

**Nondiscrimination and Anti-Harassment Policy**

Policy Number: A900800211

Effective Date: 8/1/1990

Sponsoring Department: Human Resources

Impacted Department(s):Independent Health, its subsidiaries and affiliated organizations (IHC, IHF, PBD, Nova, Reliance)

**Type of Policy:**  Internal  External

**Data Classification:**  Confidential  Restricted  Public

**Applies to (Line of Business):**

- Corporate (All)
- State Products, if yes which plan(s): MediSource;MediSource Connect; Child Health Plus; Essential Plan
- Medicare, if yes, which plan(s): MAPD; PDP
- Commercial, if yes, which type: Large Group; Small Group; Individual

**Excluded Products within the Selected Lines of Business (LOB)**

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N/A

**Applicable to Vendors?** Yes  No

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**Purpose and Applicability:**

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To define Independent Health Association’s, its subsidiaries and affiliated organizations’ commitment to providing a work environment free from all forms of discrimination, including harassment and bullying.

**Policy:**

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It is the policy of Independent Health Association, its subsidiaries and affiliated organizations (hereinafter “the Company”) to prohibit all forms of **unlawful discrimination** not only because it is against the law, but because it is wrong.

This includes unlawful discrimination because of a person's: 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 or mental disability, prior arrest or conviction record, genetic information, predisposing genetic characteristics, , domestic violence victim status, military status, protected veteran status, familial status, an individual's or a dependent's reproductive health decision making or on the basis of an individual's known relationship or association with a member or members of a protected class, or any other characteristics protected under applicable law. Employment decisions are made without regard to unlawful considerations and in accordance with Independent Health Association's Equal Employment Opportunity Policy Statement.

Further, Independent Health Association, its subsidiaries and affiliated organizations prohibit all forms of **unlawful harassment**. Unlawful harassment, as prohibited by this Policy, not only includes harassment of associates by associates, it also encompasses harassment of associates by **contingent workers** or others providing services with whom Independent Health associates come into contact in a work-related context, whether in or outside of the Company's facilities. Similarly, associates are prohibited from engaging in unlawful harassment of contingent workers or others providing services with whom they come into contact in a work-related context, whether in or outside the Company's facilities. To this end, Independent Health will endeavor to provide copies of this Policy to those entities with whom it regularly does business.

#### **PROHIBITED FORMS OF HARASSMENT**

Harassment is against the law whenever an individual is subjected to inferior terms, conditions or privileges of employment.

Harassment is a form of employment discrimination and becomes unlawful when it:

- a) Has the purpose or effect of creating an intimidating, hostile, or offensive work environment;  
or
- b) Has the purpose or effect of unreasonably interfering with an individual's work performance;  
or
- c) Otherwise adversely affects an individual's employment opportunities.

Harassment need not be severe or pervasive to be unlawful and can be any harassing conduct that consists of more than petty slights or trivial inconveniences.

Offensive conduct prohibited under this policy may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. Written or graphic material that denigrates or shows hostility or aversion toward an individual or group and could include any material whether placed, displayed, stored or appearing on paper, electronically or otherwise. For example, such material transmitted via or stored in e-mail, text messages, social media or any other electronic media or device would constitute a violation of this Policy.

Similarly, this Policy prohibits harassing conduct of our associates by contingent workers, others providing services or other persons or entities with whom our associates come into contact in a work-related context either in or outside of the Company's facilities. This Policy also prohibits harassing conduct by our associates to contingent workers others providing services, or other persons or entities with whom our associates come into contact in a work-related context either in or outside of the Company's facilities.

Associates should report harassment to management at an early stage to prevent its escalation and when practicable, associates are encouraged to inform the harasser directly that the conduct is unwelcome and must stop.

Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.

Additionally, under Independent Health's business conduct rules, **workplace bullying** of any kind is prohibited in the workplace.

In sum, any form of unlawful discrimination or harassment, workplace bullying or conduct violations as outlined in this policy is strictly prohibited and will not be tolerated. The Company will promptly and thoroughly investigate claims of violations of this policy and take appropriate corrective action as outlined below.

#### **SEXUAL HARASSMENT**

Sexual harassment is a form of workplace discrimination. New York Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a compliant form for employees to report alleged incidents of sexual harassment. Please see the Sexual Harassment Policy # A20181008080

#### **NO ONE HAS AUTHORITY TO VIOLATE THIS POLICY**

Under no circumstances does any manager, supervisor, associate or any other person have any authority whatsoever to engage in discriminatory, harassing or retaliating conduct in violation of this Policy. If anyone claims to have such authority, or you have any questions about whether conduct that you find objectionable is authorized by the Company, please contact your Human Resources Business Partner or Generalist.

#### **REPORTING PROCEDURE**

Every person at Independent Health, its subsidiaries and affiliated organizations impacts our culture and everyone shares in the responsibility to ensure a work environment free from all forms discrimination, including harassment and bullying.

Individuals are expected to promptly report any conduct that they are subject to, or that they witness, which may violate this Policy.

The Company provides several avenues of assistance for which an associate can go to report a claim: His/her department leader, their human resources business partner, or the EVP, Chief Human Resources Officer. It is our hope that by placing different individuals in charge of this Policy, you can freely discuss your complaint or inquiry with one of them even if you may not feel comfortable doing so with the other one. Alternatively, you may initially discuss the matter with any member of management, who will then bring your complaint to the attention of your human resources business partner or generalist. An associate may also contact the Compliance Helpline which operates 24/7/365 and can be accessed

via two methods: 1-877-229-4916 or [www.reportit.net](http://www.reportit.net).

