

DFW INTERNATIONAL AIRPORT ADMINISTRATIVE POLICY AND PROCEDURE



Title: Equal Employment Opportunity		Code Number: HR.017.02
Functional Category Human Resources	Issuing Department: Human Resources	Effective Date: 11/01/2010

1.0 PURPOSE

- 1.1 To establish policy and procedure governing the Board's compliance with federal, state, and local laws relating to equal employment opportunity (EEO).

2.0 DEPARTMENTS / PERSONS AFFECTED

- 2.1 All employees.

3.0 POLICY

- 3.1 The Board provides equal employment opportunity to all employees and applicants for employment without regard to race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, gender identity, or protected activity. In addition, the Board complies with applicable state and local laws governing nondiscrimination in employment in every location in which the Board has facilities.
- 3.2 **Equal Employment Opportunity Policy Statement.**
 - 3.2.1 It is the policy of the Board that no job applicant or employee shall be discriminated against on the basis of race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, gender identity, or protected activity.
 - 3.2.2 Managers shall ensure that all personnel programs and actions including, but not limited to, hiring, promotion, transfer, corrective action, termination of employment, layoffs, returns from layoffs, leaves of absence, compensation, benefits, Board-sponsored training, educational tuition assistance, and social and recreational programs shall be administered without regard to race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, gender identity, or protected activity.
 - 3.2.3 Managers shall base employment decisions on the principles of equal employment opportunity and with the intent to further the Board's commitment to diversity and equal employment. At no time will any employee, or applicant for employment, who exercises his/her rights under the Board's Equal Employment Opportunity policy be subject to corrective action or have his/her opportunities for employment adversely affected for doing so.
 - 3.2.4 Managers shall take affirmative action to ensure that qualified veterans and persons with a disability are introduced into the workforce, are encouraged to aspire for promotion, and that applicants from such groups are carefully and thoroughly considered as promotional opportunities arise.

- 3.2.5 The Board invites any employee or any applicant for employment to review the Board's written Affirmative Action Plan. This plan is available for inspection upon request between the hours of 8:30 a.m. to 5:00 p.m., Monday through Friday, in the Human Resources Department. Any questions should be directed to the Chief Executive Officer, the Vice President of Human Resources (the Equal Employment Opportunity Administrator), the employee's supervisor, or a Human Resources representative.
- 3.2.6 Applicants and employees are invited to self-identify as outlined in the invitation attached to the Board's written Affirmative Action Plan.
- 3.2.7 Employees and applicants shall not be subjected to harassment, intimidation, threats, coercion, or discrimination because they have engaged in or may engage in any of the following activities:
 - 3.2.7.1 Filing a complaint under federal or state law or Board policy.
 - 3.2.7.2 Assisting or participating in an investigation, compliance review, hearing, or any other activity related to any federal, state, or local law requiring equal opportunity for disabled persons or veterans.
 - 3.2.7.3 Opposing any act or practice made unlawful by any federal, state, or local law requiring equal opportunity for disabled persons or veterans.
 - 3.2.7.4 Exercising any other right protected by federal or state law.

4.0 PROCEDURE

- 4.1 Not applicable.

5.0 RESPONSIBILITIES

- 5.1 **Vice President of Human Resources.** Serves as the Equal Employment Opportunity Administrator.

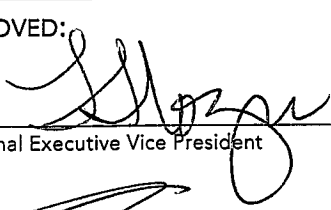
6.0 DEFINITIONS

- 6.1 **Affirmative Action Plan.** The Board's process to promote equal opportunity for employment for disabled persons, disabled veterans, and other protected veterans, in compliance with the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, and the Jobs for Veterans Act of 2002.
- 6.2 **Equal Employment Opportunity (EEO).** Individuals should have equal treatment in all employment-related actions.

7.0 APPROVAL / REVISION HISTORY

- 7.1 07/31/2000 Original document.
- 7.2 04/01/2003 Minor revisions.
- 7.3 04/01/2005 HR.017.00 – Format revisions.
- 7.4 08/01/2008 HR.017.01 – Revised 6.1.
- 7.5 11/01/2010 HR.017.02 – Revised 3.1, 3.2.1, and 3.2.2 to add sexual orientation and gender identity.

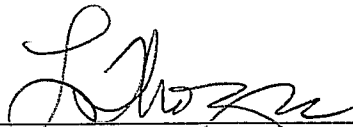
APPROVED:



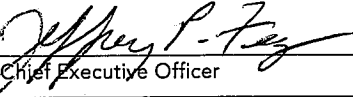
Divisional Executive Vice President



General Counsel



Executive Vice President,
Administration and Diversity



Chief Executive Officer

DFW INTERNATIONAL AIRPORT ADMINISTRATIVE POLICY AND PROCEDURE



Title: Discrimination and Harassment Prevention		Code Number: HR.045.01
Functional Category Human Resources	Issuing Department: Human Resources	Effective Date: 11/01/2010

1.0 PURPOSE

- 1.1 To establish policy and procedure governing the process for filing, reviewing, and rendering decisions on discrimination and harassment complaints.

2.0 DEPARTMENTS / PERSONS AFFECTED

- 2.1 All employees.

3.0 POLICY

- 3.1 Discrimination or harassment of any kind, including retaliation, will not be tolerated at the Board. It is the Board's desire to:
 - 3.1.1 Provide equitable and timely complaint review procedures for all employees.
 - 3.1.2 Provide harassment prevention and respectful workplace training for all management-level employees.
 - 3.1.3 Facilitate free discussion of employment and employment-related problems between employees and supervisors.
 - 3.1.4 Foster better understanding of administrative policies and procedures.
 - 3.1.5 Promote reaching the right decision in a climate of mutual understanding and objective, factually-based thinking.
 - 3.1.6 Assure that those who file complaints are not retaliated against.
 - 3.1.7 Assure that the best interests of the Board are served.
 - 3.1.8 Assure that this policy is followed and not interfered with.
- 3.2 **Discrimination Complaints.** The Board prohibits discrimination against any person on the basis of race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, gender identity, or protected activity. All terms and conditions of employment, including but not limited to, hiring, promotion, transfer, termination of employment, layoffs, returns from layoffs, leaves of absence, compensation, and training are covered under this policy. All employees are responsible for ensuring that the workplace is free from discrimination and must avoid any action, conduct, or behavior, which could be viewed as discrimination. The Vice President of Human Resources or his/her designee will investigate and attempt to promptly resolve all discrimination complaints in accordance with this policy. Any employee engaging in discrimination or who retaliates against an employee who reports or gives evidence of discrimination will be subject to corrective action and/or termination of employment.
 - 3.2.1 **Prohibited Behavior.** DFW Airport prohibits behavior which can be construed as discrimination or creating a hostile work environment.
 - 3.2.2 **Prohibited Behavior That Comprises Discrimination.** Prohibited behavior includes, but is not limited to disrespectful behavior based on a protected

characteristic such as age, sex, or religion. Prohibited behaviors that comprise discrimination include those that adversely impact an employee's work performance.

- 3.2.3 **Other Prohibited Behavior.** Prohibited behavior includes, but is not limited to: profanity and crude language; inappropriate yelling and/or expressions of anger; inappropriate personal questions, comments, or touching; physical and/or verbal intimidation and/or threats; making inappropriate comments regarding someone's personal life, personal problems, lifestyle, clothing, and/or physical appearance.

- 3.3 **Harassment Complaints.** It is Board policy to fully enforce state and federal laws regarding harassment based on race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, gender identity, or protected activity, and where possible, to stop harassment before it rises to the level of violation of law. Harassment of any kind is expressly prohibited and will not be tolerated. All employees are responsible for ensuring that the workplace is free from harassment and must avoid any action, conduct, or behavior, which could be viewed as harassment. The Vice President of Human Resources or his/her designee will investigate and attempt to promptly resolve all harassment complaints in accordance with this policy. Any employee engaging in harassment or who retaliates against an employee who reports or gives evidence of harassment will be subject to corrective action and/or termination of employment.

- 3.3.1 **Harassment.** Harassment includes conduct based on race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, gender identity, or protected activity that is so objectively offensive as to:

3.3.1.1 Alter the conditions of the victim's employment either through some adverse tangible employment action (employment action includes but is not limited to: termination of employment, failure to promote, demotion, or changes in or denial of increases to benefits and/or compensation); or

3.3.1.2 Which is sufficiently severe or pervasive as to create a hostile work environment.

- 3.3.2 **Sexual Harassment.** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

3.3.2.1 Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or

3.3.2.2 Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or

3.3.2.3 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.

