



## HEALTH RESOURCES AND SERVICES ADMINISTRATION (HRSA) POLICY STATEMENTS ON EQUAL EMPLOYMENT OPPORTUNITY (EEO) AND PROHIBITED DISCRIMINATION AND ANTI-HARASSMENT

### HRSA's EEO and Prohibited Discrimination Policy

As HRSA strives to improve community health and achieve health equity, HRSA will continue to foster a work environment free from unlawful discrimination. HRSA will not tolerate employment discrimination on the bases of age, disability (mental, physical or sensory), genetic information (including family medical history), national origin, pregnancy, race or color, religion, retaliation, sex (including gender identity and sexual orientation), or any other status protected by federal laws and regulations.

In addition, HRSA is committed to ensuring a workplace free of discrimination and harassment based on: family or parental status, marital, civil union or domestic partnership status, past or present military service and political affiliation. These protections extend to all personnel and employment programs, management practices and decisions, including, but not limited to appraisal systems, merit promotions, recruitment and hiring practices (including transfers and reassignments), training and career development programs, benefits, and separations. These protections ensure all employees have the freedom to perform their job duties and compete for development and promotional opportunities on a fair and level playing field with equal opportunity. HRSA will also provide reasonable accommodations to qualified individuals with disabilities and accommodations for religious practices in accordance with applicable laws and procedures.

HRSA's Office of Civil Rights, Diversity and Inclusion (OCRDI) is responsible for administering an impartial and effective [EEO complaint program](#) to address and resolve complaints of employment discrimination at the earliest possible stage. Employees may report allegations of discrimination to OCRDI at 5600 Fishers Lane, 14N152, Rockville, MD, (301) 443-5636, or [eeocomplaints@hrsa.gov](mailto:eeocomplaints@hrsa.gov). The regulations governing the federal sector EEO complaint process are found in [Title 29 of the Code of federal regulations](#) (C.F.R.) Part 1614.

Employees seeking redress under this process must contact an EEO counselor in person, by phone, email, or in writing within **45 calendar days** of the date of the alleged incident, or they may raise discrimination issues through the [administrative or negotiated grievance procedures](#), as appropriate. Employees may also report allegations to their immediate supervisor or a management official in their chain of command. While an employee may raise a discrimination allegation through these additional avenues, doing so does not constitute initiation of an EEO complaint with an EEO counselor through the federal sector EEO complaint process, and does not extend the 45-day time limit to initiate an EEO complaint with OCRDI. Managers and supervisors are responsible for adhering to this policy.

## **HRSA's Anti-Harassment Policy**

Harassment by or against employees, applicants for employment, contract employees, clients, customers, and anyone conducting business with HRSA is strictly prohibited. This prohibition extends to any form of workplace harassment, including sexual harassment, based on age, disability (mental, physical or sensory), genetic information (including family medical history), national origin, pregnancy, race or color, religion, retaliation, sex (including gender identity and sexual orientation), or any other status protected by federal laws and regulations. The primary goal of this policy is to ensure HRSA provides a work environment free from harassment by ensuring that unwelcome conduct is timely addressed before it rises to the level of illegal harassment.

Sexual harassment involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (1) submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of one's employment, (2) submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or (3) such conduct interferes with an individual's performance or creates an intimidating, hostile, or offensive work environment. Offensive conduct may include, but is not limited to, verbal conduct that could include sexual epithets, unwanted flirtations, improper touching or assault, sexually explicit or derogatory posters, cartoons or drawings, obscene gestures, sexually offensive jokes, and making sexual comments or jokes about someone's sexual orientation or gender reassignment.

Workplace non-sexual harassment is defined as any unwelcome, hostile, or offensive conduct that interferes with an individual's performance or creates an intimidating, hostile, or offensive work environment. Non-sexual harassment becomes illegal when: (1) enduring the offensive conduct becomes a condition of continued employment or (2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Offensive conduct 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, and offensive objects or pictures.

Both supervisors and employees bear responsibility in maintaining a work environment free from workplace and sexual harassment. Employees should immediately report such conduct to their supervisor, another management official, Office of Human Resources (OHR), or OCRDI. Harassment claims will be handled confidentially to the greatest extent possible. If an employee brings an issue of harassment to a supervisor's attention, the supervisor must promptly consult with an OHR labor and employee relations specialist who will conduct a prompt, thorough, and fair investigation into the matter within 10 calendar days of receiving the harassment claims, and take immediate and appropriate corrective action, as necessary, within 60 calendar days of receiving notice of a harassment allegation. Allegations of discrimination and harassment will be taken seriously and appropriate corrective action, up to and including termination will be taken, if allegations are substantiated.

HRSA will not tolerate retaliation against any employee for reporting matters under this policy or procedure, or for assisting in any inquiry about such a report. Supervisors are strongly encouraged to seek guidance from OCRDI staff, OHR staff, or the Office of the General Counsel when addressing issues of discrimination, retaliation, or harassment.

July 27, 2021

/Diana Espinosa/

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Date

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Diana Espinosa, Acting Administrator

## APPENDIX

### **Related Laws, Executive Orders, and Resources:**

Title VII of the Civil Rights Act of 1964: <https://www.eeoc.gov/laws/statutes/titlevii.cfm>

Rehabilitation Act of 1973, as amended: <http://www.eeoc.gov/laws/statutes/rehab.cfm>

Age Discrimination in Employment Act of 1967, as amended:

<http://www.eeoc.gov/laws/types/age.cfm>

Equal Pay Act of 1963, as amended: <http://www.eeoc.gov/laws/statutes/epa.cfm>

Guidelines on Religious Exercise and Religious Expression in the Federal Workplace:

<http://www.eeoc.gov/laws/types/religion.cfm>

Pregnancy Discrimination Act of 1978: <http://www.eeoc.gov/laws/statutes/pregnancy.cfm>

Genetic Information Nondiscrimination Act of 2008:

<http://www.eeoc.gov/laws/statutes/gina.cfm>

Executive Order 13152, as amended by Executive Order 11478:

<http://www.archives.gov/federal-register/codification/executive-order/11478.html>

Executive Order 11478, as amended by Executive Order 13087:

<http://www.eeoc.gov/federal/otherprotections.cfm>

U.S. Office of Special Counsel: <http://www.osc.gov>

Processing Complaints of Discrimination by Lesbian, Gay, Bisexual, and Transgender (LGBT)

Federal Employees: [https://www.eeoc.gov/federal/directives/lgbt\\_complaint\\_processing.cfm](https://www.eeoc.gov/federal/directives/lgbt_complaint_processing.cfm)

U.S. Supreme Court's Decision on LGBTQ+ confirming Title VII of the Civil Rights Act of 1964, which prohibits sex discrimination, applies to discrimination based on sexual orientation and gender identity.

[https://www.supremecourt.gov/opinions/19pdf/17-1618\\_hfc.i.pdf](https://www.supremecourt.gov/opinions/19pdf/17-1618_hfc.i.pdf)

HRSA's Handling Workplace Harassment Policy:

<https://sharepoint.hrsa.gov/oo/ohr/SitePages/Work%20Place%20Issues.aspx>