However, in all cases the matter will be brought to the attention of human resources, because of the need for consistency and centralized decision-making in the implementation and enforcement of this Policy. In the event the human resources business partner or generalist is involved in the conduct that is the subject of the complaint, a different human resources business partner or the EVP, Chief Human Resources Officer will then have overall responsibility for the investigation of the complaint and the taking of any appropriate action. It is extremely important that this be reported so that Independent Health can stop such conduct at the earliest possible time. Reporting to Independent Health is critical, because if Independent Health does not know about the conduct, it cannot act.

### **CONFIDENTIALITY**

Complaints and inquires under this Policy will be kept confidential by the person(s) responsible for investigating these matters to the greatest extent practicable, consistent with the Company's need to conduct a thorough investigation so that it can take prompt and appropriate action.

### **INVESTIGATION**

All complaints will be thoroughly and promptly investigated. The nature and details of the investigation process will vary depending on the details of the complaint. The Company's objective in every instance is to make a fair determination of what happened so that it can take appropriate corrective action, if warranted, as soon as possible. The investigation may include, among other things interviews of witnesses and the person who is the subject of the complaint. At the conclusion of the investigation, the complainant will be notified of the findings, conclusion and any appropriate actions to be taken.

### **CORRECTIVE ACTION**

Immediate, appropriate disciplinary action will be taken on any associate who is determined to have committed discrimination, harassment, bullying, or retaliation in violation of this policy, up to and including termination of employment. Similarly, appropriate action will be taken or suggested if the employee of a customer, vendor, supplier, agency, contractor, or other entity with whom the Company does business engages in conduct that violates this Policy. In addition, when warranted, Independent Health may retrain associates concerning this Policy and what it means. Other forms of corrective action may also be called for depending on the circumstance.

### **ZERO TOLERANCE**

The Company has zero tolerance for the type of conduct described in this policy. Because of this, Independent Health may treat instances of similarly offensive conduct, which could include bullying, as a violation of this Policy, regardless of the specific wording of this Policy or technical definition in the law, and may deal with such conduct by any disciplinary measures or other forms of corrective action.

### **ANTI-RETALIATION**

The Company will not tolerate retaliatory action of any kind, taken by a supervisor or associate against an individual for exercising their rights under this Policy and any such retaliation will be considered a violation of this policy. This includes any retaliation for inquiring about rights or seeking remedy under this Policy or reporting or complaining or threatening to make a complaint about possible violations

under this policy, instituting a proceeding, or assisting in a complaint investigation, including providing truthful information to or testifying before any public body conducting an investigation, hearing or inquiry about a possible violation. Examples of retaliation include any action which would dissuade a reasonable associate from making or supporting a charge of unlawful discrimination or harassment or workplace bullying and may also include disclosing an associate's personnel files, except where such disclosure is made in the course of commencing or responding to a complaint in any proceeding under NY State Human Rights Law or any other civil or criminal action or other judicial or administrative proceeding as permitted by applicable law. Such retaliation against the Company's associates or customers, suppliers, vendors, temporary agency employees, contractors or those utilizing Independent Health's facilities or services is prohibited and will not be tolerated.

### **ASSOCIATES RESPONSIBILITIES**

**All associates** are responsible for completing any required training on this policy and reviewing any updates to this policy. Associates are expected to promptly report any conduct that they are subject to, or that they witness, which may violate this Policy.

### **ADDITIONAL RESPONSIBILITIES OF MANAGERS AND SUPERVISORS**

It is imperative that managers and supervisors set the tone for the enforcement of this policy. 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 either to their Human Resource Business Partner or the EVP Chief Human Resources Officer.

### **Definitions**

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**Associates:** includes all people employed by Independent Health, its subsidiaries or affiliated organizations in either a full-time, part-time or per diem status. ("Workers" in Workday)

**Contingent workers:** are external resources, not employed by Independent Health Association, its subsidiaries or affiliated organizations which include: Temporaries (including interns), Consultants, Contractors, Vendors and Board Members.

**Reproductive health decision making** is defined under the law as including, but not limited to, the decision to use or access a particular drug, device or medical service. The Company affirms the privacy rights of associates' medical records and will not access an associate's personal information regarding the associate's (or the associate's dependent's) reproductive health decisions, without the associate's prior informed affirmative written consent.

**Unlawful Discrimination** includes practices such as refusal to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment.

**Unlawful Harassment:** unwelcome conduct that is based on any protected class.

**Workplace bullying** is repeated, health-harming mistreatment in the form of verbal abuse, threats, intimidation, humiliation and work sabotage that undermines business and services.

**References**

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**Related Policies, Processes and Other Documents**

- Associate Handbook
- Corrective Action/Progressive Discipline Policy
- Equal Employment Opportunity Policy Statement

**Regulatory References**

- Title VII of the Civil Rights Act of 1964 (title VII)
- Civil Rights Act of 1991
- The Age Discrimination in Employment Act of 1967 (ADEA)
- Title I and Title V of the Americans with Disabilities Act of 1990 (ADA), as amended (ADA AA)
- Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA)
- Family and Medical Leave Act (FMLA)
- The Equal Pay Act of 1963 (EPA)
- New York State Human Rights Law
- New York State Labor Law Sections 201-g; 203-e
- State and local congruent laws

**Version Control**

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Sponsored By:

Name sponsor: Patricia Clabeaux  
 Title of sponsor: EVP, Chief Human Resources Officer  
 Signature of sponsor:



Revision Date	Owner	Notes
8/1/1999		Revised
10/1/2004		Revised

6/15/2005		Reviewed
9/3/2014	Jen Barr	Revised
3/9/2015	Jen Barr	Revised
12/17/2015	Jen Barr	Revised (updates; separate EEO policy statement)
2/15/2016	Jen Barr	Reviewed and Revised
6/21/2017	Jen Barr	Reviewed and revised-protected class, terminology
5/11/2018	Jen Barr	Reviewed and revised (updates to reporting)
10/8/2018	Jen Barr	Reviewed and updated (reference to new NY Sexual Harassment Law)
11/11/2019	Jen Barr	Updates (NYS HRL; Labor Law)
7/1/2020	Jen Barr	Updated to remove Evolve
7/1/2021	Jen Barr	Updated to remove DxID
5/1/2022	Jen Barr	Reviewed, updated anti-retaliation section