- 3.3.3 **Prohibited Behavior.** DFW Airport prohibits behavior which can be construed as harassment, sexual harassment, or creating a hostile work environment.

- 3.3.4 **Prohibited Behavior of a Sexual Nature.** Prohibited behavior includes, but is not limited to: unwanted sexual advances; offering employment benefits in exchange for sexual favors; making/threatening reprisals after a negative response to a sexual advance; visual conduct including making sexual gestures,

displaying sexually suggestive objects, pictures, web sites, screen savers, cartoons or posters; making or using verbal derogatory comments, epithets, slurs, and jokes; graphical verbal commentaries about an individual's body; sexually degrading words used to describe an individual; suggestive or obscene letters, notes or invitations; physically touching, assault, impeding or blocking movements, sabotaging, or any physical interference with normal work or movement; bringing to work and/or reading/looking at sexually oriented images, video still images, etc., on cell phones, etc.; making demeaning comments about a gender, etc.; telling sexual jokes, making sexual comments; turning discussions or topics into sexual topics; computer software, faxes, internet services, web sites and/or screen savers of a sexual content; and making inappropriate comments about an employee's sexual orientation, gender identity, sexual activities, and/or sexual history.

- 3.3.5 **Other Prohibited Behavior.** Prohibited behavior includes, but is not limited to: profanity and crude language; inappropriate yelling and/or expressions of anger; inappropriate personal questions, comments, or unwelcome touching; physical and/or verbal intimidation and/or threats; and making inappropriate comments regarding someone's personal life, personal problems, lifestyle, clothing, and/or physical appearance.

- 3.4 **Retaliation.** No employee will retaliate against another employee who files a complaint of harassment or cooperates with a harassment investigation. Retaliation is any adverse action against an employee to try to keep him/her from opposing a discriminatory practice, or from participating in an employment discrimination or harassment proceeding. Any employee retaliating against another employee will be subject to corrective action and/or termination of employment.

4.0 PROCEDURE

4.1.1 Filing a Discrimination or Harassment Complaint.

4.1.1.1 An employee who believes that he/she, or any other employee of the Board, has been discriminated against in the terms or conditions of his/her employment on the basis of race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, gender identity, or protected activity should immediately file a discrimination complaint in accordance with this policy. In addition, an employee who believes that he/she, or any other employee of the Board, has been subjected to harassment by anyone, including management, supervisors, coworkers, customers, contractors, or other visitors, should immediately file a harassment complaint in accordance with this policy. An employee is encouraged to file a complaint within ten days of the action giving rise to the complaint. A complaint of discrimination by a non-employee against a Board employee will also be handled under this policy.

4.1.1.2 To file a complaint, the employee must provide a detailed verbal or written description of the alleged discrimination or harassment along with a recommended resolution to the complaint to any supervisor within his/her chain of command or the Vice President of Human Resources or his/her designee. The employee is encouraged to file the complaint with his/her immediate supervisor; however, the employee may file a complaint with any supervisor

within his/her chain of command, or directly with the Vice President of Human Resources or his/her designee. Any supervisor who receives a discrimination or harassment complaint from an employee should immediately forward the complaint to the Vice President of Human Resources.

- 4.1.1.3 The Vice President of Human Resources or his/her designee will notify the affected department vice president any time that a discrimination or harassment complaint is received. If the complaint is against an employee in Human Resources, the complaint should be filed with the Executive Vice President of Administration and Diversity, who will then conduct the investigation (or cause the investigation to be conducted under his/her supervision) and render a decision.

4.1.2 Investigation.

- 4.1.2.1 The Vice President of Human Resources or his/her designee (or the Executive Vice President of Administration and Diversity, as outlined in this policy) will commence the investigation within five business days of receiving the complaint. Human Resources will conduct the investigation and render a written decision to the complaining employee and appropriate management staff within 30 business days after commencing the investigation.

- 4.1.2.2 Interim measures will be taken to ensure that discrimination, harassment, retaliation, or other inappropriate conduct, does not occur during the investigation period. This may include, but is not limited to, notification to the alleged offending employee of the allegations, administrative leave with pay, or temporary reassignment of the person accused. The complaining employee must communicate to Human Resources (or the Executive Vice President of Administration and Diversity) if he/she continues to be exposed to offensive or other prohibited conduct during an investigation.

- 4.1.3 **Duty to Report.** Supervisors, managers, vice presidents, executive vice presidents, the Senior Executive Vice President, and the Chief Executive Officer are responsible for maintaining a workplace free of discrimination and harassment. The responsibility to maintain a workplace free of discrimination and harassment includes a duty to report any instance where the supervisor is aware of an act of discrimination or harassment. A supervisor must immediately report any instance of discrimination or harassment through the chain of command and directly to the Vice President of Human Resources.

- 4.1.4 **Confidentiality.** No employee will disclose the content of a discrimination or harassment complaint, whether verbal or written, except as a part of the investigation process, corrective action process, or as required by law.

- 4.1.5 **Appeal to the Chief Executive Officer.** Appeal of the decision is limited to the employee who was personally affected by the alleged discrimination or harassment or to an authorized representative acting on his/her behalf. An employee complaining on behalf of a co-worker may not appeal the decision. If the affected employee is not satisfied with the outcome of the investigation, he/she may appeal the decision to the Chief Executive Officer within five

business days of receipt of the decision. The Chief Executive Officer or his/her designee will review the complaint and the investigation conducted thus far and/or conduct a further investigation and render a written decision within 30 business days of receipt of the appeal. The decision of the Chief Executive Officer completes the internal process for discrimination and harassment complaints.

- 4.1.6 **Extension of Time.** The Vice President of Human Resources or his/her designee, the Executive Vice President of Administration and Diversity, or the Chief Executive Officer will notify the complaining employee if additional time is required at any step of the process.

5.0 RESPONSIBILITIES

- 5.1 **Chief Executive Officer (or his/her Designee).** Responsible for reviewing a discrimination or harassment complaint and the investigation conducted thus far, as part of an appeal, and/or conducting a further investigation, and rendering a written decision within 30 business days of receipt of an appeal.
- 5.2 **Executive Vice President of Administration and Diversity.** Responsible for conducting the investigation and rendering a decision any time a discrimination or harassment complaint is filed against an employee in Human Resources.
- 5.3 **Vice President of Human Resources (or his/her Designee).** Responsible for notifying the affected department vice president any time that a discrimination or harassment complaint is received. Responsible for conducting the investigation and rendering a decision on all discrimination and harassment complaints except those filed against an employee in Human Resources.
- 5.4 **Supervisors.** Responsible for immediately forwarding any discrimination or harassment complaints received to the Vice President of Human Resources. Supervisors will be held accountable for preventing retaliation and creating a harassment-free work area.
- 5.5 **Employees.** Responsible for filing discrimination or harassment complaints within the time periods specified and following the procedures outlined in this policy.

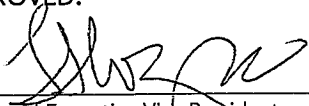
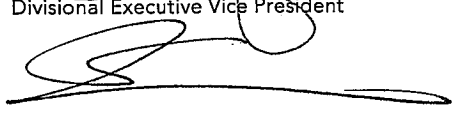
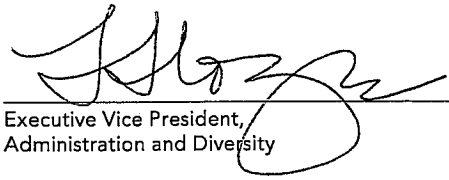
6.0 DEFINITIONS

- 6.1 **Eligible Employee.** All employees may use the discrimination and harassment complaint process.
- 6.2 **Discrimination Complaint.** Allegation that discrimination on the basis of race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, gender identity, or protected activity alters the terms and conditions of employment of the complaining employee.
- 6.3 **Harassment Complaint.** Allegation that harassment based on race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, gender identity, or protected activity alters the conditions of the victim's employment through some adverse tangible employment action or creates a hostile work environment for the victim.
- 6.4 **Protected Activity.** Refers to participation in proceedings covered by anti-discrimination statutes. Harassment based on protected activity can constitute unlawful retaliation.
- 6.5 **Retaliation.** Refers to an adverse action taken to try to keep someone from opposing a discriminatory practice or from participating in an employment discrimination or harassment proceeding.

7.0 APPROVAL / REVISION HISTORY

- 7.1 09/01/2006 HR.045.00 – Original document. Separated former Complaints policy into two policies.
- 7.2 11/01/2010 HR.045.01 – Revised 3.2, 3.3, 3.3.1, 4.1.1.1, 6.2, and 6.3 to add sexual orientation and gender identity.

