
CHAPTER 19

STANDARDS OF CONDUCT

19.1 Objective

Regulations governing employee conduct provide for and promote orderly, efficient and effective operation and service delivery and benefit and protect the rights and safety of County employees. The County recognizes its continuing responsibility to develop and administer personnel policies and disciplinary regulations in a fair and consistent manner.

All County employees shall conform with these regulations and otherwise conduct themselves in a responsible and professional manner. An employee shall not violate the public trust, discredit the County or its employees, or hinder the effective performance of the County's governmental or proprietary functions. Any conduct unbecoming a Spotsylvania local government employee shall be subject to discipline that is consistent with the provisions of the chapter.

19.2 Not All Inclusive

An individual's employment with the County is entered into voluntarily and the employee is free to resign at any time and for any or no stated reason. Similarly, the County may end the at-will employment relationship at any time, for any or no stated reason. Notwithstanding any other provision of this manual, the County Administrator may exercise authority as Chief Administrative Officer of the County at any time to discipline and/or discharge any County employee at will, for any or no stated reason.

This chapter is not intended to create a binding contract. All disciplinary decisions are discretionary.

19.3 Director's Responsibility

Department directors shall be responsible for administering disciplinary measures for inappropriate conduct pursuant to the procedure set forth in this chapter. If the appropriateness of specific conduct or discipline is in question, the department director shall consult with the Director of Human Resources to determine the proper disciplinary response. Written notification of the disciplinary measure shall be delivered to the employee as prescribed herein and a copy forwarded to the Director of Human Resources for placement in the employee's personal County file.

19.4 Coverage of Personnel

All County employees, including employees of constitutional officers who elect to include their staff under the County's personnel policies, shall be subject to the disciplinary procedure in this chapter and may be discharged at will.

19.5 Disciplinary Measures

A. Communication

The most effective means of discipline is effective and regular communication between the immediate supervisor and the employee about the expected performance and behaviors.

B. Application

Department directors and supervisors shall apply disciplinary measures fairly and consistently. Disciplinary measures of less severity than discharge shall generally be taken to correct inappropriate conduct; however, under certain circumstances, discharge may be appropriate for first violations of misconduct.

C. Corrective Measures

Any corrective measure shall take into consideration the mitigating or aggravating circumstances surrounding the misconduct, the employee's history, and the impact of the misconduct on the effective operation of the County. No employee has a right or guarantee to any progressive disciplinary measures. Corrective measures, listed in order of least to most severe, include, but are not limited to:

1. Verbal Warning
2. Written Reprimand
3. Suspension
4. Pay Reduction Within Grade
5. Demotion
6. Dismissal

D. Definition of Typical Disciplinary Measures

1. Verbal Warning

An informal verbal communication from a supervisor to an employee explaining exactly what behaviors are unacceptable and how similar behavior shall be avoided in the future. The supervisor shall inform the employee of the specific standard the employee is violating.

2. Written Reprimand

A formal written communication directed to an employee for the purpose of making a final written statement regarding inappropriate conduct. Any written reprimand shall be documented and forwarded to the Director of Human Resources who shall place the document in the employee's personal County file. The department shall deliver a copy of the written reprimand to the employee.

3. Suspension

A temporary separation from employment for the purpose of reprimanding an employee for inappropriate conduct. An initial suspension shall not exceed ten working days. A suspension may be with or without pay. An employee who is suspended without pay more than one full workday shall not accumulate sick or annual leave during the month of his suspension. The department director shall consult with the Director of Human Resources when suspension involves exempt personnel.

4. Pay Reduction Within Grade

The downward adjustment of an employee's wages within the pay grade to which his position is classified to reprimand 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, in lieu of termination, 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 displace another employee. A disciplinary demotion shall be accompanied by a reduction in pay grade and salary.

6. Dismissal

A discharge from employment to reprimand an employee for inappropriate behavior. An employee who is dismissed forfeits all payment for any accumulated annual and sick leave.

7. Notification to Employee

All written notification concerning an employee's suspension, pay reduction, demotion or dismissal, shall be hand-delivered or delivered by certified mail to the employee's last known address. The return receipt or the return of the notice letter shall satisfy any requirement of notification to the employee.

8. Department Director Absent

Whenever the department director is absent, disciplinary procedures shall be followed by the person exercising the department director's authority during the period of absence.

9. County Administrator Absent

Whenever the County Administrator is absent, unless otherwise designated, the Deputy County Administrator shall take any disciplinary measure required of the County Administrator in this chapter.