## Sexual Harassment Policy

Policy Number: A20181008080  
 Effective Date: 10/9/2018  
 Sponsoring Department: Human Resources  
 Impacted Department(s): Independent Health, its subsidiaries and affiliated organizations (IHC, IHF, PBD, Nova, Reliance)

**Type of Policy:**  Internal  External

**Data Classification:**  Confidential  Restricted  Public

### Applies to (Line of Business):

- Corporate (All)
- State Products, if yes which plan(s):  MediSource;  MediSource Connect;  Child Health Plus;  Essential Plan
- Medicare, if yes, which plan(s):  MAPD;  PDP
- Commercial, if yes, which type:  Large Group;  Small Group;  Individual

### Excluded Products within the Selected Lines of Business (LOB)

n/a

**Applicable to Vendors?** Yes  No

### Purpose and Applicability:

New York Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form for associates to report alleged incidents of sexual harassment. This policy applies to all associates, applicants for employment, contingent workers and persons conducting business, regardless of their immigration status, with Independent Health, its subsidiaries and affiliated organizations within New York State.

### Policy:

Independent Health, its subsidiaries and affiliated organizations (hereinafter “the company”) are committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All associates are required to work in a manner that

prevents sexual harassment in the workplace. This Policy is one component of the company's commitment to a discrimination-free work environment.

Sexual harassment is against the law. All associates have a legal right to a workplace free from sexual harassment, and associates are urged to report sexual harassment by filing a complaint internally with the company. Associates may also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. Additional information about the company's commitment to a discrimination-free work environment can be found in the **Nondiscrimination and Antiharassment Policy #A900800211**.

**Policy Provisions:**

Sexual harassment will not be tolerated. Any associate 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, warning, suspension, termination).

Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the associate reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. The company will not tolerate such retaliation against anyone who in good faith complains or provides information about suspected sexual harassment. Any associate of the company who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. Any associate or contingent worker working in the workplace who believes they have been subject to such retaliation should inform a supervisor, manager, or a Human Resources Business Partner or Generalist. Any associate or contingent worker who believes 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.

Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject the company to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Associates 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.

The company 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. The company will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All associates, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.

All associates are encouraged to report any harassment or behaviors that violate this policy. The company will provide all associates a complaint form for associates to report harassment and file complaints.

Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of to their Human Resources Business Partner or Generalist.

This policy applies to all associates and **contingent workers** and all must follow and uphold this policy. This policy will be provided to all associates and is available to all associates in the Independent Health Policy Library on Inside IH and will be provided to associates upon hire. The policy and/or complaint form is also available in Human Resources.

### **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 is unlawful when it subjects an individual to inferior terms, conditions or privileges of employment. Harassment need not be severe or pervasive to be unlawful and can be any harassing conduct that consists of more than petty slights or trivial inconveniences. 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
- 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 associate who feels harassed should complain 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 assaults of a sexual nature, such as:
  - Touching, pinching, patting, grabbing, brushing against another associate’s body or poking another associate’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, 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 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;
  - 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 associates and contingent workers, 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 associates are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by associates 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 would discourage a worker from coming forward to make or support a sexual harassment claim including but not limited to, disclosing an employee's personnel files, except where such disclosure is made in the course of commencing or responding to a complaint in any proceeding under NY State Human Rights Law or any other civil or criminal action or other judicial or administrative proceeding as permitted by applicable law. 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 associate has been sexually harassed; or
- encouraged a fellow associate to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of the 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.** The company cannot prevent or remedy sexual harassment unless it knows about it. Any associate, or contingent worker who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or a Human Resources Business Partner or Generalist. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or a Human Resources Business Partner or Generalist.

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 associates are encouraged to use this complaint form. Associates who are reporting sexual harassment on behalf of other associates should use the complaint form and note that it is on another associate's behalf.

Associates or contingent workers who believe they have been a victim of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

### **Supervisory Responsibilities**

All supervisors and managers 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 their Human Resources Business Partner or Generalist.

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

Supervisors and managers 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 confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded **due process**, to protect their rights to a fair and impartial investigation.

Any associate may be required to cooperate as needed in an investigation of suspected sexual harassment. The company will not tolerate retaliation against any associate who files complaints, supports another's complaint or participates in an investigation regarding a violation of this policy.

### **Legal Protections and External Remedies**

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

Aside from the internal process at the company, associates may also choose to pursue legal remedies with the following governmental entities.

### **State Human Rights (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** (three years beginning Aug. 12, 2020) 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 an HRL complaint in state court. You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR. Complaining internally to the company 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. 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. Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](https://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](https://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.

### **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.

## Definitions

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**Contingent Workers** -the various types include: temporaries, interns/students (paid or unpaid), consultants and contractors, vendors. This also includes Board Members who are external resources the organization utilizes to provide Board-related services.

**Due process**- while the process may vary from case to case, investigations will be done in accordance with the guidance provided by New York State.