APPROVED:


Divisional Executive Vice President
General Counsel
Executive Vice President,
Administration and Diversity
Chief Executive Officer

DFW INTERNATIONAL AIRPORT ADMINISTRATIVE POLICY AND PROCEDURE



Title: Complaints		Code Number: HR.011.03
Functional Category Human Resources	Issuing Department: Human Resources	Effective Date: 11/01/2010

1.0 PURPOSE

- 1.1 To establish policy and procedure governing the process for filing, reviewing, and rendering decisions on general complaints.

2.0 DEPARTMENTS / PERSONS AFFECTED

- 2.1 All regular full-time and contract full-time employees.

3.0 POLICY

- 3.1 The Board believes that open communication is essential when an employee has problems or concerns regarding his/her job. Misunderstandings or conflicts can arise in any organization and most of these incidents can be resolved through effective communication between the employee and the immediate supervisor. It is the Board's desire to:

- 3.1.1 Provide equitable and timely complaint review procedures for all employees.
- 3.1.2 Facilitate free discussion of employment and employment-related problems between employees and supervisors.
- 3.1.3 Foster better understanding of administrative policies and procedures.
- 3.1.4 Promote reaching the right decision in a climate of mutual understanding and objective, factually-based thinking.
- 3.1.5 Assure that those who file complaints are not retaliated against.
- 3.1.6 Assure that the best interests of the Board are served.
- 3.1.7 Assure that this policy is followed and not interfered with.

- 3.2 **General Complaints.** A general complaint is an allegation that includes misapplication of policy, regulation, or procedure of the Board or the department for which the employee works that has personally affected the complaining employee.

- 3.2.1 **Employee Eligibility.** Regular full-time and contract full-time employees below the level of assistant vice president may use the general complaint process. Employees at or above the level of assistant vice president may not use the general complaint process.
- 3.2.2 **Items Not Covered under General Complaints.** The following items are not considered to be general complaints and should be resolved informally through the employee's chain of command:
 - 3.2.2.1 Generalized feelings of unfairness (a specific complaint must be presented).
 - 3.2.2.2 Performance appraisal, non-selection for promotion, or corrective actions.

- 3.2.2.3 Complaints of discrimination or harassment because of race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, gender identity, or protected activity. See the Discrimination and Harassment Prevention policy for information relating to complaints of discrimination or harassment.
- 3.2.2.4 Complaints questioning the substance of a policy, rule, or regulation. Policy formulation is reserved as a right of the Board and/or the Chief Executive Officer.

4.0 PROCEDURE

4.1.1 Step I of General Complaint Process.

- 4.1.1.1 The affected employee must arrange to meet with his/her immediate supervisor and provide him/her with a detailed description of the matter being complained within 14 calendar days of the event giving rise to the complaint or the employee becoming aware of the event. The supervisor should document the conversation and inquire as to possible resolutions. The immediate supervisor must contact Human Resources before investigating the matter and determine the appropriate course of action. After the investigation is complete, the immediate supervisor will then respond in writing to the employee within 14 calendar days of receipt of the complaint.
- 4.1.1.2 If the complaint is not resolved, the employee may proceed to contact the next level of supervision in his/her department to discuss the concern, following the chain of command. Failure to pursue the complaint with higher levels of supervision within the department within seven calendar days of the date of disposition of the complaint by the immediately preceding level of supervision will terminate the complaint process. Each level of supervision should respond to the employee's complaint in writing within 14 calendar days of having received the complaint.
- 4.1.1.3 If the complaint is not resolved after meeting with the vice president of his/her department, the employee may either take no further action, thus ending the complaint process, or proceed to Step II of the general complaint process.

4.1.2 Step II of General Complaint Process.

- 4.1.2.1 Within five business days of receiving the response from the department vice president at the end of Step I, the employee may proceed to Step II by submitting any and all documentation that is relevant to the complaint to Human Resources.
- 4.1.2.2 Human Resources will review the documentation and will, if necessary, initiate an investigation to determine a reasonable solution that is in the best interest of the Board.
- 4.1.2.3 Within 15 business days of receiving all relevant documentation of the employee's complaint, Human Resources will forward the employee's written complaint, the department's written response and Human Resources' recommended action to the executive vice

president over the employee's department (or the Chief Executive Officer if the complaint is against the Senior Executive Vice President or an executive vice president) for disposition. The executive vice president will review the complaint, the department's response, and the recommendation from Human Resources and issue a written, binding, and nonappealable decision to the employee and the department within 15 business days after receipt of the complaint. The decision will be forwarded to the Vice President of Human Resources for distribution.

- 4.1.3 **Extension of Time.** An employee requiring additional time due to illness, prescheduled time off with pay, or other condition beyond his/her control, must notify the affected supervisor within the chain of command (Step I) or Human Resources (Step II) within the time frame outlined for that Step. Notification must be in writing and must specify the reason an extension of time is requested. Any supervisor within the employee's chain of command, the Human Resources representative, or the executive vice president will notify the complainant if additional time is required at any step in the process due to the operational needs of the Board or for other business-related reasons.
- 4.1.4 **Payment of Wages while Discussing Complaints.** The time a non-exempt employee spends discussing a complaint with a representative of Human Resources, the employee's supervisor, or a supervisor in the employee's chain of command is compensable time.

5.0 RESPONSIBILITIES

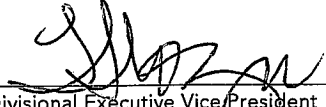
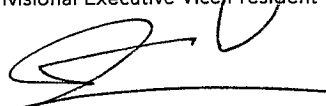
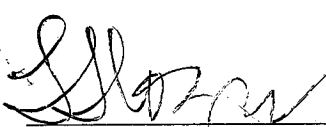
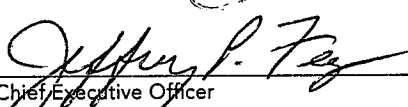
- 5.1 **Chief Executive Officer (or his/her Designee).** Responsible for reviewing general complaints against the Senior Executive Vice President or an executive vice president and rendering a written decision within 15 business days of receipt of the complaint.
- 5.2 **Executive Vice President.** Responsible for reviewing general complaints as outlined in this policy and rendering a written decision within 15 business days after receipt of the complaint.
- 5.3 **Human Resources Department.** Responsible for reviewing, recommending a reasonable solution to, and forwarding all general complaints received during Step II of the general complaint process to the executive vice president of the complaining employee's department with 15 business days of receipt of the complaint.
- 5.4 **Supervisors.** Responsible for reviewing general complaints and rendering a written decision, with Human Resources concurrence, within 14 calendar days of receiving the complaint.
- 5.5 **Employees.** Responsible for filing general complaints within the time periods specified and following the procedures outlined in this policy.

6.0 DEFINITIONS

- 6.1 **Eligible Employee.** A regular full-time or contract full-time employee below the level of assistant vice president may use the general complaint process.
- 6.2 **General Complaint.** Allegation that includes misapplication of policy, regulation, or procedure of the Board or the department for which the employee works that has personally affected the complaining employee.

7.0 APPROVAL / REVISION HISTORY

- | | | |
|-----|------------|---|
| 7.1 | 07/31/2000 | Original document. |
| 7.2 | 04/01/2003 | Minor revisions. |
| 7.3 | 04/01/2005 | HR.011.00 – Format revisions. |
| 7.4 | 09/01/2006 | HR.011.01 – Separated Complaints policy from newly created Discrimination and Harassment Prevention policy. |
| 7.5 | 08/01/2008 | HR.011.02 – Revised 3.2.2.2. |
| 7.6 | 11/01/2010 | HR.011.03 – Revised 3.2.2.3 to add sexual orientation and gender identity. |

APPROVED:
Divisional Executive Vice President
General Counsel
Executive Vice President,
Administration and Diversity
Chief Executive Officer

DFW INTERNATIONAL AIRPORT ADMINISTRATIVE POLICY AND PROCEDURE



Title: Corrective Action		Code Number: HR.039.04
Functional Category Human Resources	Issuing Department: Human Resources	Effective Date: 11/01/2010

1.0 PURPOSE

- 1.1 To establish policy and procedure governing investigations and corrective action in situations where employees have, or may have, violated Airport administrative policies and procedures or department regulations and/or procedures.

2.0 DEPARTMENTS / PERSONS AFFECTED

- 2.1 All employees.

