

POLICY 204.04: NO HARASSMENT/NO RETALIATION POLICY

OBJECTIVE

To define harassment, including sexual harassment, and retaliation, to establish the Aviation Authority's prohibition of harassment and retaliation, to be consistent with the Florida Whistle-Blower's Act, and to establish a reporting and investigation procedure for complaints made by employees of sexual and other forms of harassment or retaliation.

POLICY

It is the intent of the Aviation Authority that this Procedure be consistent with the Florida Whistle-Blower's Act, Florida Statutes, which prohibits the Aviation Authority from taking retaliatory action against employees who report certain types of improprieties.

Employees are encouraged to report suspected wrongdoing and may not attempt to discourage other employees from doing that same.

DEFINITIONS

Sexual Harassment. The Aviation Authority considers sexual harassment to be actions or conduct of the following nature, directed by a person at another person of the same or opposite gender, which a reasonable person may find offensive:

- Unwelcome sexual advances;
- Demands for sexual contact in exchange for favorable treatment or continued employment, or threats or demands to submit to sexual requests in order to obtain or retain any employment benefit;
- Derogatory comments, slurs, insults, or verbal abuse of a sexual nature, or comments of a sexual nature which are unwelcome, such as sexual invitations, sexual jokes, pranks, propositions and comments, or gestures which are suggestive and/or obscene;
- Unwelcome graphic or verbal commentary about an individual's body, or sexual activities;
- Physical conduct of a sexual nature such as touching, pinching, sexual assault or battery, coerced sexual acts, blocking of normal movements or flirtations which are unwelcome, or leering, or whistling;

- The display of derogatory or sexual posters, photographs, cartoons, drawings, or gestures, or other displays in the workplace of sexually suggestive, obscene objects or pictures;
- Unwanted conduct or comments directed at a person because of that individual's sex, even if the conduct or comments are not sexual; and/or
- Any verbal comments or physical conduct of a sexual nature that unreasonably interferes with another person's work performance or creates an intimidating, hostile, or offensive work environment.

The above-described behavior is unacceptable in the workplace at the Aviation Authority and in any other work-related settings such as business trips, seminars, conferences, client meetings, and business-related social events. The above-described behavior is not an exhaustive list of examples of sexual harassment. Sexual harassment includes any conduct or comments of a similar nature, and any subtle or not so subtle conduct or comments based on the sex of the person subjected to the conduct or comments.

Harassment On the Basis Of Any Protected Characteristic. The Aviation Authority considers harassment to be verbal comments or physical conduct that denigrates or shows hostility or dislike toward an individual because of their race, color, religion, sex, sexual orientation, national origin, age, disability or any other characteristic protected by law and that: [1] has the purpose or effect of creating an intimidating, hostile, or offensive work environment; [2] has the purpose or effect of unreasonably interfering with an individual's work performance; or [3] otherwise adversely affects an individual's employment.

Harassing conduct includes, but is not limited to:

- Epithets, slurs, or negative stereotyping;
- Threatening, intimidating, or hostile acts;
- Written or graphic material that denigrates or shows hostility or dislike toward an individual or group and that is placed on walls or elsewhere on the Aviation Authority's premises or circulated in the workplace; and/or
- Sending electronic messages during work time or on Aviation Authority equipment, which contains offensive material, related to sex, race, or other protected characteristics.

The above-described behavior is unacceptable in the workplace at the Aviation Authority and in other work-related settings such as business trips, seminars, conferences, client meetings, and business-related social events. The above-described behavior is not an exhaustive list of examples of harassment. Harassment includes any conduct or comments of a similar nature, and any subtle or not so subtle conduct or comments based on the race, color, religion, sex, sexual orientation, natural origin, age, disability or any other protected characteristic of the person subjected to the conduct or comments.

HARASSMENT PROHIBITED

The Aviation Authority prohibits and will not tolerate harassment based on race, color, religion, sex, sexual orientation, national origin, age, disability or any other protected characteristic, because it is illegal and can be harmful both to the persons subjected to it and to the achievement of our common goals. This policy has been developed to ensure a work environment free from harassment. The Aviation Authority will make reasonable efforts to ensure that all personnel are familiar with this policy and understand that the Aviation Authority will investigate promptly and thoroughly and resolve appropriately any complaint of harassment received. This policy has the support of the highest levels of management. The Aviation Authority welcomes any questions, comments, and suggestions as to how this policy may be improved.