## References

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### Related Policies, Processes and Other Documents

Complaint Form

Associate Handbook

### Regulatory References

New York State Labor Law Section 201-g

## Version Control

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### Sponsored By:

Name sponsor: Patricia Clabeaux

Title of sponsor: EVP, Chief Human Resources Officer

Signature of sponsor:



Revision Date	Owner	Notes
10/8/2019	Jen Barr	Updates from State 10/19 policy
7/1/2020	Jen Barr	Updated to remove Evolve
7/1/2021	Jen Barr	Updated to remove DxID
5/1/2022	Jen Barr	Reviewed; updated retaliation provision

## Complaint Form for Reporting Sexual Harassment

### ***Independent Health, its subsidiaries and affiliated organizations***

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to your Human Resources Business partner or Generalist via email or if you do not know who that is or prefer, you may also submit it to the Patricia Clabeaux, EVP, Chief Human Resources Officer at: [patricia.clabeaux@independenthealth.com](mailto:patricia.clabeaux@independenthealth.com) You may also choose to mail this to any of their attention to Human Resources, 511 Farber Lakes Dr., Buffalo, NY 14221. If you are more comfortable reporting verbally, or in another manner, please contact any of the resources listed above and the company will still follow its sexual harassment prevention policy by investigating the claims. You will not be retaliated against for filing a complaint. For additional resources, visit: [ny.gov/programs/combating-sexual-harassment-workplace](http://ny.gov/programs/combating-sexual-harassment-workplace)

### **COMPLAINANT INFORMATION**

Name:

Work Address:

Work Phone:

Job Title:

Email:

Select Preferred Communication Method:    Email    Phone    In person

### **SUPERVISORY INFORMATION**

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

### **COMPLAINT INFORMATION**

1. Your complaint of Sexual Harassment is made about:

Name:

Title:

Work Address:

Work Phone:

Relationship to you: Supervisor    Subordinate    Co-Worker    Other

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing?  Yes  No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

*The last question is optional but may help the investigation.*

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Drug-Free Workplace and Alcohol Policy**

Policy Number: A051128216  
 Effective Date: 11/28/2005  
 Sponsoring Department: Human Resources  
 Impacted Department(s): Independent Health, its subsidiaries and affiliated organizations (IHC, IHF, PBD, Nova, Reliance, DxID)

**Type of Policy:**  Internal  External

**Data Classification:**  Confidential  Restricted  Public

**Applies to (Line of Business):**

- Corporate (All)
- State Products, if yes which plan(s):  MediSource;  MediSource Connect;  Child Health Plus;  Essential Plan
- Medicare, if yes, which plan(s):  MAPD;  PDP
- Commercial, if yes, which type:  Large Group;  Small Group;  Individual

**Excluded Products within the Selected Lines of Business (LOB)**

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N/A

**Applicable to Vendors?** Yes  No

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**Purpose and Applicability:**

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Independent Health Association, its subsidiaries and affiliated organizations have always been committed to a drug-free workplace. Federal law requires Independent Health Association to formally state its policy regarding a drug-free workplace. Additionally, to maintain the safety and health of our

associates, our customers and the public, this policy also prohibits the abuse of alcohol in the workplace.

## **Policy:**

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It is the intent and obligation of Independent Health Association to provide a drug-free environment. Independent Health Association, its subsidiaries and affiliated organizations (hereinafter the “Company”) absolutely prohibit the unlawful manufacture, distribution, dispensing, sale, possession or use of a controlled substance on its premises or while conducting company business off company premises. (Note: Any certified patient or registered caregiver must be in possession of his/her registry identification card at all times when in immediate possession of medical marijuana.) The dispensing, sale, or use of alcohol is also prohibited on its premises, unless at an approved company-sponsored event. All associates are prohibited from performing their employment duties while impaired by a controlled substance or alcohol. This includes any associate who is a certified patient under the law. This policy also covers **contingent workers** when they are on-site and/or performing services for the Company.

Any associate who has knowledge of another associate or contingent worker violating this policy should immediately contact his or her department leader or human resources business partner. In the enforcement of this policy, Independent Health complies with the Americans with Disabilities Act (ADA), New York Human Rights Law and other applicable state laws and regulations.

Independent Health requires that all **final candidates (Includes Reliance Rx transfers)** and **contingent workers** who have been selected for hire undergo a drug screening test prior to their hire date. All final candidates and contingent workers must pass the screening as a condition of employment. This also includes any external candidate or contingent worker who has been selected for re-hire with the company and has not had a drug screen within one year of re-hire, will be required to submit to a new drug screen before his/her re-hire date. Results must be received, reviewed and approved by Human Resources prior to the individual’s first day of work. Additionally, all new hires are required to sign off upon review of this policy.

As part of the company’s program to maintain a drug and alcohol-free work environment, an associate could be required to submit to a drug and/or alcohol test. (See below Reasonable suspicion testing)

Contingent workers working for Independent Health Association, its subsidiaries or affiliated organizations will be subject to screening completed by the agency/vendor. The SOW process requires the Contingent Worker Checklist is to be completed on each contingent worker. The vendor they are currently employed through will conduct the testing. This checklist is to be completed, signed and sent back to Human Resources prior to the first day of work. This checklist pertains to any contingent worker working on or offsite, and remotely with no physical access to our buildings.

Standard test for pre-hires and associates is a 10-panel urinalysis with an expanded opiates panel which includes:

6-Acetylmorphine (Heroin)  
Amphetamines  
Barbiturates

*Restricted*

Benzodiazepines  
Cocaine  
Methadone  
Methaqualone  
Opiates  
Phencyclidine (PCP)  
Propoxyphene

The urinalysis screen will also include creatine, nitrates and pH levels with abnormal levels to be reviewed by the MRO to validate against a false negative due to potential adulteration.

### Conditions for Testing

**Pre-hire testing:** All job applicants who receive a conditional offer of employment with Independent Health, its subsidiary or affiliated organization are required to undergo testing for the presence of illegal drugs as a condition of employment. **Contingent workers** will also be required to undergo a drug screening test prior to their start date.

Should the company (other than Reliance Rx) extend an offer of employment to a current contingent worker, thus converting their employment status from contingent to associate status, the drug screening results completed by the agency will satisfy the pre-employment screening requirement as a condition of employment as long as the results were completed within a one-year period to the date of the offer of employment. Should the company be unable to obtain the screening results from the agency, the individual will be required to undergo the drug screening test again.