3.0 POLICY

- 3.1 It is the policy of the Board to conduct investigations and as appropriate take corrective action and/or terminate employees in situations where employees have, or may have, violated Airport administrative policies and procedures, directives, or department rules, regulations, and/or procedures. Airport policies provide information and should not be construed as a contract between an employee and the Board.
 - 3.1.1 The Board reserves the right to deviate from this policy at any time the circumstances may warrant.
 - 3.1.2 Departments may establish departmental and section standards and guidelines for administration of Airport administrative policies and procedures so long as the standards and guidelines comply with Airport policies and procedures. For the Department of Public Safety, the General Directives serve as the departmental standards and guidelines.
- 3.2 **Basis for Corrective Action.** The following is a non-inclusive list of offenses that apply to all employees and will be grounds for corrective action, up to and including suspension and/or termination of employment.
 - 3.2.1 **Attendance.**
 - 3.2.1.1 **Failure to Report Absence/Tardiness.** An employee who cannot report for work on time or at all will notify his/her immediate supervisor or designee within the time limits established by the employee's department, or if there are no department guidelines, at the beginning of the shift.
 - 3.2.1.2 **Abandonment of Job.** An employee who fails to give notice to be absent, or who in an emergency situation fails to have another person give notice on his/her behalf within three scheduled workdays will be considered to have abandoned his/her position with the Board and will voluntarily resign their position and shall have no right of appeal to the Appeal Board.
 - 3.2.1.3 **Unsatisfactory Attendance.** An employee will not be excessively absent and/or tardy and will follow any attendance standards established by the employee's department.

- 3.2.1.4 **Misuse of Authorized Absences.** An employee will not perform work for another employer or engage in self-employment activities on the same calendar day that the employee fails to report for work due to illness, injury, or emergency. Additionally, an employee may not engage in any actions that would be inconsistent with the leave category requested. If required for business reasons, an employee must give a telephone number and address where he/she can be located during the absence.
- 3.2.1.5 **Unauthorized Absence.** An employee will not be absent without supervisory approval. This rule applies to any scheduled activity, emergency response, or overtime duty to which the employee is assigned.
- 3.2.1.6 **Maximum Use of Leave Without Pay.** An employee will not exceed the maximum amount of leave without pay in accordance with the Leave Without Pay policy.
- 3.2.1.7 **Reporting for Work Unprepared or Unfit for Duty.** An employee will report for work at the time and place specified by the employee's supervisor and be capable of performing the essential functions of his/her job. The employee will be properly prepared so that he/she may immediately begin work.
- 3.2.2 **Appearance.**
 - 3.2.2.1 **Failure to Maintain Personal Appearance.** An employee will comply with Board and department dress codes, uniform requirements, and grooming requirements.
- 3.2.3 **Conduct.**
 - 3.2.3.1 **Unbecoming Conduct and Conduct Prejudicial to Good Order.** An employee will not conduct himself/herself at any time, in a manner which is inconsistent with federal, state, or local law or which impedes his/her ability to perform the duties of the job. Unbecoming conduct includes that which tends to bring the Board into disrepute, reflects discredit upon the employee as a Board employee, or tends to impair the operation of the Board or the fitness of the employee to perform his/her work.
 - 3.2.3.2 **Disturbance.**
 - 3.2.3.2.1 An employee, while on duty, on Board property, in uniform, or in communication with an on-duty Board employee will refrain from using profane, vulgar, abusive or threatening language; spreading false reports or otherwise disrupting the harmonious relations between employees. This includes any type of verbal harassment including, but not limited to, racial slurs and jokes, sexual innuendoes, demeaning references, and abusive language.
 - 3.2.3.2.2 An employee will not engage in disorderly conduct while on duty or on Board property including provoking or engaging in fighting or horseplay. An

employee will not exhibit threatening or intimidating conduct that would cause an individual to reasonably fear for his/her personal safety or the safety of family, friends, and/or property.

3.2.3.3 Unsatisfactory Performance of Duty.

3.2.3.3.1 An employee will maintain sufficient competence to properly perform the employee's duties and to assume the responsibilities of his/her position. Examples of unsatisfactory job performance include incompetence, inability to timely complete tasks or assignments, inability to produce sufficient work product, inability to effectively supervise employees, poor judgment in work-related matters, and inability or unwillingness to effectively interact with co-workers and customers. The fact that a supervisor deemed the employee competent at the time of hiring or during any later performance appraisal period will not preclude a judgment of incompetence later based on subsequent performance or on disclosure of previously unknown facts. By way of illustration, but not limitation, a written record of repeated corrective actions for infractions of policies, procedures, rules, regulations, manuals or directives, or repeated counseling or poor performance appraisals may be considered evidence of unsatisfactory job performance.

3.2.3.3.2 An employee must be able to meet ongoing requirements of the position such as possessing a valid AOA badge, testing, passing a medical physical, obtaining or maintaining required certifications, training, CDL driver's license, and/or any other requirement that is a condition of performing the job.

3.2.3.4 Failure to be Courteous. An employee will be courteous to the public and to fellow employees. An employee's conduct will always be civil and orderly. The employee will be diplomatic and tactful in the performance of assigned duties, controlling his/her temper and exercising reasonable patience and discretion.

3.2.3.5 Drug and Alcohol Use. An employee will not: (1) possess, buy, sell, use, or transfer possession of illegal drugs while performing assigned duties or during working hours; (2) give or receive unauthorized prescription drugs to/from another person while performing assigned duties or during working hours; (3) consume alcoholic beverage(s) while performing assigned duties or during working hours; or (4) use and/or be under the influence of drugs or alcohol in a manner inconsistent with the Board's Drug and Alcohol policy. The Chief Executive Officer, Senior Executive Vice President, or executive vice presidents may authorize the moderate use of alcoholic beverages at business gatherings.

- 3.2.3.6 **Indifference Toward Work.** An employee will not abandon or neglect his/her duties. Though not exclusive, the following are examples of abandonment or neglect of duty: loafing; carelessness; poor attitude; lack of cooperation; leaving work without permission; being inattentive during working hours; abuse of eating and/or rest periods; interfering with the work of others; failure to account for Board documents and/or property.
- 3.2.3.7 **Discrimination.** An employee will not discriminate against any individual on the basis of race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, gender identity, or protected activity.
- 3.2.3.8 **Harassment.** An employee will not harass another individual on the basis of race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, gender identity, or protected activity.
- 3.2.3.9 **Sleeping on the Job.** An employee will remain awake and alert during the time the employee is on the job, except as authorized as a part of an employee's position. If unable to do so, the employee will so report to the employee's supervisor who will determine the proper course of action.
- 3.2.3.10 **Possession of Prohibited Weapons and Fireworks.** An employee will not possess firearms, explosives, fireworks, or any weapons while on duty or on Board property, except as authorized as a part of an employee's position.
- 3.2.3.11 **Unauthorized Recording of Conversations.** An employee will not record any conversation with another person at the Board without receiving permission to record the conversation from all persons being recorded, unless authorized in advance by the department vice president of the employee recording the conversation and the Executive Vice President of Administration and Diversity, or the Executive Vice President of Administration and Diversity alone.
- 3.2.3.12 **Smoking.** An employee will not smoke in any Board facility or vehicle or while operating Board equipment. An employee will only smoke in designated areas during break periods.
- 3.2.3.13 **Gambling.** An employee will not gamble while on duty or on Board property. For purposes of this section, gambling includes: a) participating in a game of chance in hopes of receiving something of value, and b) participating in "pools" in which the payout is dependent in whole or in part upon the outcome of a sporting event, the performance of an athlete, or the occurrence of some other event. For purposes of this section, gambling does not include participating in Board-sponsored events (such as raffles and United Way casino nights) or legally purchasing lottery tickets on the Airport.
- 3.2.4 **Board Business.**
 - 3.2.4.1 **Failure to Properly Use Board Time, Equipment, Materials and Property.** An employee will utilize Board equipment or property,

whether owned or leased, in accordance with procedures established by a supervisor and will not alter without authorization, intentionally abuse, damage, take without authorization, or lose Board equipment or property. The employee will obey all applicable laws as well as Airport administrative policies and procedures, and department rules, regulations, and procedures including, without limitation, those pertaining to vehicle and equipment operations. In no event will Board time, equipment, materials, or property be used by an employee for any unauthorized personal use.