E. Pending Criminal Charges

1. Normal procedure

If charged with a felony or Class One or Class Two Misdemeanor, employees shall report to the department director within one (1) workday of receipt of notice of the charge. Employees who operate County vehicles are required to report charges resulting from a moving violation within one workday of receipt of notice to department director/constitutional officer. The department director shall contact the County Administrator who shall authorize the Director of Human Resources to investigate the matter.

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. Poses an immediate threat to the discipline or effective performance of other employees
- b. Impairs the effective performance of any County function, the Director of Human Resources shall investigate such matter,

document the information and deliver it to the County Administrator within two working days. If the County Administrator determines that suspension is warranted, the County Administrator shall notify the employee in writing.

2. Immediate suspension

The County Administrator may order an immediate suspension without pay when appropriate. If the employee is found not guilty of the alleged crime or violation or the charge is the subject of a nolle prosequi motion by the prosecutor with no intention of reinstating the charge or a lesser included offense, then the employee shall be reinstated to his previous position, and the employee shall receive his normal compensation for the period of time he was suspended.

19.6 Inappropriate Conduct

Behaviors unbecoming a Spotsylvania local government employee are listed below. The list is neither all-inclusive nor in order of severity but is intended to assist department directors to administer discipline in a fair and consistent manner.

1. Rudeness and improper language, both in person and on the telephone, radio and all other forms of communication devices (e-mail, pager, etc.) while conducting public business to the public and co-workers.
2. Careless workmanship, which evidences unsatisfactory job performance.
3. Poor housekeeping which creates or contributes to inefficient, unsanitary, or unsafe work conditions.
4. Careless or negligent maintenance, handling, or use of County property.
5. Excessive absences or tardiness.
6. Absence from the workstation or department without a supervisor's permission.
7. Stopping work before the specified end of a working day or starting work after the specified beginning of the work day without prior approval.
8. Horseplay, pranks, or non-work related activity during working hours.
9. 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 director.

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10. Unauthorized solicitation of employees or others during working hours on County property.
 11. Unauthorized distribution of literature or any other material during working hours or on County property.
 12. Abusive or obscene language at work or County functions.
 13. Conviction of a moving violation while operating a County vehicle.
 14. Refusal to follow a supervisor's instructions or perform assigned work.
 15. Violation of safety rules.
 16. Reporting to work under the influence of alcohol or unlawful controlled substances.
 17. Failure to report to work without proper notice to the appropriate supervisor.
 18. Unauthorized use of County vehicles or equipment or unauthorized removal of such from an employee's workstation.
 19. Use of sick leave for any purposes other than as outlined in this manual.
 20. Threatening or otherwise interfering with the work of fellow employees or supervisors.
 21. Acceptance of gifts or gratuities from any person, company, or corporation, or any other act that constitutes a conflict of interest as defined in Chapter 31, State and Local Government Conflict of Interest Act, of the Code of Virginia, 1950, as amended.
 22. Failure to report known work-related illegal activity of any employee.
 23. Unauthorized non-County employment or activity, which interferes with the performance of an employee's assigned duties and responsibilities.
 24. Fighting on County property during working hours.
 25. Use of alcohol or unlawful use or possession of controlled substances on County property during working hours.
 26. Harassment of an employee or a member of the general public.

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27. Falsification of County records, including, but not limited to vouchers, time records, leave records, insurance claims, or the application for employment.
 28. Two or more garnishments involving more than one creditor during any 12-month period.
 29. Gambling on County property or during working hours.
 30. Theft or unauthorized removal of County property or employee property.
 31. Possession of firearms or other weapons within a County vehicle or within an unlocked private vehicle on County property.
 32. Participation in any kind of work slowdown, sit down, or similar concerted interference with County operations.
 33. Unauthorized use or sharing of County documents, records, or confidential information.
 34. Job-related lying, stealing, or cheating, including lying on one's County employment application.
 35. Failure to report being charged with a felony or other criminal offense to the department director within one workday of the offense.
 36. Any violation of a policy in this manual or a departmental policy.
 37. 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.
 38. In work area before or after designated work schedule without prior authorization.
 39. Sleeping while on duty.
 - ~~39-40.~~ Engaging in sexual activity while on duty and/or on County property.
 - ~~40-41.~~ Administrative loss, suspension or revocation of driving privilege when maintenance of a driver's license is a requirement for County employment.