**Reasonable suspicion testing:** If any associate is found, or reasonably suspected to be, impaired by controlled substance or alcohol at work, he or she may be subject to drug or alcohol testing and transported to a company-testing facility. Accordingly, applicants and associates are required to sign a consent agreement and to submit voluntarily to a urinalysis and/or breathalyzer test at a laboratory chosen by the company and at the request of the company.

In the event there is a reasonable suspicion that an associate may be impaired by a controlled substance or alcohol while in the workplace or while performing his/her employment duties, the associate's manager or supervisor should immediately contact their human resources business partner. The human resources business partner will work with the manager or supervisor to determine if testing is warranted and/or the appropriate course of action. In the event the reasonable suspicion is confirmed and testing is necessary, the associate will be escorted by a company representative, and following the test, be given transportation home pending receipt of the results. The associate will be contacted by human resources regarding return to work status. In the event of reasonable suspicion of drug or alcohol abuse involving a contingent worker, the Company will work directly with the agency/vendor of the contingent worker. A confirmation of impairment or intoxication on company premises or while conducting company business off company premises, either through admission, testing, or refusal to test may result in disciplinary action up to and including termination of employment.

Examples of situations or events that could be indicators of substance abuse and constitute reasonable suspicion include, but are not limited to:

- Observed alcohol or drug use during work hours;
- Unusual or aberrant behavior or apparent physical state of impairment;
- Incoherent mental state;
- Possession, sale, or distribution of drugs and/or alcohol during working hours;
- Excessive absenteeism and/or tardiness;
- Serious accidents or incidents in which safety precautions were violated or unusually careless acts were performed; and
- Deteriorating work performance below acceptable standards not attributable to other factors

Inspection and search based upon reasonable suspicion:

All company lockers, desks, files and vehicles parked on company property are subject to inspection based upon reasonable suspicion that the user or operator is involved with controlled substances or alcohol abuse.

### **Effects of Positive Testing**

In the event of a positive test result, the **Medical Review Officer (MRO)** from the contracted laboratory first contacts the associate or prospective associate with the results. The MRO then conducts an interview to determine if the result is due to any prescribed medication or extenuating circumstances. If there is verifiable evidence of a legally prescribed medication or any other medical reason for the confirmed positive result, the MRO has the authority to overturn this. A second drug test may be requested at that time. The MRO notifies the plan administrator designated to receive this confidential information.

### **Voluntary Reporting**

Independent Health Association recognizes that alcohol and drug dependency and abuse are potential health, safety, and security problems. Independent Health Association recognizes that alcoholism and drug addiction are diseases and associates needing help in dealing with such problems, or a potential drug or alcohol abuse problem, are encouraged to use our Employee Assistance Program and health insurance plans as appropriate. Independent Health Association recognizes an individual may be a recovered/recovering alcoholic or drug addict and as such efforts to seek such help will not jeopardize any associate's job and will not be noted in any personnel record. For this reason, the Company will not initiate disciplinary action against any associate who meets all three of these conditions:

- Voluntarily identifies him/herself as abusing drugs or alcohol before they are identified through other means;
- Obtains counseling or rehabilitation through a designated treatment program; and
- Thereafter refrains from the abuse of drugs and alcohol.

Because the key to this provision's rehabilitative effectiveness is an associate's willingness to admit his or her problem, this provision is not available to an associate who requests protection under this provision after:

- Being asked to provide a breathalyzer test and/or urine or blood sample in accordance with this policy; or
- Having been found to have used illegal drugs through direct observation; evidence obtained from an arrest or criminal conviction; a verified positive test result.

As an individual who is currently using drugs illegally is not protected in this regard. As defined under the New York Human Rights law, the current illegal use of drugs means the illegal use of drugs that occurred recently enough to justify a reasonable belief that a person's drug use is current or that continuing use is a real or on-going problem.

**Impact to Pre-Hires:** Applicants who fail the drug test are denied employment. Such applicants may reapply for employment after a period of 12 months.

**Associates:** Associates will be subject to an assessment by a recognized treatment program in lieu of discharge whereby the associate would be required to complete any directives given by medical personnel. This may involve a leave of absence and/or any inpatient or out-patient treatment program, follow-up counseling, therapy, appointments and similar care. The associate is responsible for any such expenses of rehabilitation, although he/she may qualify for disability benefits during a leave of absence. Associate must authorize the release of information and assist Independent Health or its affiliate in obtaining what information is needed to monitor progress in rehabilitation. An associate's refusal to participate in and satisfactorily complete any required treatment will result in discipline, up to and including termination.

Any associate who agrees to participate in a recognized drug and/or alcohol rehabilitation program as a condition of continued employment or when the associate is cleared to return to work from such program is required to submit to unannounced drug/alcohol tests for the next three (3) years at the discretion of the company. A positive result from an unannounced drug or alcohol test could result in disciplinary action up to and including termination.

**Prohibited Workplace Conduct:** The unlawful manufacture, distribution, dispensing, sale, possession or use of a controlled substance on its premises or while conducting company business off company premises. Additionally, the distribution, dispensing, sale, possession or use of alcohol is also prohibited on its premises, unless at an approved company-sponsored event. (An associate who under the law is a certified patient or registered caregiver must be in possession of his/her registry identification card at all times when in immediate possession of medical marijuana.) Conduct also prohibited under this policy includes:

- Reporting to work intoxicated or impaired by alcohol or controlled substances.
- Knowingly allowing another associate to violate this policy.
- Switching or adulterating any urine or blood sample submitted for testing.
- Refusing to participate in a drug test or Breathalyzer test.
- Refusing to cooperate in an investigation under this policy.
- Failing to adhere to requirements of a treatment program.

