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**ATTORNEY CLIENT PRIVILEGED**

Date: September 30, 2021

To: BoCC

From: Don Steerman

RE: Hostile Work Investigation Report

On July 13, 2021, the Board of County Commissioners of Rio Blanco County authorized the County Attorney's Office to contract with Employers Council to conduct an independent investigation into allegations of a hostile work environment made by six current or former employees.

On or about September 23, 2021, Employers Council provided a detailed report to the County Attorney regarding their investigation. The conclusion of the report states as follows:

*"Six current and former RBC employees perceive they have been subjected to a 'hostile work environment' by the Board and/or other RBC employees. Five complaints did not assert any protected classification. One Employee, (redacted) claims the Board took alleged action against her because of her political beliefs, but that is not a protected classification."*  
(underline added for emphasis)

According to according to the U.S. Equal Employment Opportunity Commission (EEOC), an environment can become hostile when the following occurs:

- Unwelcome conduct, or harassment, is based on race, sex, pregnancy, religion, national origin, age, disability or genetics, and the harassment is continued and long lasting, and it is severe enough that the environment becomes intimidating, offensive or abusive.

While the report addresses several allegations, it is important to note that the specific claim of a hostile work environment was not substantiated by the investigation. At this time, the full report cannot be released either through the County Attorney's office or a CORA request. This report is currently held by me the County Attorney as an attorney work product.

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In addition, an investigatory report may be withheld pursuant to CRS 24-72-204 provided as follows:

(IX) (A) Any records of ongoing civil or administrative investigations conducted by the state or an agency of the state in furtherance of their statutory authority to protect the public health, welfare, or safety unless the investigation focuses on a person or persons inside of the investigative agency.

(B) Upon conclusion of a civil or administrative investigation that is closed because no further investigation, discipline, or other agency response is warranted, all records not exempt pursuant to any other law are open to inspection; except that the custodian may remove the name or other personal identifying or financial information of witnesses or targets of such closed investigations from investigative records prior to inspection.

Since there are items in the report that potentially could necessitate further investigation, or other agency response may be warranted, the report cannot be released at this time. Once these items have been addressed, I recommend that the report be redacted and released pursuant to the CORA statutes.

Sincerely,



Donald L. Steerman

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**Donald L. Steerman, Rio Blanco County Attorney**

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