RETALIATION PROHIBITED

Retaliation is illegal and can be harmful both to the persons subjected to it and to the achievement of our common goals. This section of the policy has been developed to ensure a work environment free from retaliation. The Aviation Authority will make reasonable efforts to ensure that all personnel are familiar with this policy and understand that the Aviation Authority will investigate to resolve appropriately any complaint of retaliation received. The Aviation Authority welcomes any questions, comments, and suggestions as to how this policy may be improved by contacting the Human Resources Department.

The Aviation Authority prohibits and will not tolerate:

- Any retaliation against another person for reporting or stating an intent to report sexual harassment, or for providing information or assistance relating to reports or investigations of sexual harassment;
- Any retaliation against another person for reporting or stating an intent to report harassment based on race, color, religion, sex, sexual orientation, national origin, age, disability, or any other protected characteristic, or for providing information or

assistance relating to reports or investigations of such harassment.

- Any retaliation against another person for reporting violations of the law on the part of the Aviation Authority that creates a substantial and specific danger to the public's health, safety or welfare; and/or

Any retaliation against another person disclosing information alleging improper use of governmental office, gross waste of funds, or any other abuse or gross neglect of duty on the part of the Aviation Authority, its officer or employees.

ADDITIONAL PROHIBITED CONDUCT OF SUPERVISORS AND MANAGERS

Aviation Authority supervisors and managers who are responsible for influencing and taking Aviation Authority employment actions shall not engage in gender-based employment discrimination in the form of sexual harassment, or harassment on the basis of any other protected characteristic. No supervisor or manager shall:

- Allow or encourage the submission to, or the rejection of, harassment to be the basis of any employment decision;
- Permit harassment to have the purpose or effect of unreasonably interfering with any other person's work performance or of creating an intimidating, hostile, or offensive work environment;
- Take or fail to take an employment action as reprisal against any other person for rejecting or reporting any harassment, or providing information or assistance relating to reports or investigations of any harassment; and/or
- Grant, recommend, or refuse to take any employment action in favor of any person because of any sexual relationship with such person.

GENERAL COMPLAINT PROCEDURES

All Aviation Authority employees have the right and the responsibility to report violations of this policy. The Aviation Authority has developed specific procedures for investigation and resolution of violations of this policy and will, to the extent possible, respect the personal privacy of all persons involved. The Aviation Authority shall maintain written records relating to reported violations of this policy. During the investigation process, all records remain confidential as permitted by law. Upon completion of the investigation and the rendering of a final decision, all records will be maintained and are subject to disclosure as may be required by law. Confidentiality of records and matters relating to reported violations of this policy does not apply to the extent necessary for the investigation of any reported

violation, for the taking of any disciplinary action under this policy, in order to comply with an order of any court or government agency of competent jurisdiction, or as otherwise required by law.

No person will suffer any adverse employment consequences or any retaliation as a result of reporting a violation of this policy.

Violations of this policy must be reported promptly so that the Aviation Authority may respond rapidly and take immediate and appropriate action. This will not only help persons reporting such violations, but will help the Aviation Authority maintain for all employees a working environment free from harassment and retaliation. An employee must disregard any instruction to not report any violation of this policy. An employee must report all violations of this policy to the employee's Department Vice President or Senior Vice President **and** to one of the following:

- Vice President of Human Resources;
- Senior Manager or Manager of Human Resources; or
- Chief Administrative Officer.

If it is not possible for an employee to report a violation to the employee's Department Vice President or Senior Vice President, then the employee must still report it to the Vice President of Human Resources, a Manager of Human Resources or the Chief Administrative Officer.

The Vice President of Human Resources and the Managers of Human Resources are located in the GOAA Annex Building, 5855 Cargo Road. The Chief Administrative Officer is located in the Aviation Authority's Executive Administration Offices on the 3rd floor of the Landside Terminal. They can be reached by telephone during normal business hours as indicated in the Telephone Directory - GOAA found on the GOAA intranet or by calling Lobby Reception at (407) 825-2001 and asking to be transferred to one of the staff listed above.

After normal business hours, the Vice President of Human Resources, the Managers of Human Resources, and the Chief Administrative Officer may be contacted by calling the Communications Center Supervisor on duty at (407) 825-2065 and requesting that one of the staff listed above be contacted.

An employee is not required to report any violation of this policy to any person whom the employee believes has engaged in harassment or retaliation in violation of this policy. An employee must use this procedure, and must not use any other complaint, grievance, or other procedure, to report violations of this policy, with the exception of procedures for reporting violations of the Whistle-Blower's Act described below.