**Insubordination:** Refusal to cooperate in any and all areas of this policy could lead to immediate suspension and/or termination.

**Illegal Conduct:** Conduct whereby the associate has been charged with the unlawful manufacture, distribution, dispensation, sale, possession or use of an illegal substance. (Such associate is not permitted to return to work until the occurrence is investigated and a determination is made whether discipline may be appropriate as based on the disposition of the charges)

The severity of the corrective actions depends upon the circumstances of each case, and the nature of conduct for any violation as outlined under this policy and may include termination of employment.

### **Confidentiality**

Independent Health guarantees that all information attained from the process will only be used as part of the employment process and kept strictly confidential. Such records shall remain confidential, locked and accessible only to authorized individuals involved in the process and kept separate from the regular personnel files. Talent Acquisition will be notified of any drug screen results obtained in connection with any applicants as part of the hiring process. The results of any verified positive test on a current associate will be given to the Human Resources Business Partner for appropriate action and follow-up with the associate and the associate's manager/supervisor.

### **Adherence & Reporting**

Associates must, as a condition of employment, abide by the terms of the above policy and report any conviction under a criminal drug statute for violations occurring on or off company premises or while conducting company business. A report of a conviction must be made to human resources within five (5) days after the conviction as mandated by the Drug-Free Workplace Act of 1988. Any violations of this policy may result in disciplinary action up to and including termination.

### **Anti-Retaliation**

Independent Health will not tolerate retaliatory action of any kind, taken by a supervisor or associate against an associate who has followed Independent Health's policies to notify Independent Health Management of on-the-job drug use or safety violations under this policy.

## **Definitions**

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**Contingent workers** - Temporaries (including interns), contractors, consultants, vendors and Board members who are on-site either for an extended period of time or come on-site frequently due to nature of work performed.

**Final Candidate** - external candidate who has been extended a contingent offer for employment. (This does not include associates who transfer between Independent Health, its subsidiaries and affiliated organizations, other than transfers to Reliance Rx.)

**Reliance Rx Transfer** - An internal candidate within the Independent Health family of companies (Independent Health Association, its subsidiaries and affiliated organizations) taking a position with Reliance Rx.

**Medical Marijuana** - is a plant-based medicine from the *Cannabis* species with three major active compounds: THC, CBD, and CBN.

**Medical Review Officer (MRO)** - licensed physician (M.D.) with training in substance abuse who utilizes their in-depth understanding of the protocols and chain of custody requirements involved in drug testing to protect the rights and confidentiality of both employer and employee.

## References

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### Related Policies, Processes and Other Documents

Associate Handbook

### Regulatory References

- Americans with Disabilities Act (ADA)
- New York Human Rights Law
- New York Compassionate Care Act
- Drug-Free Workplace Act of 1988

## Version Control

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### Sponsored By:

Name sponsor: Patricia Clabeaux

Title of sponsor: EVP, Chief HR Officer

Signature of sponsor:



Revision Date	Owner	Notes
5/21/2013	Amy Schweizer	Revised
4/2/2015	Jen Barr	Reviewed and Revised
10/1/2015	Jen Barr	Revised (Drug Free Workplace Act)
3/1/2016	Jen Barr	Revised
7/21/2016	Jen Barr	Revised
3/24/2017	Jen Barr	Reviewed and revised
5/10/2017	Jen Barr	Revised
10/23/2017	Jen Bar	Revised- expanded test panel
12/20/2017	Jen Barr	Revised to specify rehires
1/9/2018	Jen Barr	Revised re: Reliance
11/1/2019	Jen Barr	Updated
4/15/2020	Jen Barr	Revised contingent conversion pre-employment screening process
7/8/2020	Jen Barr	Updated (removed marijuana from screening)
11/17/2020	Jen Barr	Added Heroin and pH to screening panel
12/1/2020	Jen Barr	Put Creatinine and Nitrates back on the

		panel. Hydrocodone and Hydromorphone and/or Oxycodone and Oxymorphone are now part of the Opiates category
6/1/2021	Jen Barr	Update to panel

## Mobile Device and External Network Services Use Policy

Policy Number: A20121114036

Effective Date: 11/14/2012

Sponsoring Department: IT/HR

Impacted Department(s): PBD, Nova

**Type of Policy:**  Internal  External

**Data Classification:**  Confidential  Restricted  Public

### Applies to (Line of Business):

- Corporate (All)
- State Products, if yes which plan(s):  MediSource;  MediSource Connect;  Child Health Plus;  Essential Plan
- Medicare, if yes, which plan(s):  MAPD;  PDP;  CSNP;  ISNP
- Commercial, if yes, which type:  Large Group;  Small Group;  Individual

### Excluded Products within the Selected Lines of Business (LOB)

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None

**Applicable to Vendors?** Yes  No

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### Purpose and Applicability:

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The purpose of this policy is to define:

1. Eligibility and requirements for the issuance of company-paid and personal devices (BYOD);
2. External, off-network access to Independent Health's Office 365 services ("External Network Services"); and,
3. Associate and selected contractors responsibilities and obligations for using these services.

These services are eligible to associates and selected contractors at Independent Health.

## **Policy:**

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### **Company-Paid Devices and Cellular Plans**

Independent Health shall provide a company-paid cellular plan and device to associates and selected contractors only upon demonstrated need and written approval by the Vice President in the relevant business area. IHA subsidiaries also included in this policy are: PBD and Foundation.

Associates who are approved to have a company-paid device will be provided with the following options for a device:

Provided with a company-issued device and service

OR

Transfer current personal mobile number to a company-issued iPhone

The company issued device will have access to Independent Health's approved External Network Services.

Associates who are not eligible to have a company-paid device will have the option to access Independent Health's approved External Network Services on their personal device ("BYOD"), subject to manager approval as described further in this policy.

