



Approved Board Policies

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Antitrust Policy

From the inception of the association, one of the major tenets of the Central Florida Chapter of Associated Builders & Contractors, Inc. has been opposition to monopolies. A natural corollary of that policy view is favor for antitrust laws.

Federal and state law prohibit contracts, combinations or conspiracies in restraint of trade and unfair competition.

We are conscious of the existence and potential effect of these laws upon our organization at the national, state and local levels. We are likewise cognizant of the importance of these laws in our member-to-member relationships, as well as in dealing with non-member firms.

As an association, we will not, by any means, enter into any arrangements or understandings that restrain trade or competition, by any collusive acts that can be interpreted as seeking such ends.

We strongly urge all members to be aware of the hazards of any such activities that might violate such laws.

We specifically call attention of our association officers, staff and members to such unlawful practices as the following:

1. Boycotting of firms or products through management agreements.
2. "Courtesy" bidding -- agreeing to price bid to the advantage of any individual firm.
3. Agreements to fix wages or prices. Promotion of bid depositories with penalties for violations.
4. Agreement upon so-called bid preparation fees to be shared among competitive bidders.
5. Agreements to use exclusively any materials, supplies or services.
6. Limitation of markets -- to type, geography, size or similar carve-outs.
7. Any agreements to prevent access to markets or supplies.

As an association, we condemn such actions and urge our members to be aware that such violations not only contravene the basic principles of the Merit Shop espoused by our Association, but entail upon conviction of violating heavy criminal and civil penalties.

CENTRAL FLORIDA CHAPTER OF ASSOCIATED BUILDERS AND CONTRACTORS, INC.

Policy on Potential Conflicts of Interest

The Board of Directors of the Central Florida Chapter of Associated Builders and Contractors, Inc. (ABC) has adopted the following policy designed to avoid any possible conflict between the personal interest of Board members, committee chairs, members and staff and the interests of ABC. This policy also applies in any case in which a committee chairperson or committee member may be delegated the authority to transact any business on behalf of ABC.

The purpose of this policy is two-fold. First, the policy seeks to reflect the spirit of ABC's commitment to promote the highest ethical standards in the construction industry and association management profession. Second, the policy seeks to ensure that decisions about ABC operations and the use or disposition of ABC assets are made solely in terms of the benefits of ABC and are not influenced by any private profit or other personal benefit to the individuals affiliated with ABC who take part in the decision. In addition to actual conflicts of interest, board members are also obligated to avoid actions that could be perceived or interpreted in conflict with ABC's interest.

Conflicts of interest may occur when ABC enters into transactions with not-for-profit organizations as well as those that are undertaken with profit-making entities. The best way to deal with this problem is to make known one's connection with organizations doing business with ABC and to refrain from participation in decisions affecting transactions between ABC and the other organization. Such relationships do not necessarily restrict transactions so long as the relationship is clearly divulged, and non-involved individuals affiliated with ABC make any necessary decision.

Policy

Any member of the Board of Directors, committee chairs, and members who may be involved in an ABC business transaction in which there is a possible conflict of interest shall promptly notify the Chairman. Any ABC staff with a possible conflict of interest shall promptly notify the President/CEO. The Director shall refrain from voting on any such transaction, participating in deliberations concerning it, or using personal influence in any way in the matter. The Director's presence may not be counted in determining the quorum for any vote with respect to a business transaction in which he or she has a possible conflict of interest. Furthermore, the Director, or the President/CEO in the Director's absence, shall disclose a potential conflict of interest to the other members of the Board before any vote on an ABC business transaction and such disclosure shall be recorded in the Board minutes of the meeting at which it is made. Any ABC business transaction which involves a potential conflict of interest with a member of the Board of Directors, committee chairs, members and staff shall have terms which are at least as fair and reasonable to ABC as those which would otherwise be available to ABC if it were dealing with an unrelated party.

A written disclosure regarding any possible conflicts and of any adjustments made to avoid possible conflicts of interest shall be kept by the President.

Definitions

- A. “Involved in an ABC business transaction” means initiating, making the principal recommendation for, or approving a purchase or contract; recommending or selecting a vendor or contractor; drafting or negotiating the terms of such a transaction; or authorizing or making payments from ABC accounts. That language is intended to include not only transactions for ABC’s procurement of good and services, but also for the disposition of ABC property, and the provision of services or space by ABC.
- B. A “possible conflict of interest” is deemed to exist where the Director, staff or close relative, or a member of that person’s household, is an officer, director, employee, proprietary, partner, or trustee of, or, when aggregated with close relatives and members of that person’s household, holds 1% or more of the issued stock in the organization seeking to do business with ABC. A possible conflict is also considered to exist where such a person is (or expects to be) retained as a paid consultant or contractor by an organization which seeks to do business with ABC, and whenever a transaction will entail a payment of money or anything else of value to the official, member, to a close relative, or to a member of that person’s household.

A “possible conflict of interest” exists when an individual affiliated with ABC has an interest in an organization which is in competition with a firm seeking to do business with ABC if the individual’s position gives him or her access to proprietary or other privileged information which could benefit the firm in which he or she has an interest.

A “possible conflict of interest” exists when an individual affiliated with ABC is a trustee, director, officer or employee of a not-for-profit or for-profit organization which is seeking to do business with or have a significant connection with ABC or is engaged in activities which could be said in a business context to be “in competition with” the programs of ABC.