- 3.2.4.2 **Failure to Comply with Safety Rules.** An employee will not violate Board or department safety rules. Though not all-inclusive, the following are examples of safety rule violations: smoking in prohibited areas; improper removal of safety guards, fire extinguishers, or other equipment designed to protect employees; failure to use safety equipment or to follow safety practices or rules; failure to operate a vehicle in a safe manner; failure to report an unsafe working condition; injuring a person through negligence or through deliberate action; causing a preventable accident.
- 3.2.4.3 **Abuse of Process/Withholding Evidence.** In the performance of the employee's duties, an employee will not manufacture, falsify, or intentionally destroy or withhold information or evidence regarding corrective action matters or knowingly or intentionally make any false accusation or criminal charge.
- 3.2.4.4 **Failure to Return/Process Property.** An employee will process any property received while on official business in compliance with department procedures. An employee will not convert to the employee's own use, destroy, or remove any property found in connection with official business, except in compliance with department procedures. Any matter concerning property alleged to be missing as a result of action by an employee may be referred to the Department of Public Safety for criminal theft investigation.
- 3.2.4.5 **Failure to Properly Process and/or Account for Board Money.** An employee must account for money that becomes Board property in the manner prescribed by department policy. All money will be the property of the Board regardless of the amount or circumstances of receipt, including but not limited to, that which is: handled or collected from the public by an employee while in the performance of his/her job; received, found, or possessed by an employee while in the performance of his/her job; received by an employee in the form of tips, gratuities, dropped or left by others; or abandoned or lost funds or overcharges. An employee will not convert to the employee's own use any money found or obtained in the normal course of business. Any matter concerning money alleged to be missing as a result of action by an employee may be referred to the Department of Public Safety for criminal theft investigation.
- 3.2.4.6 **Failure to Submit to Medical Examinations and/or Tests.** Upon request of a department vice president or his/her designee, the Vice President of Human Resources may require an employee to,

and an employee shall submit to, medical, chemical, drug, intoxicants, ballistics, or other tests, or to being photographed, or fingerprinted. The employee must sign any related forms necessary for the test or examination to be administered. All examinations carried out under this paragraph will be related to activities concerning the scope of employment and in accordance with applicable Board policy.

- 3.2.4.7 **Incurring Unauthorized Expenses.** An employee will not spend money or incur debt in the name of the Board or an employee's department unless the appropriate supervisor authorizes the expenditure.
- 3.2.4.8 **Participating in Labor Strikes.** An employee will not engage in a strike, sickout, or work slow-down against the Board.
- 3.2.4.9 **Unapproved Use of Board Uniform.** An employee will not wear a Board uniform while under corrective action suspension.
- 3.2.4.10 **Unauthorized Disclosure of Information.** An employee will not make known any personnel records or proprietary information, and will not make known any facts, documents, or other information about the progress of an investigation, a reported law violation, or any proposed law enforcement action to any person not authorized to receive it. An employee who wants to know whether a person is authorized to receive information should seek clarification from his/her immediate supervisor. An employee will not release department information unless authorized to do so by the employee's department vice president or the Board's Legal Department.
- 3.2.4.11 **Failure to Report Accidents.** An employee will immediately report personal knowledge of any accidents (including vehicle accidents) or personal injuries involving Board property and/or on-duty employees to his/her supervisor and/or to Board personnel authorized to receive it. An employee who sustains an injury on the job must immediately report it to his/her supervisor.
- 3.2.4.12 **Failure to Report Illegal Activity Relating to the Board.** An employee will immediately report any knowledge of illegal activity relating to the Board to his/her supervisor, to any person in his/her chain of command, or to Human Resources staff.
- 3.2.5 **Required Response to Authority.**
 - 3.2.5.1 **Insubordination.** An employee will promptly obey and execute any and all lawful orders of a supervisor. This includes orders relayed from a supervisor through another employee. Insubordination includes, but is not limited to, the following: (1) directly disregarding a supervisor's authority; (2) ignoring or disobeying a supervisor's reasonable instructions; (3) deliberately defying Airport administrative policies and procedures or department rules, regulations, and procedures; (4) displaying disrespect toward a supervisor by, but not limited to: hand or body gestures or sarcastic comments; or (5) leading or participating in an effort to

undermine the authority of a supervisor. For the purposes of this section only, "supervisor" includes any employee designated by a department vice president to exercise authority in a given situation.

3.2.5.2 Failure to Truthfully and Completely Answer Questions and/or Give Statements. During investigations, inquiries, interviews, proceedings and other discussions with a supervisor, Executive Office, Human Resources, Legal, Audit Services, and/or other authorized personnel, an employee will truthfully and completely answer all questions asked the employee and truthfully and completely render statements and/or materials.

3.2.5.3 Violation of Law. An employee will not engage in or attempt or conspire to engage in any conduct prohibited by federal, state, or local law, including, without limitation, that which would impede his/her ability to do his/her job.

3.2.5.4 Violation of Airport Policy. An employee will not engage in or attempt or conspire to engage in any conduct violating Airport administrative policies and procedures, directives, or department rules, regulations, and procedures, either oral or written.

3.2.6 Abuse of Position.

3.2.6.1 Abuse of Authority. An employee will not engage in any of the following conduct: (1) communicating in any manner, either directly or indirectly, any information which the employee knows or believes may assist in the commission of a criminal act or in escaping detection of a criminal act; (2) disposing of or secreting evidence of unlawful activity, or money, merchandise, or other property unlawfully obtained, except as required by law; or (3) obtaining or helping any person to obtain any permit or service which the applicant is not authorized or legally allowed to have.

3.2.6.2 Abuse of Official Position. An employee will not use his/her official position for personal or financial gain or for obtaining privileges for himself/herself or others which are not authorized by Board policy. A supervisor or higher-level employee will not use his/her position to direct other employees to perform personal errands or tasks. No employee will sell, or lend to another for the other's use or benefit, an official identification card, Signal Receiving Device (SRD), badge, uniform, business card, or health benefit card not duly issued to that other individual by the Board.

3.2.6.3 Use of Board Position or Board Property in Advertising. An employee will not permit or authorize the use of his/her official title which identifies the employee as a Board employee, or permit or authorize property of the Board, including the Board logo or anything that would identify the Board, to be used in connection with commercial enterprises, testimonials, or advertisements of any commodity or commercial enterprise without the written approval of the Chief Executive Officer or the Executive Vice President of Governmental and Stakeholder Affairs.

- 3.2.6.4 **Inappropriate Political Activities.** An employee will not campaign for a political candidate or participate on a political action committee while in uniform or on duty. Neither will an employee, in his/her official capacity, endorse or solicit contributions for a candidate or political action committee or support a political issue in his/her official capacity, unless authorized by the Chief Executive Officer. This section does not affect an employee's right to vote for or otherwise support a candidate in his/her private capacity, or to express his/her political views on or off duty provided that any such expression of views while on-duty will not unduly disrupt the safe, efficient, and orderly operations of the Board.
- 3.2.7 **Employee Integrity.**
- 3.2.7.1 **Dishonesty.** In, or in connection with, the performance of his/her official duties, an employee will generate and submit only truthful statements, documents, and/or records including but not limited to emails or reports. No employee will knowingly or intentionally enter or cause to be entered any inaccurate, false, or misleading information, or misrepresent the facts in any Board record or report, nor will any employee alter any Board record or report to reflect inaccurate, false, or misleading information or misrepresent the facts. An employee will be truthful at all times in oral or written reports, whether under oath or not. No employee will knowingly omit a material fact from any report with the intent to mislead or deceive. This includes any verbal or written statements an employee provides to any authorized personnel in relation to an internal investigation conducted by the Board.
- 3.2.7.2 **Confidentiality.** An employee will keep all information discussed during an investigation, which includes inquiries and proceedings, confidential. Unless requested otherwise by a person conducting the investigation, the employee may notify his/her supervisor of the employee's participation in the investigation but not the information discussed. This confidentiality requirement applies to investigations conducted by a supervisor, Executive Office, Human Resources, Legal, Audit Services, and/or other authorized personnel. Human Resources and/or authorized personnel will keep information as confidential as possible; however, as required by law or to thoroughly investigate and resolve an issue, authorized personnel may need to discuss or release the information obtained during an investigation with or to supervisory and other appropriate parties.
- 3.2.7.3 **Fraudulent Employment.** An employee will not obtain employment, a promotion, or other job change with the Board by means of willful misrepresentation or willful omission of any fact concerning the employee's personal, educational, and employment history, qualifications for employment or physical condition, and/or criminal history that has been requested by or on behalf of the Board in connection with any employment-related decision.
- 3.2.8 **Ignorance of Policies.** Ignorance of Airport administrative policies and procedures, directives, or department rules, regulations, and procedures is not

an excuse or justification for any violation of them by an employee. An employee is responsible for his/her own acts.