### **Eligibility:**

Before issuance of any company-paid device as described above, Human Resources will approve all such requests on the following basis:

- The associate or contractor has a demonstrated business need and has written approval by the Vice President in his/her business area.
- The level of associate and whether classified as exempt or non-exempt. Human Resources will review the business necessity for any non-exempt associate and ensure all associates who are issued a device are instructed to follow the Hours of Work Policy when utilizing the device outside of their regular work schedule.
- A SOM request must be submitted by the manager and approved by the VP of the department and an HR business partner
- Mobile device management (MDM) software will be installed on all issued mobile devices and must remain on the device for the duration the cellular plan is charged to Independent Health.

### **Porting of Device:**

Associates who are eligible for a company issued device have the option of porting over their personal phone number to an Independent Health issued mobile device. When selecting this option, the associate must surrender their personal mobile device to IH and will be provided with a device upon converting. If/when the associate leaves IH, the associate will be allowed to keep the IH issued mobile device and mobile number at no cost after removal of Independent Health's data and/or applications.

**Roaming:**

If an employee is traveling outside of the country, the associate must contact the ServiceDesk to allow IHA to make a temporary change to their contract to include roaming. This will insure that we are not incurring additional costs to our enterprise mobile agreement. Associates may be subject to disciplinary action for failure to comply with this policy.

**Personal Device Use of External Network Services (“BYOD”):**

Under the BYOD program, associates may request their manager provide approval to access External Network Services from their personal device. This can be accomplished by having the associate submit a SOM request with approval required by the associate's manager.

Associates will be limited to two mobile devices with access to the External Network Services.

Talk, text, and non-External Network Services data usage will not be monitored by Independent Health, and will only be limited based on the associate's cell service and data/Internet service provider (ISP) plans.

Access to Independent Health wireless networks is not allowed for personal or BYOD devices. The storage, recording, or entering of Independent Health member data (PHI/PII), confidential business information (CBI), or other sensitive content to Independent Health unmanaged applications or to the device directly is strictly prohibited. Independent Health reserves the right to suspend access to company resources without notice. Associates are personally liable for all costs associated with their BYOD devices, and for all risks including, but not limited to, the complete loss of company and personal data due to an operating system crash, errors, bugs, viruses, malware, and/or other software or hardware failures, or programming errors that render the device unusable. By utilizing the IH BYOD program, the associate agrees to fully comply with Independent Health Human Resources, Information Security, and IT requirements and to fully cooperate in any investigation (including but not limited to regulatory, audit, and forensics investigation). related to their access of External Network Services from their personal device and which may include providing access to their personal device for these purposes.

## **Independent Health External Network Services:**

Independent Health External Network Services will be restricted to specific applications on the mobile device or device being used to access the External Network Services. Independent Health reserves the right to add, modify, change or disable the use of all or a portion of the External Network Services allowed for use without prior notice.

External Network Service applications allowed for use will be password protected and cloud sync will be disabled. Associates are encouraged not to store personal data in company Network Service applications.

## **Associate Obligations and Responsibility**

- Associates and contractors agree to abide by this policy in whole before they are provided any mobile device or wireless internet device and before they are granted access to any Independent Health External Network Services.
- Associates and contractors have no expectation of privacy when utilizing Independent Health devices or External Network Services. Independent Health monitors devices for compliance with this policy and configuration requirements, and sign-ons to External Network Services will have additional data such as location logged.
- Associates and contractors must abide by all additional requirements for using Independent Health data and information assets as articulated in the Acceptable Use Policy, the Code of Conduct, Associate Handbook and any other relevant or applicable Independent Health policies as may be amended from time to time.
- Any/all Information (example: pictures of whiteboards, email, written or spoken notes) created on a device which pertains to Independent Health business or the business of its affiliates or subsidiaries is considered property of Independent Health and falls within the scope of this policy.
- Independent Health will provide support for all mobile and/or wireless device issues related to our External Network Services and/or the MDM software for company-paid devices. Company-paid devices in need of repair must enter a service desk ticket. The Service Desk will be responsible for following up with the associate and resolving the issue. Independent Health will not provide support for personal owned, BYOD devices.
- Associates and contractors are provided a case for their company-paid mobile device by Independent Health and required to keep it on the device.
- Associates and contractors are required to maintain reasonable physical and logical protection over devices used to access the External Network Services.
- Independent Health is specifically authorized to load MDM software on company-paid devices and require security features be enabled on all devices to ensure they comply with Independent Health's information security policy. Independent Health reserves the right to add, modify, change or disable certain device features required to support Independent Health's information security policies without prior notice. Associates are prohibited from attempting to circumvent the control features

that the MDM software and information security policies will enable (e.g., strong passwords, encryption, and others). Associates and contractors are prohibited from tampering with, uninstalling or otherwise attempting to circumvent the Independent Health MDM technology and policies at any time. Further, associates are prohibited from accessing External Network Services from a “rooted” or “jailbroken” phone.

- Independent Health reserves the right to take possession of any device at any time should it determine, in its sole discretion, that it is needed to maintain and support the legal status of Independent Health or any of its affiliates or subsidiaries. Such legal status includes but is not limited to the protection of Personal Health Information or Confidential Business Information. In order to take possession, approval from Independent Health Counsel, an HR Business Partner, or Chief Information Security Officer must be obtained in writing and be presented to Independent Health Counsel.
- Company-paid mobile devices, when their useful lifespan has reached its end (either due to contract completion, reaching device renewal thresholds, or general deficiencies in the usefulness of the device to meet its intended purpose) or due to damage or no longer meeting the intended purpose must be returned to the IH Service Desk for accounting purposes. If needed, new devices will be provided. Such devices, if not refurbished, shall be wiped and returned to the vendor for credit.
- Associates must maintain the latest operating system version on their device to maintain access to External Network Services. If a device is unable to run a sufficiently up to date version of an operating system, it may not be allowed to access the External Network Services.
- Independent Health will remove all corporate data from the device when an associate’s employment ends, the device is lost, or IT detects a data or policy breach, virus, or similar threat to the security of the company’s data and technology infrastructure.

