

CHAPTER 7

Standards of Conduct

[Section 7.1 Objective](#)

[Section 7.2 Applicable Regulations](#)

[Section 7.3 Management Responsibility](#)

[Section 7.4 Coverage of Personnel](#)

[Section 7.5 Disciplinary Measures](#)

[Section 7.6 Categories of Inappropriate Conduct](#)

CHAPTER 7

STANDARDS OF CONDUCT

Section 7.1 Objective

Regulations to govern the conduct of employees are necessary for the orderly operation of the County. Such regulations are to the benefit of and protect the rights and safety of all employees.

The County recognizes its continuing responsibility to develop and administer the necessary employment regulations and disciplinary measures in a fair and consistent manner. The County requires all employees to conform with these regulations and to otherwise conduct themselves in a responsible and professional manner.

Section 7.2 Applicable Regulations

Employees shall not conduct themselves in a manner which violates the public trust, discredits the County or its employees, or hinders the effective performance of the County's governmental or proprietary functions. The regulations referred to in this chapter and the conduct listed herein are not intended to be all inclusive for inappropriate conduct. Inappropriate conduct shall be disciplined consistent with the provisions of this chapter.

Section 7.3 Management Responsibility

Department heads *managers* shall be responsible for administering timely and consistent disciplinary measures for inappropriate conduct pursuant to the procedures set forth in this chapter. If the appropriateness of specific conduct is in question, the department heads *managers* shall consult with the ~~Director of Personnel~~ *Human Resource Manager* to determine if the conduct is inappropriate and the proper disciplinary measure to be administered.

Section 7.4 Coverage of Personnel

All ~~permanent and limited term~~ County employees, *in permanent- or limited-term, exempt or non-exempt positions*, including employees of a constitutional officer who has agreed to include the employees under the County's compensation plan and personnel policies, shall be subject to the disciplinary procedures in this chapter. Temporary and probationary employees may be discharged at the will of the County Administrator, without cause or hearing.

Section 7.5 Disciplinary Measures

- A. Application - Department heads *managers* and Supervisors shall apply disciplinary measures fairly and uniformly. It is the County's policy that discipline be a progressive process and disciplinary measures of less severity than discharge be taken to correct inappropriate conduct before

proceedings for discharge are initiated. However, discharge shall be appropriate for first violations of extreme misconduct. No employee has a right or guarantee to any progressive disciplinary measure.

B. Classification of Disciplinary Measures - Disciplinary measures include:

1. Verbal reprimands.
2. Written reprimands.
3. Suspensions.
4. Reductions in grade.
5. Demotions.
6. Discharge.

C. Definition of Disciplinary Measures.

1. Verbal Reprimand: A verbal communication directed to an employee for the purpose of making a final statement regarding inappropriate conduct. Any verbal reprimand shall be documented on Discipline Form A (see Appendix B) within two days of the reprimand and forwarded to the Human Resource Manager who shall place the document in the employee's personnel file.
2. Written Reprimand: A written communication directed to an employee for the purpose of making a final statement regarding inappropriate conduct. Any written reprimand shall be documented on Discipline Form B (see Appendix B) within two days of the reprimand and forwarded to the Human Resource Manager who shall place the document in the employee's personnel file. A copy of the written reprimand shall be delivered to the employee.
3. Suspension: A temporary separation *of one or more full work days* from employment for the purpose of reprimanding an employee for inappropriate conduct. *A "work day" is defined as the number of hours the employee is authorized to work in a 24-hour period.* A suspension may be with or without pay. An initial suspension shall not exceed ten working days. A second suspension within any twelve-month period shall not exceed twenty working days. Any suspension without pay for *work* days equivalent to more than one ~~full~~ work day shall result in the loss of the accumulation of sick leave and annual leave for that pay period.

4. Reduction in Grade Salary: The adjustment of an employee's wages to a lower step of the salary grade in the salary range to which he is assigned on the County pay plan for the purpose of reprimanding the employee for inappropriate conduct.
5. Demotion: Demotion in this chapter shall always mean disciplinary demotion. A disciplinary demotion is the assignment of an employee to a lower classified position for the purpose of reprimanding the employee for inappropriate conduct. Demotion shall not be used as a disciplinary measure if the employee cannot qualify for the lower position, or if such demotion would require the displacement of another employee. A demotion shall be accompanied by a reduction in grade range and salary.
6. Discharge: A dismissal from employment for the purpose of reprimanding an employee for inappropriate behavior. An employee who is discharged forfeits all accumulated sick leave.

