Policy 2500

From Human Resources

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PERSONNEL POLICY MANUAL
MoDOT Personnel Policy Title: Standard Rules of Conduct **Policy Number**: 2500 **Chapter Title**: Employee Conduct **Effective Date**: November 1, 2009 **Supersedes Policy Number** 2500 **Dated** July 1, 2009
Approved By: Micki Knudsen, Human Resources Director (Signature on file)

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POLICY STATEMENT

The department believes certain conduct may disrupt the work environment; may cause safety problems for employees and the general public; may discredit the department; and may undermine the integrity of department goals. The department has developed this policy specifically to address behavior violations and other types of conduct believed not to be in the best interest of the department. This policy is not intended to include all violations that could result in discipline. Violation of these rules can result in discipline up to, and including, termination.

Unless otherwise stated, first-time violations of this policy should result in a written warning or greater discipline, depending on the circumstances of each violation.

DEFINITION

Incident: An action or lack of action that results in personal injury and/or property damage.

PROVISIONS / REQUIREMENTS

1. Employees are responsible for knowing and adhering to the rules of conduct established by the department and for acting in accordance with MoDOT's values.

2. Supervisors and managers are responsible for educating, monitoring, and keeping employees in their areas informed of department rules of conduct.

3. Districts/divisions/offices are responsible for determining if an employee's conduct should result in immediate dismissal, or an appropriate discipline administered according to the policy referenced herein and in Personnel Policy 2600, "Performance/Conduct Intervention."

4. Districts/divisions/offices are responsible for notifying the Human Resources Division immediately of potential claims of discrimination, sexual harassment, or retaliation.

5. An employee or the department is free to terminate the employment relationship at-will, with or without cause, and at any time. As an at-will employer, the department reserves the right to add to or subtract from the rules outlined in department personnel policies and procedures and has the exclusive authority to review the circumstances surrounding each infraction on an individual basis.

6. During investigations conducted by department supervisors, employees will not be allowed to have another person present, including legal counsel, when being asked for information related to their behavior or potential violations of department policies or law. When the Audits and Investigations Unit conducts investigations, and the potential exists for criminal charges to be brought against employees, these employees will be allowed to have an attorney present for legal counsel, while being questioned by the investigator for the Audits and Investigations Unit.

7. Felony Charge (see number 9 listed under Standard Rules of Conduct).

A. An employee charged with a felony must immediately report it to his/her supervisor and promptly provide a copy of charges filed to the local human resources manager. The supervisor will consult with the director of human resources and the relevant district engineer or division leader/state engineer to determine whether a suspension pending the outcome of the charges is warranted under the circumstances. If it is determined that a suspension is warranted pending the outcome of the charges, the employee will immediately be suspended without pay. However, an employee may elect to use a portion or all of his/her accrued annual leave and/or compensatory time during this suspension. This time must be used consecutively, not intermittently. Any time paid will be creditable/credited service in the retirement system. If the employee does not have accrued leave available to cover his/her absence during this suspension, life, disability, and medical insurance will continue to be available, but without state participation.

B. A suspended employee will be allowed to return to work after the disposition of the charges, unless the district/division/office in consultation with the human resources director determines prior to the employee's return that the employee's return is not in the best interest of the department.

C. An employee who is not suspended pending the outcome of the charges must keep his/her supervisor and human resources manager informed about the status of the charges throughout the process and must provide information regarding the final disposition of charges to his/her supervisor and human resources manager within three days of disposition. The district engineer/division leader, in consultation with the human resources director, will determine whether any further action is warranted based upon the final disposition of the charges.

D. An employee convicted of a felony charge involving the use of controlled substances will be released from employment and will not be eligible for reemployment with the department for at least two years from the date of release, and only then if he/she shows proof of completion of a state certified drug rehabilitation program.

E. No back pay will be awarded to an employee allowed to return to work after suspension as noted above.

8. Misdemeanor Conviction regarding Controlled Substances (see number 10 listed under Standard Rules of Conduct).

A. An employee convicted of a misdemeanor regarding controlled substances must immediately report the conviction to his/her supervisor and promptly provide a copy of charges and conviction documents to the local human resources manager. For a first time conviction an employee will be given an opportunity to successfully complete a state certified drug rehabilitation program. An employee must begin this program within fourteen calendar days of being told in writing to attend a rehabilitation program.

B. Refusal or failure to begin rehabilitation within fourteen calendar days of notice to the employee will result in release from employment.

C. Failure to successfully complete the required drug rehabilitation program will result in a suspension without pay of at least 40 hours and a requirement to reenter a drug rehabilitation program within fourteen calendar days or be released from employment. Failure to complete this program will result in release from employment.

D. An employee released from employment for a misdemeanor conviction involving the possession or use of controlled substances including the failure to begin/complete drug rehabilitation will not be eligible for reemployment with the department for at least two years from the date of release and only then if he/she shows proof of completion of a state certified drug rehabilitation program.

E. An employee convicted of a misdemeanor charge involving the possession or use of controlled substances for a second time while employed with a state agency will be released from employment.

STANDARD RULES OF CONDUCT

To ensure compliance with this policy, an employee shall not:

1. Engage in conduct that is inconsistent with MoDOT values or behave in a manner that brings or could bring undue criticism toward the department or its employees or operations.

2. Violate Personnel Policy 2503, “Communication Systems and Services.”

3. Use a personal cell phone:

A. For an excessive amount of time for personal calls during work time.

B. To take photos or movies of co-workers on the job without the co-workers' permission.

C. To show/forward inappropriate text, pictures, movies, etc., to co-workers or anyone else on department property during work time or during breaks or lunch time during the workday.