## **Device Loss, Theft, and Damage:**

Associates and contractors must report any lost or stolen device which may have access to Independent Health data or External Network Services immediately and within a maximum of one (1) business day of discovery. Lost and stolen devices are to be reported to the IT Service Desk and Information Risk Office. Independent Health will assess the loss or damage to the device on a case by case basis.

In the event the device is unrecoverable, Independent Health will remove all company data from the device. While Independent Health does not expect needing to use wiping features regularly, it is acknowledged that other data may be wiped as an unintended effect of the partial wipe process. Should the associate or contractor desire a full wipe of a lost or stolen device to protect their personal information, the IH Service Desk will accommodate the request.

Any remaining devices which experience physical or other types of damage should be reported to the IH Service Desk immediately so they may be serviced. All attempts will be made to recover data from the devices; however, IH may be unable to restore personal data as a result. Associates should ensure any personal data on a phone has been backed up for recovery purposes.

## **Hours Worked:**

Associates utilizing a device to perform work (including: checking and responding to work related phone calls, emails, texts, and voice mails) during their work day or outside of their regular work schedule, should record such time worked in accordance with the Hours Worked Policy.

## **Separation of Employment:**

For company-paid devices, Human Resources will work with IT as part of its Separation Process to ensure the associate returns the device to IT prior to their last day of employment or service, or when their business need for the device(s) expires, whichever occurs first. An associate, who previously transferred his/her personal mobile number to the company-paid device, will work directly with IT to reclaim his/her personal mobile number and the device.

Upon the date of separation, IH will “wipe” (remove) the MDM software, company applications and company data from the associate or contractor’s device. While this wipe is limited to the company data managed by the MDM software, the user acknowledges that other data may be lost as an unintended effect of the partial wipe. The IH Service Desk will be available, prior to the date of separation, to facilitate the removal of Independent Health data to help ensure the protection of personal data if requested by the separating party.

Should an associate or contractor not return or present a device for wiping as stated in this section, or due to the sensitivity of a termination (to be determined in the sole discretion of Independent Health), Independent Health reserves the right to remotely remove the MDM software, Independent Health data, company applications and any other company data from the device(s) upon separation.

Separated associates and contractors are not authorized to use or restore any application or data that originated through the relationship with Independent Health.

## **Associates who no Longer Require Independent Health Issued Mobile Services:**

When it has been determined that the Associate’s position no longer requires mobile service, Independent Health has the authority to cancel the contract with the service provider.

- If the associate was provided an Independent Health mobile device and service, they must relinquish the device.
- If the associate previously ported their personal phone number to an Independent Health business mobile account, they will be allowed to keep the IH issued device and mobile number at no cost.

## **Enforcement & Agreement:**

All associates and contractors issued a company-paid device or access External Network Services under this policy will be required to read and sign the IH Mobile Device and External Network Services Attestation within the SOM request and approval process. Failure to adhere to any of the terms of the policy and attestation may result in disciplinary action up to and including termination.

## Definitions

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### **IH Data**

Any information system, asset, or file where confidential or restricted information is collected, stored, processed, transmitted, or destroyed.

### **Eligible Persons**

All Director level and above, IT on-call associates and outside sales team members.

### **Jail Break/Root**

An attempt to circumvent a mobile device's operating system.

### **Media Tablet**

A media tablet is an open-face wireless device with a touchscreen display and optional physical keyboards. The primary use is the consumption of media; it also has messaging, scheduling, email, and Internet capabilities. Diagonal screen dimensions are typically between 5 inches and 10 inches.

### **Mobile Applications**

Mobile applications are software programs running on a mobile device that provide a specific function or functionality.

### **Mobile Device**

A mobile device is any mobile phone, smartphone or media tablet. Unless otherwise stated, mobile devices refer to any mobile phone, smart phone, or media tablet that is either personally owned by an associate or provided to an associate by IH (IH owned and paid for).

### **Mobile Device Management (MDM) Software**

Mobile device management software is any software used to manage the security, privacy, and general use of information and applications residing on or accessed through mobile devices.

### **Smartphone**

A smartphone is a mobile device with general computing capabilities and the ability to run productivity and lifestyle applications while also allowing users to interact with others via voice, messaging, scheduling, email and the Internet.

### **Wireless Internet Device**

A device that provides internet connectivity to a portable device (e.g., an over-the-air mobile connectivity computer card provided by Verizon)

**RESPONSIBLE DEPARTMENTS:**

All Departments

**APPLICABLE VENDOR(S):**

N/A

## References

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**Related Policies, Processes and Other Documents**

- Code of Conduct
- IH Record Retention Policy
- Associate Handbook
- Hours Worked Policy
- Acceptable Use Policy

**Regulatory References**

List all regulatory references used within this policy.

## Version Control

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Sponsored By:

Name sponsor: Bill St George

Title of sponsor: Director – IT Service Delivery

Signature of sponsor:

Revision Date	Owner	Notes
10/23/2015	Michael Hastings	Updated policy
10/16/2017	Michael Hastings	IT -Nick Mislin no change, HR Jen Barr and Sandy Calandra add Evolve
10/9/2018	Michael Hastings	Nick Mislin reviewed no updates needed.
11/8/2019	Michael Hastings	Allison Letson, Nick Mislin, Sandy Calandra and Jen Barr added updates due to BYOD

11/9/2020	Bill St George	Remove Evolve, Change sponsor to Bill, removed reference to the 'expense' on page 2 and 'all costs' on page 5, changed help desk to Service Desk in 7 places
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