D. Procedure

1. Normal procedure.
 - a. It shall be the responsibility of the department heads manager to document any inappropriate conduct thought to justify a suspension, reduction in grade range, demotion, or dismissal on Discipline Form C (see Appendix B) and to deliver it to the Human Resource Manager.
 - b. The Human Resource Manager shall conduct an investigation within five working days and document the findings on Discipline Form C.
 - c. If the Human Resource Manager determines that a lesser disciplinary measure is appropriate, he shall direct the department heads manager to take appropriate action.
 - d. If the Human Resource Manager determines that the disciplinary measure is warranted, he shall notify the employee of the proposed disciplinary measure in writing to avail him an opportunity to respond to the proposed disciplinary measure.
 - e. A hearing shall be requested in writing by an employee within two working days after receipt of such written notice or the right to a hearing shall be waived.

- f.* The Human Resource Manager shall meet with the employee within two working days after receipt of a timely written request for a hearing.
- g.* If the Human Resource Manager maintains that the disciplinary measure is warranted, he shall complete Discipline Form C to document his recommendation and deliver it to the County Administrator within two working days.
- h.* The County Administrator shall review Discipline Form C, and any other information he deems relevant, and impose the appropriate disciplinary measure within two working days of the receipt of Discipline Form C.
- i.* A written notice of the disciplinary measure shall be delivered to the employee.
- j.* The Human Resource Manager shall place a copy of the notice in the employee's personnel file.

2. Immediate Suspensions:

- a.* If a department ~~head~~ *manager* determines that an employee's inappropriate behavior poses an immediate threat to the safety or discipline of other employees, he shall immediately suspend such an employee.
- b.* No such suspension shall be imposed by a department ~~head~~ *manager* for more than three working days. If such action is taken, the department ~~head~~ *manager* shall on that day prepare Discipline Form C (see Appendix B) and deliver it to the Human Resource Manager. If the conduct occurs after official work hours, it shall be delivered the next official work day.
- c.* If the Human Resource Manager concurs in the action taken, he shall process the disciplinary measure in the same manner as provided above.
- d.* If the Human Resource Manager determines an immediate suspension is not warranted, he shall notify the employee in writing to return to work subject to the decision of the County Administrator as to the appropriate disciplinary measure.

e. If the Human Resource Manager determines it is necessary to extend an employee's immediate suspension pending the County Administrator's action, he shall notify the employee in writing of such extension.

f. No such suspension shall exceed ten working days.

3. Written Notices:

a. All disciplinary notices to an employee shall be hand-delivered to such an employee or delivered by certified mail to the employee's last known address as reflected in the records of the Human Resource Department.

b. It shall be the responsibility of all employees to notify the Human Resource Department promptly of any address change and the return receipt or the return of the notice letter shall satisfy any requirement of notification to the employee.

4. Employee Request.

a. All written requests by an employee for a hearing, as provided in this Chapter, shall be hand-delivered to the Human Resource Department or the department head *manager*.

b. All written requests delivered to a department head *manager* shall that day be delivered to the Human Resource Department.

5. Department Head *Manager* Absent. Whenever it is provided that any action is to be taken by a department head *manager*, and the department head *manager* is absent, such action shall be taken by the person exercising the department head's *manager's* authority during that period of absence.

6. County Administrator Absent. Whenever the County Administrator is absent, unless he otherwise designates, the Assistant County Administrator shall take any disciplinary measure required of the County Administrator in this Chapter.

7. Human Resource Manager Absent. Whenever it is provided that any action is to be taken by the Human Resource Manager, and the Human Resource Manager is absent, such action shall be taken by

the person exercising the Human Resource Manager's authority during that period of absence.

8. Discipline of Human Resource Department Employee. Whenever any disciplinary measure is initiated toward an employee of the Human Resource Department, the Assistant County Administrator shall exercise the duties of the Human Resource Manager in regard to that disciplinary measure.

E. Pending Criminal Charges.

1. Normal procedure.

- a. An employee shall report to the Human Resource Manager if he is charged with a felony or other criminal offense within one work day of the offense.

- b. If an employee is charged with a felony or other criminal offense of such nature that the employee's continued performance of County duties:

- (a) ~~p~~Poses an immediate threat to the discipline or effective performance of other employees, or
- (b) ~~h~~HAs an immediate adverse effect on the reputation of the County, or
- (c) ~~i~~mpairs the effective performance of any County function,

the Human Resource Manager shall investigate such matter, document the information on Discipline Form D (see Appendix B), and deliver it to the County Administrator within two working days.

- c. If the County Administrator determines a suspension is warranted, he shall notify the employee in writing of the proposed suspension and avail him ~~of~~ an opportunity to respond to the proposed action at a hearing.

- d. The hearing shall be requested in writing by the employee within two ~~work~~ days after receipt of such written notice or the right to a hearing shall be deemed waived.

e. The County Administrator shall meet with the employee within two working days after receiving the written request for a hearing.

f. The County Administrator may suspend such employee for all or any part of the time criminal proceedings are pending.