REPORTING AND INVESTIGATING ALLEGATIONS

An employee or person who provides information they know to be false shall not be protected under this Procedure and may be disciplined in accordance with Policy 204.02, Allegations of Misconduct or as otherwise provided in a Collective Bargaining Agreement, which shall prevail.

VIOLATIONS OF THE WHISTLE-BLOWER'S ACT

In accordance with the Florida Whistle-Blower's Act, the Aviation Authority shall not dismiss, discipline, or take any other adverse employment action against an employee for disclosing information nor take an adverse action that affects the rights or interests of a person in retaliation for the person's disclosure of information. The type of information disclosure protected under this act must include:

1. Any violation or suspected violation of any federal, state, or local law, rule, or regulation committed by an employee or agent of the Aviation Authority which creates and presents a substantial and specific danger to the public's health, safety, or welfare; or
2. Any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty committed by an employer or agent of the Aviation Authority as such acts are defined in the Florida Whistle-Blower's Act.

Aviation Authority employees wishing to report or disclose potential violations of the Whistle-Blower's Act, may submit a written, signed complaint to General Counsel or to the Vice President of Internal Audit. They can be reached by telephone during normal business hours by calling the Lobby Reception at (407) 825-2001 and asking to be transferred.

Upon conclusion of the investigation into the allegations, the designee will report any investigatory findings to the Chief Executive Officer who will make any decisions as to how to proceed.

CONFIDENTIALITY

Pursuant to Section 112.3188(1), Florida Statutes, the Aviation Authority will not disclose the name or identity of the person reporting information in accordance with the Whistle-Blower's Act absent written consent from the reporting individual or upon a determination by the Chief Executive Officer that disclosure of the individual's identity is necessary or unavoidable.

All information received by the Chief Executive Officer related to an active investigation is confidential and exempt from disclosure under Section 119.07(1), Florida Statutes and Section 24(a), Article I, of the Florida Constitution.

PREVENTING HARASSMENT AND RETALIATION

The Aviation Authority believes that the elimination of harassment and retaliation begins with its prevention. Thus the Aviation Authority shall remain committed:

- To publicizing this policy at least annually to all employees of the Aviation Authority, and to provide new employees of the Aviation Authority with a copy of this policy upon the commencement of their employment with the Aviation Authority, to ensure their understanding of their rights and obligations under this policy, and the procedures for filing complaints under this policy;
- To developing methods to sensitize all employees to issues of harassment and retaliation; and
- To maintaining effective procedures for the enforcement of this policy and for the filing of complaints under this policy.

DISCIPLINE FOR VIOLATIONS OF THIS POLICY

This policy applies to all Aviation Authority employees, except as otherwise provided in a Collective Bargaining Agreement, which shall prevail. In accordance with the procedures developed by the Aviation Authority, the Aviation Authority will take immediate and appropriate corrective or disciplinary action, up to and including discharge against any individual who the Aviation Authority determines has violated this policy.

Further, if, during the performance of their duties for the Aviation Authority, any employee of the Aviation Authority is subjected to harassment or retaliation by any person(s) not associated with the Aviation Authority, the Aviation Authority will apply this policy to take immediate and appropriate corrective action to protect the employee from such harassment or retaliation.

RELATED POLICIES

Suspected dishonest, fraudulent, or wrongful conduct involving Aviation Authority vendors, contractors, concessionaires, and other third parties shall be reported to the Internal Audit Department in accordance with reporting procedures defined in Policy 150.02.

REFERENCES

Policy 150.02, Handling Suspected, Dishonest, Fraudulent, or Other Wrongful Conduct

Policy 204.02, Allegations of Misconduct

Collective Bargaining Agreement and Florida Statutes

APPROVAL AND UPDATE HISTORY

FORMAT AND RE-NUMBERING APPROVAL

Aviation Authority Board: August 28, 1991

LAST APPROVAL

Aviation Authority Board: February 15, 2023

Chief Executive Officer: January 30, 2023

SUPERSEDES

All Previous



GREATER ORLANDO AVIATION AUTHORITY

Acknowledgement of Policy and Procedure No Harassment / No Retaliation, Section 204.04

By signing below, I acknowledge that I have received and understand the Authority's No Harassment/ No Retaliation Policy, Section 204.04. I also acknowledge that I received training and will comply with all components of the policy.

Signature

Date

Print Name