4. Violate Personnel Policy 2507, "Drug-Free Workplace Act."

5. Perform assigned duties while drug impaired or violate other provisions of Personnel Policy 2508, "Drug Testing Program."

6. Violate Personnel Policy 2509, "Driving Privileges."

7. Report for work under the influence of alcohol, consume alcohol on the job, or violate provisions of Personnel Policy 2511, "Alcohol Testing Program."

8. Be insubordinate to a supervisor.

9. Violate Personnel Policy 2512, "Workplace Violence."

10. Be charged with a felony or be convicted of a misdemeanor or felony charge involving the possession or use of controlled substances. A plea of nolo contendere (i.e., no contest) or guilty plea will be treated the same as a conviction.

11. Violate federal or state antidiscrimination, retaliation, harassment, or sexual harassment laws, or violate department antidiscrimination, retaliation, harassment, or sexual harassment policies or directives.

12. Violate Personnel Policy 2514, "Conflict of Interest."

13. Violate traffic laws or disregard or violate existing safety rules (as defined in the Safety Rules and Regulations, Employee Handbook or relevant operational manuals), which could endanger the health and safety of the employee, a coworker, or the general public. The district safety representative will assist in the interpretation or clarification of matters involving safety policies, rules and regulations. Such violation may include but not be limited to the following:

A. Falsification of incident reports and/or failure to report an incident within the required reporting guidelines.

B. An employee's refusal to obey a clear and proper order or directive to follow a prescribed safety policy rule or regulation.

C. Alcohol or drug use, which is directly involved in the causation of an accident.

D. Any employee in a position of authority who fails to enforce or support department safety rules regulations.

E. Incidents caused directly by an employee's disregard for or violation of an existing safety policy, rule or regulation as determined by the district safety officer and the respective supervisory personnel.

F. Failure to use department prescribed personal protective equipment when required to do so including the failure to use seat belts while in a department vehicle, personal vehicle when conducting MoDOT business or while operating department equipment.

G. Inappropriate operation of department vehicles or equipment, which could or does result in an incident.

H. Use of personal or department owned communications equipment to write, send, open, or read text messages while operating department owned vehicles/equipment or while operating a personal vehicle for official department business.

I. Horseplay or carelessness that could or does result in an incident.

14. Misrepresent or omit information on the "Application for Employment" form or inserts, including relatives working for the department, educational attainments, work history, professional credentials, background check authorization form or any document submitted that the department utilizes in providing employment or in making employment decisions regarding the employee such as promotions, etc.

15. Provide false information, misrepresent information, or omit relevant information on work-related documents including but not limited to: expense reports, data collection/reporting, medical, physician or health documentation submitted to the department in connection with the employee's job, time sheet information, and invoices for department cell phone charges.

16. Knowingly makes false accusations against other employees; knowingly make false statements during the course of a department authorized investigation; breach confidentiality or refuse to cooperate during the course of an department authorized investigation or defense of the department, the Commission or department employees in any hearing, claim, action, lawsuit, or cause of action.

17. Use any type of recording device to record any MoDOT employee or Missouri Highways and Transportation Commission (MHTC) member's work-related statements or actions outside of work; or record any statements or actions, work-related or not, at the workplace, worksite, or during work hours without the knowledge and consent of the individual(s) being recorded, or without the express written authorization of the director of audits and investigations.

18. Use any type of recording device to record any MoDOT or MHTC meeting, training session, or telephone call without the knowledge and consent of the individual(s) being recorded, or without the express written authorization of the director of audits and investigations.

19. Violate the following Vehicle or Equipment Usage rules:

MoDOT provides vehicles to employees of the department and the Commission to conduct official business. The appropriate use and care of vehicles and equipment is required of the department and employees. State vehicles and equipment should be utilized for state business only. It is permissible, however, to use vehicles for reasonable travel to meals or other necessities while on state business. While in overnight travel status, it is permissible to use state vehicles for reasonable travel to meals or other activities. Travel after working hours shall be done using good judgment to avoid public criticism. Employees should discuss what is reasonable, with regard to such use, with their supervisors, prior to using a vehicle.

The following are the responsibility of each employee:

A. Obey established speed limits and traffic regulations.

B. Do not operate department owned or leased vehicles or equipment while consuming, while under the influence of, or within four hours after consuming alcoholic beverages or other drugs/medications which may impair judgment.

C. Operate the vehicle or equipment in a prudent and courteous manner.

D. Operate the vehicle or equipment with the proper license.

E. Review Personnel Policy 0504, “Vehicle Usage and Liability” for additional vehicle usage instructions.

20. Take department property or any other item not belonging to him/her for his/her own or another’s use. This includes property regardless of the condition of the property or whether the department has a need for such property.

21. Failure to comply with the statutory requirements for state employment outlined in Section 105.262 of the Revised Statutes of Missouri (RSMo). (See Personnel Policy 0519, “Background Checks.”)

CROSS REFERENCES

“Vehicle Usage and Liability” (0504)

“Background Checks” (0519)

“Communication Systems and Services” (2503)

“Drug-Free Workplace Act” (2507)

“Drug Testing Program” (2508)

“Driving Privileges” (2509)

“Alcohol Testing Program” (2511)

“Workplace Violence” (2512)

“Conflict of Interest” (2514)

“Performance/Conduct Intervention” (2600)

Safety Policies, Rules and Regulations, Employee Handbook (http://lnapp1/RI/RIManual.NSF/2cfd1a8d7c4213d7862562d900795ea7/0269046c2aa59a56862574720054740b/$FILE/Safety%20Rules%20Handbook%20Web%20Version%205-08.pdf)

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