2. Immediate suspension. With the consent of the County Administrator, the Human Resource Manager may order an immediate suspension, when appropriate, pending his investigation and the determination of the County Administrator.

Section 7.6 Categories of Inappropriate Conduct

Typical inappropriate conduct has been listed in three categories to assist in administering disciplinary measures in a fair and consistent manner. Each category of conduct has a suggested corresponding measure. However, mitigating or aggravating circumstances may require a different disciplinary measure than suggested. Each disciplinary measure shall take into consideration the circumstances surrounding the misconduct, the employee's work history, and the impact of the misconduct on the effective operation of the County.

Category 1 Conduct

Category 1 includes inappropriate conduct, which in the initial instance is not severe in nature, but which requires corrective action to maintain a proper work environment. Category 1 offenses include, but are not limited to:

- A. Poor housekeeping which creates or contributes to inefficient, unsanitary, or unsafe work conditions.
- B. Careless workmanship which evidences unsatisfactory job performance.
- C. Careless or negligent maintenance, handling, or use of County property.
- D. Excessive absences or tardiness.
- E. Unjustified absence from the work station or department without a supervisor's permission.
- F. Stopping work before the specified end of a working day or starting work after the specified beginning of the work day.
- G. Horseplay, pranks, or non-work related activity during working hours.

- H. Posting or removal of notices, signs, or other writing in any form on any non-employee bulletin boards on County property without permission of the department head manager.
- I. Unauthorized solicitation of employees or others during working hours on County property.
- J. Unauthorized distribution of literature or any other material during working hours or on County property.
- K. Abusive or obscene language.
- L. Conviction of a traffic moving violation while operating a County vehicle.

Appropriate disciplinary measure for Category 1 Conduct occurring in any 12 month period:

First offense - verbal warning

Second offense - written warning

Third offense - suspension, reduction in grade, and/or demotion

Fourth offense - discharge

Category 2 Conduct

Category 2 Conduct includes inappropriate conduct severely disruptive to the proper operation of the County. Category 2 offenses include, but are not limited to:

- A. Refusal to follow a supervisor's instructions or perform assigned work.
- B. Violation of safety rules.
- C. Testing positive for alcohol at a level between .02 and .039.
- D. Failure to report to work without proper notice to supervisor.
- E. Unauthorized use of County vehicles or equipment or unauthorized removal of such from an employee's work station.
- F. Use of sick leave for any purposes other than as outlined in Section 5.4.E.2.a.

- G. Threatening, or interfering with the work of fellow employees or supervisors.
- H. Acceptance of gifts or gratuities from any person, company, or corporation, or any other act that constitutes a conflict of interest as defined in the Comprehensive Conflict of Interest Act, Code of Virginia, 1950, as amended.
- I. Failure to report known work-related illegal activity of any employee.
- J. Unauthorized non-County employment or activity which interferes with the performance of an employee's assigned duties and responsibilities.
- K. Fighting on County property or during the working day.
- L. Failure of a public safety employee designated in Section 2.9.1.B. to refrain from the use of tobacco products on or off duty.

Appropriate disciplinary measure for Category 2 conduct occurring in any 12 month period:

First offense - suspension, reduction in grade, and/or demotion

Second offense - discharge

Category 3 Conduct

Category 3 Conduct includes inappropriate conduct unacceptable to the proper operation of the County. Category 3 offenses include, but are not limited to:

- A. Use of alcohol or unlawful use or possession of controlled substances on County property during working hours.
- B. Testing positive for alcohol at a level of .04 or greater, or testing positive for drugs as defined in the County's Substance Abuse Policy, Chapter ~~23~~, Section 2-12.
- C. Testing between .02 and .039 on an alcohol return-to-duty test, or on any subsequent alcohol follow-up testing.
- D. Failure to report to work without proper notice to supervision for three consecutive work days.

- E. Falsification of County records, including, but not limited to vouchers, time records, leave records, insurance claims, or the application for employment.
- F. Three or more garnishments involving more than one indebtedness during any 12 month period.
- G. Gambling on County property or during working hours.
- H. Theft or unauthorized removal of County property or employee property.
- I. Unauthorized possession of firearms or other weapons on County property or during working hours.
- J. Participation in any kind of work slowdown, sit down, or similar concerted interference with County operations.
- K. Unauthorized use of County documents, records, or confidential information.
- L. Job-related lying, stealing, or cheating.
- M. Any criminal conviction for an act occurring on or off the job which is related to job performance, or is of such a nature that to continue the employee in the assigned position could constitute negligence in regard to the County's duties to the public or other employees, or which adversely affects the reputation of the County, or is conduct unbecoming of an employee.
- N. Failure to report to the Director of Human Resource being charged with a felony or other criminal offense within one work day of the offense.

The appropriate disciplinary measure for any Category 3 Conduct is discharge.