

Reference: HUMAN RESOURCES
Section: WORK ENVIRONMENT
Title: WORKPLACE RELATIONSHIP POLICY
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I. PURPOSE

The Niagara Frontier Transportation Authority and the Niagara Frontier Transit Metro System, Inc. (collectively referred to as “NFTA” or “Authority”) is committed to a work environment that is collegial, respectful, and productive. The purpose of this policy statement is to promote a positive work environment that is free from relationships that cause a real or perceived conflict of interest, and to define acceptable standards of appropriate behavior for individuals in personal relationships (including but not limited to romantic and/or intimate and/or sexual relationships) at the NFTA.

Employees should also be familiar with the following related policies:

05-01-05: Harassment in the Workplace.

01-01-04: Code of Ethics.

II. POLICY

This policy applies to all individuals at the NFTA, including employees, board members, contractors/vendors, consultants, interns, and anyone who holds a position of authority or perceived authority over another individual.

a). **Superior/Subordinate and/or Same Chain of Command relationships.** As detailed below, personal relationships (including romantic and/or intimate and/or sexual relationships) between individuals in inherently unequal positions (commonly referred to as superior/subordinate and/or same chain of command relationships), where one party has real or perceived authority over the other in their professional roles, are an inappropriate workplace relationship and are prohibited. If such a relationship exists or develops, it must be disclosed to direct supervisors and the Human Resources Department by each party for appropriate remedial action consistent with this policy.

b). **Co-worker relationships.** Personal relationships (including romantic and/or intimate and/or sexual relationships) between employees who are not in inherently unequal positions are permitted subject to the following guidelines. Employees are cautioned to maintain professional and clear boundaries between personal and workplace interactions. The Authority emphasizes professionalism during work hours and within the working environment, including while on the clock. During work hours and on Authority property, all employees are expected to conduct themselves in an appropriate workplace manner. Employees shall not engage in physical contact that would reasonably be deemed as inappropriate in the workplace. This prohibition is to be maintained even during nonworking hours, such as lunches and breaks, while on Authority property or otherwise while being paid. Individuals involved in these relationships must be cognizant of the potential for disruption in the workplace due to the appearance of favoritism, and other negative impacts, if they are working together on an NFTA project while simultaneously trying to maintain a personal relationship. Personal matters that carry into the workplace and adversely affect an employee’s duties or work environment, e.g., harassment or favoritism, will be subject to disciplinary action. All Authority policies, including but not limited to Harassment in the Workplace (NFTA Policy No. 05-01-05), shall apply to personal relationships (including romantic and/or intimate and/or sexual relationships) between employees. Although formal disclosure by the parties is not required, individuals must comply with applicable laws, rules and regulations and are encouraged to confer with the Human Resources Department and the NFTA Ethics

Officer for appropriate guidance to ensure compliance with the policy.

c). **Relationships with Contractors/Vendors.** Individuals subject to this policy who are engaged in a personal relationship (including romantic and/or intimate and/or sexual relationships) with a contractor/vendor of the NFTA, and/or those with relatives (i.e. “immediate family” or “relative” as defined in NFTA Policy No. 04-02-01 as “spouse, parents, children, grandparents, grandchildren, siblings, parents’ siblings, and siblings’ children of the employee or spouse, and all persons for whom the employee or employee’s spouse is legally responsible”) who work or are affiliated with contractor/vendors of the NFTA, must comply with the NFTA’s Code of Ethics (Policy No. 01-01-04), and NY Public Officer’s Law §74 regarding conflicts of interest, avoiding activities that are in substantial conflict with the proper discharge of their duties in the public interest; prohibition on using or attempting to use their official position to secure unwarranted privileges or exemptions; prohibition on giving the impression that any person can improperly influence them or unduly enjoy their favor in the performance of his official duties; and the obligation to pursue a course of conduct which will not raise suspicion among the public that they are likely to be engaged in acts that are in violation of their trust, in addition to other applicable laws, rules and regulations. Although formal disclosure by the parties is not required, individuals must comply with applicable laws, rules and regulations and are encouraged to confer with the Human Resources Department and the NFTA Ethics Officer for appropriate guidance to ensure compliance with the policy.

III. DEFINITION OF AN INAPPROPRIATE WORKPLACE RELATIONSHIP

Inappropriate workplace relationships are defined as:

- Personal Relationships of a romantic, intimate, and/or sexual nature between persons in inherently unequal positions (commonly referred to as superior/subordinate and/or same chain of command relationships) where one party has real or perceived authority, influence, or power over the other’s conditions of employment, or has the ability to directly impact the other’s career progression, (which includes formal and informal supervisory relationships) are inappropriate. Authority within professional relationships may result from actual supervision, mentoring, reviewing, advising, evaluating, or personal relationships where a real or perceived power imbalance exists.
- Such relationships are inappropriate if they have an actual, perceived, or potential for perceived influence over the professional relationship or workplace.

NFTA employees must attempt to avoid initiating and engaging in these relationships. Efforts by either party to initiate or engage in these relationships is inappropriate. These relationships, even if consensual, may ultimately result in conflict or difficulties in the NFTA workplace.

IV. MANDATORY DISCLOSURE REQUIREMENT

Disclosure of such inappropriate workplace relationships creates a transparent environment that ensures the mission is met with mutual professional respect and accountability while also maintaining public trust and avoiding conflict of interest.

- Employees involved in an inappropriate workplace relationship (as defined above) must both immediately disclose it to their respective supervisors and the Human Resources Department.
- If individuals of unequal authority are in this type of relationship, the party of greater power is prohibited from engaging in all official matters affecting or appearing to affect the other and both must immediately disclose it to their supervisor and the Human Resources Department.
- Disclosure reduces the risk to both parties, as measures can be taken immediately by the Human Resources Department to mitigate real or perceived conflicts of interest and bias.
- A failure to disclose such a relationship may result in disciplinary action.

V. REMEDIATION AND MITIGATION

Upon such notification, the Executive Director, working with the Human Resources Department, must ensure that the Authority remediates, mitigates, manages, decreases, or eliminates potential risk because of the inappropriate workplace relationship.

Appropriate action may include, but is not limited to:

- Reassignment of one party to sever the supervisory relationship; and/or
- Recusal of the supervisor or individual in the position of authority or perceived authority from all official matters affecting, or appearing to affect, the subordinate; and/or
- Conducting an inquiry into the matter to determine if any inappropriate action(s) occurred as a result of the relationship, which could result in administrative action, including disciplinary action, and/or other appropriate actions based on the facts.
- Disciplinary action.

Failure to cooperate with the Authority to remedy the situation may be deemed insubordination and result in termination.

VI. REPORTING OF INAPPROPRIATE WORKPLACE RELATIONSHIP(S)

Individuals who are not involved in an inappropriate workplace relationship, but who are aware that other employees or individuals subject to this policy are potentially involved in an inappropriate workplace relationship, must disclose it to their direct supervisor and the Human Resources Department. Individuals who provide this good faith disclosure are subject to the protections of the NFTA's Whistleblower Policy (NFTA Policy No. 01-04-02).

Employees are cautioned that making baseless allegations (i.e., allegations that the employee could not reasonably believe to be true or could not reasonably believe to constitute a violation of this policy) may subject the employee to disciplinary action by the Authority and/or legal claims by individuals accused of wrongful conduct.

VII. VIOLATIONS.

A violation of this policy will result in corrective action up to and including discharge.