3.3 Corrective Action Process.

- 3.3.1 **At-Will Employees.** Regular part-time, contract full-time, temporary, and probationary employees, in addition to all regular full-time employees in the Executive structure and in bands 5 and 6 of the Management/Professional, Information Technology, and Department of Public Safety structures are considered at-will employees. An at-will employee may be terminated by the Board at any time, with or without cause and with or without notice. Corrective action issued to at-will employees is final and may not be appealed.
- 3.3.2 **Investigation.** The immediate supervisor must contact Human Resources before investigating any matter that could result in corrective action and/or termination of employment. Human Resources is available to assist the department representative with the investigation. The supervisor may place the employee on administrative leave, in accordance with the Administrative Leave policy, when providing such leave is in the best interest of the Board and with the approval of the department vice president and the Vice President of Human Resources, or their designees, or with the approval of the Executive Vice President of Administration and Diversity alone. The supervisor must instruct the employee that he/she is being placed on administrative leave. An employee will follow the instructions of the supervisor with regard to regularly checking with the supervisor and remaining available for call back to the workplace. The Vice President of Human Resources, the Executive Vice President of Administration and Diversity, or their designee will conduct investigations for complaints of discrimination or harassment because of race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, gender identity, or protected activity.
- 3.3.3 **Determining the Corrective Action.** In reaching a decision as to what corrective action should be recommended, the supervisor should consider such factors as the type and severity of the offense or offenses, the employee's work record, and any mitigating or aggravating circumstances which may be relevant to the situation. The supervisor will discuss any proposed corrective action involving performance improvement plan, written notice, final written notice, suspension, involuntary demotion, or involuntary termination with Human Resources before the action is taken. Human Resources is available to consult with a supervisor on lesser corrective measures if the supervisor requests it. A supervisor may use all or a combination of the following corrective measures depending on the particular circumstances surrounding an offense or accumulation of offenses. If an employee receives three corrective actions (performance improvement plan, verbal counseling, written notice, final written notice, suspension, or involuntary demotion) within a 12-month period regardless of the reason, additional corrective action up to and including termination of employment may occur. The 12-month period utilized for corrective action occurrences will begin on the first date corrective action is issued. The date for the 12-month period is a rolling date; if an employee does not receive any corrective action for an additional 12 months, the 12-month period starts the next date the employee receives corrective action.
- 3.3.3.1 **Performance Improvement Plans.** When an employee has not met performance expectations, a Performance Improvement Plan will

be issued to the employee identifying those areas in which improvement must be made. The employee will be provided a period of time up to 60 days (or for such time as approved by the Vice President of Human Resources or his/her designee) in which improvement must be made.

3.3.3.1.1 If at any time during the duration of or at completion of the Performance Improvement Plan, the employee's job performance is not improving satisfactorily, corrective action and/or termination of employment may occur.

3.3.3.1.2 If an employee has not made improvement by the end of the Performance Improvement Plan, the supervisor can extend the plan up to 60 days (or for such time as approved by the Vice President of Human Resources or his/her designee) to give the employee the opportunity to demonstrate acceptable performance in the job.

3.3.3.1.3 If an employee is placed on a Performance Improvement Plan on more than one occasion within a two-year period, regardless of the performance issues, corrective action and/or termination of employment may occur.

3.3.3.1.4 If the employee meets performance expectations by the end of the Performance Improvement Plan, the supervisor will communicate to the employee in writing that he/she has successfully completed the plan. The supervisor will continue to monitor the employee's performance throughout the year to ensure the employee maintains the same level of improvement.

3.3.3.1.5 Supervisors must contact Human Resources prior to the issuance of a Performance Improvement Plan.

3.3.3.1.6 Successful completion of a Performance Improvement Plan shall not entitle an employee to a merit increase.

3.3.3.1.7 The standard *Performance Improvement Plan* form should be used to document this type of corrective action.

3.3.3.2 **Verbal Counseling.** A verbal counseling identifies a violation or an area needing improvement and specifies the corrective action that must be taken. A supervisor will maintain a written record of this counseling within the department file. A verbal counseling does not become part of the employee's permanent personnel file, although it shall be considered part of that file for purposes of the Texas Public Information Act. An employee may not appeal a verbal counseling.

- 3.3.3.2.1 Supervisors are not required to contact Human Resources prior to the issuance of a Verbal Counseling.
- 3.3.3.2.2 The standard *Corrective Action* form should be used to document this type of corrective action.
- 3.3.3.3 **Written Notice.** A written notice identifies a violation or an area needing improvement and specifies the corrective action that must be taken. The department vice president or department assistant vice president and the Vice President of Human Resources or his/her designee must concur with the written notice prior to issuance. A copy of the written notice and the employee's response become a permanent part of the employee's personnel file. An employee may not appeal a written notice.
 - 3.3.3.3.1 Supervisors must contact Human Resources prior to the issuance of a Written Notice.
 - 3.3.3.3.2 The standard *Corrective Action* form should be used to document this type of corrective action.
- 3.3.3.4 **Final Written Notice.** A final written notice identifies a violation or an area needing improvement and specifies the corrective action that must be taken. The department vice president or department assistant vice president and the Vice President of Human Resources or his/her designee must concur with the final written notice prior to issuance. A final written notice provides the employee with final notice of needed improvement. A copy of the final written notice and the employee's response become a permanent part of the employee's personnel file. An employee may not appeal a final written notice.
 - 3.3.3.4.1 Supervisors must contact Human Resources prior to the issuance of a Final Written Notice.
 - 3.3.3.4.2 The standard *Corrective Action* form should be used to document this type of corrective action.
- 3.3.3.5 **Suspension.** A suspension is time off without pay. An exempt employee may be suspended for one or more full workdays for workplace conduct violations. A workday is considered to be equivalent to the number of hours of the employee's regularly scheduled shift, not to exceed 12 hours. An exempt employee may be suspended for one or more full workweeks for violations other than workplace conduct. If warranted, a suspension may occur without prior corrective action. A suspension of an at-will employee is final and non-appealable. An employee, other than an at-will employee, may appeal a suspension of three or more days to an Appeal Board. An employee, other than an at-will employee, may submit a written request to appeal a suspension of one to two days to the employee's department vice president within five days after receipt of the action letter. The department vice president, after reviewing the written appeal from the employee, may rescind, modify, or uphold the action. If the issue is not resolved to the

employee's satisfaction, the employee may proceed to contact the department's executive vice president. The department's executive vice president, after reviewing the written appeal from the employee and the vice president's response, may rescind, modify, or uphold the action and the decision is final and non-appealable.

3.3.3.6 Involuntary Demotion. An involuntary demotion is the movement of an employee from one position into a position of lesser responsibility as corrective action. Involuntary demotion should only be considered as an appropriate corrective action when the employee's job performance or conduct is unsatisfactory in the current position held and it is determined by the department vice president that the employee should be retained in a position of lesser responsibility. The department vice president will discuss the possible involuntary demotion with the Vice President of Human Resources or his/her designee before the action is taken. An employee, other than an at-will employee, may appeal an involuntary demotion to an Appeal Board. The demotion of an at-will employee is final and non-appealable.

3.3.3.7 Involuntary Termination.

3.3.3.7.1 Involuntary termination is termination of an individual's employment with the Board. If warranted, termination of an employee may occur without prior corrective action. An employee, other than an at-will employee, may appeal an involuntary termination to an Appeal Board. A termination of an at-will employee is final and non-appealable.

3.3.3.7.2 Involuntary termination of a regular full-time employee requires the approval of the Vice President of Human Resources, the vice president of the employee's department, the Executive Vice President of Administration and Diversity and the executive vice president of the employee's department. Involuntary termination of a regular part-time, contract full-time, temporary, or probationary employee requires the approval of the Vice President of Human Resources and the vice president of the employee's department.

3.3.3.7.3 Involuntary termination of a regular part-time or a temporary employee may occur at any time with or without cause and with or without notice.

3.3.4 Special Circumstances. In cases where an employee has been charged with a crime, the department vice president may request an Audit investigation or a professional standards unit investigation for commissioned or fire certified employees into the facts and circumstances, and without reference to the facts and charges that may be brought by federal, state, or local authority, a determination may be made as to whether or not to place the employee on administrative leave (see Administrative Leave policy) or to pursue corrective

action. The outcome of the criminal case tried in court is immaterial to this determination.

3.3.5 **Effect of Resignation.** An employee whose resignation of employment with the Board is tendered and accepted after the initiation of a corrective action forfeits his/her right to proceed with an appeal of corrective action.