Acknowledgment

This policy statement shall be made available to each Director, committee chairs, members and staff. Such people will be asked to sign the acknowledgment below and the attached disclosure concerning reporting of potential conflicts of interest.

ACKNOWLEDGMENT

I have read and understand ABC’s policy on Potential Conflicts of Interest. I agree to report promptly any such interest which arises in my conduct of ABC business and, in other respects, to comply with the policy and its procedures.

Name Printed

Signature

Date

DISCLOSURE REGARDING CONFLICTS OF INTEREST

As a Board member, committee chair, member or staff of ABC, I recognize that I owe duties of care and loyalty to the association. One aspect of fulfilling those duties is to avoid conflict of interest in which my allegiance might be split between my responsibilities at ABC and some other professional, business, or volunteer position or responsibility. To help avoid conflicts, on this form I am disclosing other situations or areas in which it might even appear that I have conflicting duties to other entities. I invite any further review by the association of any aspect of these situations or areas that might be considered appropriate. Also, I will take other steps, such as avoiding deliberations and resolution of certain issues or even withdrawing from my position in the association, if it is determined that those steps are necessary to protect against legal liability to the association or to me arising from conflicts of interest.

1. Professional, business or volunteer positions or responsibilities that might give rise to conflicts:

2. Situations in which I am serving as a vendor, or am employed by or consulting with a vendor, to the association:

3. I know of no professional, business or volunteer position or responsibility, including vendor situations, that might give rise to conflicts (check here): _____

Name Printed

Signature

Date

Association Anti-Harassment Policy

OUR POLICY AGAINST HARASSMENT

Our Association has adopted a zero-tolerance policy toward discrimination and all forms of unlawful harassment, including but not limited to sexual harassment. This zero-tolerance policy means that no form of unlawful discriminatory or harassing conduct towards any employee, member, vendor, or other person in our workplace or jobsites will be tolerated. The Association is committed to enforcing its policy at all levels within the Association. Any officer, director, manager, supervisor, or employee who engages in prohibited discrimination or harassment will be subject to discipline, up to and including immediate discharge from employment or removal from leadership for a first offense.

Conduct Covered by this Policy:

This policy applies to and prohibits all forms of illegal harassment and discrimination, not only sexual harassment. Accordingly, the Association absolutely prohibits harassment or discrimination based on sex, age, disability, perceived disability, marital status, personal appearance, sexual orientation, race, color, religion, national origin, veteran status or any other legally protected characteristic.

Sexual Harassment:

Because confusion often arises concerning the meaning of sexual harassment in particular, it deserves special mention. Sexual harassment may take many forms, including the following:

- Offensive and unwelcome sexual invitations, whether or not the employee submits to the invitation, and particularly when a spoken or implied quid pro quo for sexual favors is a benefit of employment or continued employment;
- Offensive and unwelcome conduct of a sexual nature, including sexually-graphic spoken comments; offensive comments transmitted by e-mail or another messaging system; offensive or suggestive images or graphics whether physically present in the workplace or accessed over the Internet; or the possession of or use of sexually suggestive objects; and
- Offensive and unwelcome physical contact of a sexual nature, including the touching of another's body; the touching or display of one's own body, or any similar contact.

Procedures in Cases of Harassment:

Any Association employee who believes that she or he has been subjected to unlawful harassment of any kind has the responsibility to report the harassment immediately to her or his supervisor. If the employee is uncomfortable reporting the harassment to her or his immediate supervisor (whether because the supervisor has committed the harassment, or for any other reason whatsoever), the employee must report the harassment to the President, or Chair of the Association.

The Association is committed to taking all reasonable steps to prevent harassment, and will make every reasonable effort promptly and completely to address and correct any harassment that may occur. However, the Association cannot take prompt and effective remedial action unless each employee assumes the responsibility of reporting any incident of harassment immediately to an appropriate supervisory employee.

Every report of harassment will be investigated promptly and impartially, with every effort to maintain employee confidentiality. The complainant and the accused will be informed of the results of the investigation. If the Company finds that its policy has been violated, it will take appropriate corrective and remedial action, up to and including discharge.

Reporting Without Fear of Retaliation:

No Association employee will be retaliated against for reporting harassment. This no-retaliation policy applies whether a good faith complaint of harassment is well founded or ultimately determined to be unfounded.

No Association officer, director, manager or supervisor is authorized, or permitted, to retaliate or to take any adverse employment action whatsoever against anyone for reporting unlawful harassment, or for opposing any other discriminatory practice in the workplace.

Any employee who feels he or she has been retaliated against in violation of this no-retaliation policy is responsible for reporting the retaliation to management, in the same manner as any other form of harassment or discrimination should be reported.

If you have any questions at all about this policy, about whether you should report an incident under this policy, or about ABC's commitment to a workplace free of discrimination and harassment, please speak to the President.

Document Destruction Prohibited

No officer, director, employee or agent of Central Florida Chapter of Associated Builders and Contractors shall knowingly destroy a document with the intent to obstruct or influence the investigation or proper administration of any matter within the jurisdiction of any government department or agency or in relation to or contemplation of any such matter or case.

Retaliation against Whistleblowers Prohibited

No officer, director, employee or agent of the Central Florida Chapter of Associated Builders & Contractors, Inc. shall take any harmful action with the intent to retaliate against any person, including interference with employment or livelihood, for providing to a law enforcement officer any truthful information relating to the commission or possible commission of any offense.

Name Printed

Signature

Date