EQUAL EMPLOYMENT OPPORTUNITY**

It is the policy of MHA to provide equal employment opportunity to all people without regard to race, color, creed, sex, marital or veteran status, age, disability, national origin, citizenship, or sexual orientation. The Association is fully committed to assuring equal opportunity and equal consideration to all applicants and employees in personnel matters including recruitment and hiring, training, promotion, salaries and other compensation, transfer and layoff or termination. MHA is committed to promoting a work environment in which all individuals are treated with respect and dignity.

MHA will endeavor to make a reasonable accommodation to the known physical or mental limitations of qualified employees with disabilities unless the accommodation would impose an undue hardship on the operation of our business. If you need assistance to perform your job duties because of a physical or mental condition, please let us know.

Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of their Supervisor, Human Resources Manager or the Executive Director. MHA will not allow any form of retaliation against individuals who raise issues of equal employment opportunity. To ensure our workplace is free of artificial barriers, violation of this policy will lead to discipline, up to and including discharge.

### **DOCUMENT HISTORY AND VERSION CONTROL**

<b>Version Number</b>	<b>Date Approved</b>	<b>Approved By</b>	<b>Description of Changes</b>
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1.0	January 2013	Board of Directors & Nadia Allen, Executive Director	Whistleblower Policy created by Kathleen Morgan, Director of Finance/HR to ensure compliance with <i>the NYS Nonprofit Revitalization Act of 2013</i> . Sexual Harassment, Non-Harassment and EEOC Policies were originally prepared by Robert Heiferman, Labor Attorney and approved by Nadia Allen, Executive Director in April, 2001. All above policies are included in the MHA Employee Handbook and in this document which combines these policies for the purposes of training.
2.0	March 7, 2019	Nadia Allen, Executive Director	Revised content to <i>expand upon Sexual Harassment and Non-Sexual Harassment Policies to ensure compliance with the new mandate for NYS Sexual Harassment Prevention Policies which went into effect on October 9, 2018.</i>
3.0	January 26, 2022	Debbie de Jong, Associate Executive Director	Revised content to expand upon Non-Sexual Harassment Polices to ensure compliance with the NY Labor Law Section 740 mandate for expansion of HIPAA Privacy Rule and whistleblower protections.