3.3.6 **Maintenance of Corrective Action Records.** The supervisor will forward a copy of the corrective action, with the exception of verbal counselings, along with supporting documents to Human Resources where it will become part of the employee's permanent personnel file.

3.4 Charge Letter Process.

3.4.1 When suspension, involuntary demotion, or involuntary termination of an employee, other than a contract full-time, temporary, or probationary employee, is thought to be necessary, a supervisor will take the following steps:

3.4.1.1 The supervisor will consult with Human Resources.

3.4.1.2 The supervisor will inform his/her department vice president and Human Resources of the possible corrective action prior to any further action.

3.4.1.3 The supervisor, in consultation with Human Resources, will prepare a charge letter setting out the provision(s) of the Board policy or department regulation and/or procedure believed to have been violated by the employee and the related facts. The charge letter will be delivered to the employee either in person, by courier or by certified mail (the letter will be deemed delivered two business days after the date it was mailed).

3.4.1.4 The supervisor will provide the employee the opportunity to respond to the charges in writing within two workdays of receipt of the charge letter, if delivered in person, by courier or, if mailed, within two workdays of deemed delivery. In the case of an appeal, only issues identified in the employee's response to the charge letter will be considered.

3.4.2 Based on the investigation, charge letter, and response, if any, the supervisor will take such corrective action, if any, as he/she deems appropriate in accordance with this policy. Upon consultation with Human Resources, a supervisor will present all corrective actions, except verbal counselings, written notices, and final written notices, in the form of an action letter to the employee specifying:

3.4.2.1 The reason for corrective action and/or termination of employment.

3.4.2.2 The action to be taken.

3.4.2.3 That further corrective action could result from failure to show improvement or for any additional policy violation(s), except in the case of involuntary termination.

3.4.2.4 Space for the employee's acknowledgment of the corrective action.

3.4.2.5 Notice of appeal rights.

- 3.4.2.6 While supervisors are encouraged to follow these steps, failure to follow these steps (except for the charge letter and opportunity to respond) will not negate the corrective action.

3.5 Appeal Guidelines.

- 3.5.1 **Employee Request for Hearing by Appeal Board.** Notwithstanding the availability of the charge letter process to him/her, an at-will employee may not appeal a suspension, involuntary demotion, or involuntary termination. Any such action with respect to an at-will employee is final and non-appealable. An employee other than an at-will employee may appeal a suspension of three or more days, involuntary demotion, or involuntary termination to an Appeal Board. Within ten business days of the employee's receipt of written notification of the action to be appealed, the employee must contact Human Resources and within that same time period complete and file with Human Resources an *Employee Request for Appeal Hearing* form. (If notice of corrective action is mailed, it should be deemed received by the employee for purposes of this section two business days after mailing.) *Employee Request for Appeal Hearing* forms may be obtained in Human Resources, and employees may request assistance from Human Resources in completing the form.
- 3.5.2 **Scope of Hearing.** An employee must complete the *Employee Request for Appeal Hearing* form within ten days of receiving corrective action. When completing the form, the employee must submit arguments limited to issues raised in the charge letter or the employee's response to the charge letter.
- 3.5.3 **Composition of the Appeal Board.** The Appeal Board will be comprised of three members selected from executive staff. The selection of the Appeal Board will be made by the Executive Vice President of Administration and Diversity. All members will be from departments other than that of the appealing employee. The Appeal Board will be neutral and will not have discussions regarding the merits of the appeal with, or be lobbied by, either side prior to the hearing.
- 3.5.4 **Convening of the Appeal Board.** Upon receipt of the *Employee Request for Appeal Hearing* form by the Vice President of Human Resources, the Appeal Board will schedule a hearing within ten business days and convene within 30 business days to consider the employee's appeal and render a written decision. The time allowed to convene a hearing may be extended by the Vice President of Human Resources based upon business reasons. Human Resources will coordinate scheduling of the hearing and notify all involved parties except non-employee witnesses. The employee or representative requesting an appeal must contact Human Resources within two business days of the appeal hearing in order to cancel the hearing. The employee or representative must contact Human Resources within five business days of cancellation of a hearing to reschedule a new hearing date. The appeal hearing may only be rescheduled one time by the appellant and must convene within six months of the original request date.
- 3.5.5 **Employee Representation at Appeal Board Hearing.** The employee may be represented by an attorney or another representative of his/her choosing during the hearing. If the representative is another Board employee, the representative may only prepare for and/or attend the hearing during the hours the representative is not on duty with the Board. Any Board employee

proposing to act as a representative for another employee must request to use leave in accordance with Airport administrative policy and procedure and rules, regulations, and procedures of the department for which the representative works, and must have department approval prior to being on leave. The employee must notify Human Resources of the name of the representative within five business days after appealing the corrective action.

- 3.5.6 **Witnesses at Appeal Board Hearing.** The employee and the department may request to have witnesses provide testimony if the testimony has a direct bearing on the case. The Appeal Board will give the employee and the department the opportunity to call and cross-examine witnesses and present evidence or information that is relevant to the case. The employee and department must notify the Vice President of Human Resources of the name, business address or location, and telephone number of all witnesses being called seven business days prior to the hearing (excluding the date of the hearing). A Board employee requested to testify by either party will appear at the time and place indicated by Human Resources and will be paid for all time spent testifying or waiting to testify. It will be the responsibility of the department and the employee filing the appeal to contact and arrange for the attendance and testimony of their respective non-employee witnesses.
- 3.5.7 **Authority of Appeal Board.** The Appeal Board Chairperson will offer the employee and/or representative an opportunity to present testimony and evidence on their behalf and to introduce and/or cross-examine witnesses. The Chairperson has discretion to determine the number of witnesses allowed, time limits for witnesses, and whether evidence is admissible or not. The Appeal Board will follow the appeal procedures outlined in section 4.0.
- 3.5.8 **Decision of the Appeal Board.** The Appeal Board may uphold, rescind, or modify the corrective action issued. A written decision will be provided to the department vice president, the Vice President of Human Resources, and the employee within ten business days of the hearing. The decision of the Appeal Board is final.

4.0 PROCEDURE

4.1 Appeal Board Chairperson.

- 4.1.1 The Appeal Board Chairperson will be responsible for conducting the hearings in accordance with established Human Resources guidelines.
- 4.1.2 The decision of the Chairperson will be final as to the relevance and admissibility of documentation, questions, and evidence. The Chairperson may decline to hear repetitive, hearsay, or irrelevant testimony.

4.2 Responsibilities of Appeal Board Members.

- 4.2.1 In reviewing an appeal, Appeal Board members will consider evidence only on the points set out on the employee's notification of appeal, supervisory responses, documentation, witnesses, and additional relevant information presented to or requested and collected during the hearing.
- 4.2.2 Appeal Board members may ask questions of the principals and witnesses for the purpose of clarifying their understanding of the issues and testimony given. A simple majority vote of the Appeal Board may extend or discontinue discussion.

- 4.2.3 Prior to participating in an Appeal Board Hearing for the first time, Appeal Board members will attend training on the procedures for an Appeal Board Hearing.
- 4.3 **Scope of Hearing.**
 - 4.3.1 The Chairperson will neither allow the admission of nor consideration of additional points not directly related to the appeal issues. No evidence shall be presented to the Appeal Board after both sides have rested unless the Appeal Board reopens the evidentiary stage of the hearing, which may occur in the interest of fairness. Additionally, the Appeal Board shall not consider issues or questions of law, but will review each appeal based on the Board's policies.
- 4.4 **Hearings Private.**
 - 4.4.1 Unless requested otherwise by the appellant, the Appeal Board hearing will be closed to the public. Only appeal principals, the Appeal Board members, and the Human Resources staff shall be allowed to attend the hearing. For purposes of the hearing, principals will mean appellant and representative and department vice president or his/her designee and representative.
 - 4.4.2 Principals may request to be present during Appeal Board deliberations without opening the deliberations to the public.
- 4.5 **Invoking the "Rule."**
 - 4.5.1 At the request of the department or the appellant, the Chairperson shall order witnesses excluded so that they cannot hear the testimony of other witnesses, or the Chairperson may make the motion on his/her own initiative. This Rule does not permit the exclusion of:
 - 4.5.1.1 The appellant and his/her designated representative; or
 - 4.5.1.2 The department representative; or
 - 4.5.1.3 The department vice president; or
 - 4.5.1.4 The Vice President of Human Resources or his/her designee; or
 - 4.5.1.5 A person whose continuous presence is shown by either party to be essential to the presentation of the evidence.
 - 4.5.2 Principals and Human Resources staff will be excused from the meeting at the end of all testimony unless the appellant has requested that the deliberations be made open to the public. Principals may request to remain for the Board deliberations without requesting the deliberations are made open to the public.
- 4.6 **Human Resources Participation.**
 - 4.6.1 Unless called to testify as a witness, the participation of the Human Resources staff representative(s) shall be limited to assisting the Appeal Board in administration of the hearing and advising the Board members about the content of Airport policies.
- 4.7 **Appeal Board Decision.**
 - 4.7.1 Hearing no further evidence from any party, the Appeal Board will vote to uphold, rescind, or modify the decision and action taken by the department.
 - 4.7.2 A simple majority shall be required for any Appeal Board decision.

- 4.7.3 A decision by the Appeal Board to uphold an issue will indicate that the department's action was appropriate under the circumstances.
- 4.7.4 A decision by the Appeal Board to rescind an issue will indicate there was not sufficient evidence to successfully uphold the action taken by the department.
- 4.7.5 A decision to not sustain the department's action will then lead to a decision by the Board to modify the department's action.
- 4.7.6 In deciding upon the severity of the corrective action being appealed, the Board may consider the employee's work record with the Airport Board. This may include, without limitation, prior final corrective actions and performance problems (such as those included in the charge letter and letter of corrective action giving rise to the appeal). In deciding on the appropriateness of involuntary termination as corrective action for a violation of the Airport's policies, the Appeal Board may also consider whether returning the employee to his previous department would be in the Airport Board's best interest. They may consider the nature of the violation, the work environment, and the job responsibilities when deciding if the employee should be returned to work.
- 4.7.7 The Appeal Board shall announce its decision in open session following the deliberations. The Chairperson will forward the Appeal Board's written decision to Human Resources. The decision will be forwarded to the appellant within ten business days, excluding the date of the hearing. The Appeal Board's decision is nonappealable.

4.8 Records Retention.

- 4.8.1 Human Resources will ensure that a record of the hearing results is maintained in the personnel file of the appellant.
- 4.8.2 Records of appeal hearing proceedings shall be maintained in Human Resources under the supervision of the Vice President of Human Resources.

4.9 Order of Hearing.

- 4.9.1 After calling the hearing to order, the Chairperson will open the hearing by introducing those in attendance who shall participate in the hearing. The Chairperson will then review the policies and procedures that apply to the conduct of the hearing.
- 4.9.2 The Chairperson will administer the oath to all prospective witnesses.
- 4.9.3 The Chairperson will then summarize the main appeal issues (appellant must concur).
- 4.9.4 The representative of the department which took the action giving rise to the subject appeal will make an opening statement stating the reasons for the action complained of in the appeal.
- 4.9.5 The appellant shall be allowed to respond to the statements of the department in an opening statement. The appellant may elect to wait until he/she presents his/her case before making an opening statement.
- 4.9.6 The department will present its case (produce witnesses and/or documentary evidence to sustain the action complained of by the appellant).
- 4.9.7 The appellant will be allowed to question any witnesses produced by the department on matters relevant to the appeal.

- 4.9.8 The appellant will be allowed to present his/her case (produce witnesses and/or documentary evidence in rebuttal to the department's evidence).
- 4.9.9 The department will be allowed to question any witnesses, including the appellant, produced by the appellant to testify.
- 4.9.10 The Appeal Board may at any time question any witnesses and documentation produced by the department or the appellant.
- 4.9.11 The departmental representative shall be allowed to make a closing statement summarizing the evidence presented at the hearing.
- 4.9.12 The appellant shall be allowed to make a closing statement summarizing the evidence presented at the hearing.
- 4.9.13 The Chairperson shall close the evidentiary stage of the hearing and no further evidence will be permitted from either party. No further evidence of any kind may be permitted unless the hearing is reopened.
- 4.9.14 Prior to the deliberations, the Chairperson will confirm whether or not the appellant wishes to be present during the deliberations.
- 4.9.15 The Chairperson will announce the decision in open session following the deliberations.

5.0 RESPONSIBILITIES

- 5.1 **Appeal Board.** Responsible for following appeal procedures; hearing an employee's appeal to an appealable corrective action; and rendering a final, written decision regarding the employee's corrective action.
- 5.2 **Executive Vice President of Administration and Diversity.** Responsible for selecting the Appeal Board.
- 5.3 **Vice President of Human Resources.** Responsible for overseeing the Corrective Action policy and ensuring that any corrective action is appropriate and necessary. Responsible for carrying out the decision rendered by an Appeal Board.
- 5.4 **Human Resources.** Responsible for assisting the Appeal Board in administering the hearing and advising the Board members about the content of Airport policies.
- 5.5 **Supervisors.** Responsible for observing employees' behavior and administering appropriate corrective action without regard to race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, gender identity, or protected activity in accordance with this policy.
- 5.6 **Employees.** Responsible for adhering to the Airport administrative policies and procedures, directives, and department rules, regulations, and procedures. Responsible for conducting themselves in accordance with this policy. Responsible for following the procedures outlined in this policy when filing an appeal to a corrective action when that action is appealable.

6.0 DEFINITIONS

- 6.1 **At-Will Employee.** Regular part-time, contract full-time, temporary, and probationary employees, and all regular full-time employees in the Executive structure and in bands 5 and 6 of the Management / Professional structure, bands 5 and 6 of the Information Technology structure, and bands 5 and 6 of the Department of Public Safety structure. An at-will employee may be terminated by the Board at any time, with or without cause

and with or without notice. Corrective action issued to at-will employees is final and may not be appealed. This at-will employment relationship can only be modified by a written contract signed by the employee and the Chief Executive Officer or the Chairperson of the Board of Directors.

- 6.2 **Authorized Personnel.** Supervisors, Executive Office, Human Resources, Legal, Audit Services, and/or others designated by these personnel.
- 6.3 **Family and Medical Leave (FML).** A federally mandated leave program designed to enable employees to balance the demands of work and family.
- 6.4 **Final Written Notice.** Identifies a violation or an area needing improvement and specifies the corrective action that must be taken. Provides employee with final notice of needed improvement.
- 6.5 **General Directives.** Departmental standards and guidelines developed by the Department of Public Safety that must be adhered to by employees within that department.
- 6.6 **Involuntary Demotion.** Movement of an employee from one position into a position of lesser responsibility as a corrective action.
- 6.7 **Involuntary Termination.** Termination of an individual's employment with the Board as a corrective action.
- 6.8 **Performance Improvement Plan.** Plan required to be developed by a supervisor for any employee who receives an unacceptable performance rating as outlined in this policy or who has not met performance expectations during the fiscal year. The Performance Improvement Plan will clearly state the areas of improvement required, time period for making the required improvements, and consequences of not making the required improvement.
- 6.9 **Suspension.** Time off without pay.
- 6.10 **Verbal Counselings.** Identifies a violation or an area needing improvement and specifies the corrective action that must be taken.
- 6.11 **Workplace Conduct Violation.** Includes violation of state or federal laws and violation of Board policies, excluding sections 3.2.1 and 3.2.3.3 of the Corrective Action policy.
- 6.12 **Written Notice.** Identifies a violation or an area needing improvement and specifies the corrective action that must be taken.
- 6.13 **Corrective Action Form.** Form issued to employee documenting verbal counselings, written notices, and final written notices.
- 6.14 **Employee Request for Appeal Hearing Form.** Form used by an employee to request an appeal of a suspension, involuntary demotion, or involuntary termination. The form must be filed with Human Resources within ten business days of the employee's receipt of written notice of the action to be appealed.
- 6.15 **Performance Improvement Plan Form.** Form issued by supervisor to document employee's performance improvement plan.

7.0 APPROVAL / REVISION HISTORY


- 7.1 07/31/2000 Original document.
- 7.2 04/01/2003 Minor revisions.

7.3	04/01/2005	HR.039.00 – Format revisions.
7.4	09/01/2006	HR.039.01 – Minor revisions and added 3.3.3.1.2.
7.5	03/01/2009	HR.039.02 – Substantive revisions.
7.6	03/01/2010	HR.039.03 – Revised 3.2.6.3, 3.3.1, 3.3.3.7, and 6.1.
7.7	11/01/2010	HR.039.04 – Revised 3.2.3.7, 3.2.3.8, 3.3.2, and 5.5 to add sexual orientation and gender identity.

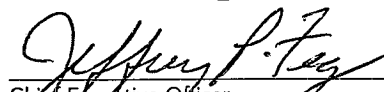
APPROVED:



Divisional Executive Vice President

Executive Vice President,
Administration and Diversity

General Counsel



Chief Executive Officer