

## Standards of Conduct and Disciplinary Policy

This policy and procedure applies to all Town positions covered under Article 31.1 of the Town Bylaws. It does not alter an employee's at-will employment status or a hiring authority's right to terminate at any time or during the initial six-month probationary period.

### **Standards of Conduct**

The following is a set of guidelines to govern the conduct of employees; it is not meant to be all inclusive or to imply an employment contract between an employee and the Town. The Town reserves the sole right to add to, delete, or modify these guidelines at any time. Employees are also expected to be aware of and follow the specific work rules and regulations of their respective department.

#### ***Professional Conduct***

Employees must always emphasize customer service first and act in the best interest of the Town. Employees must be courteous and respectful in all contacts and interactions with the public. Employees should consult a supervisor with any problems regarding an unsatisfied resident.

Employees must work as scheduled and perform duties to which they are assigned to the best of their abilities at all times.

Employees must not engage in any non-work-related activities during scheduled work hours unless authorized by their supervisor.

Employees must not possess alcohol or illegal drugs while on Town property or in Town vehicles or equipment, or report to work under the influence of alcohol or illegal drugs. Employees taking medication prescribed by a health care provider which may cause impairment of their ability to use Town equipment or drive a vehicle must so notify their supervisor. Please review the Town's Drug and Alcohol policy for additional information.

Employees are expected to treat their co-workers in a respectful manner.

Employees must not threaten, intimidate, coerce, harass, or in any other way interfere with the performance of another employee.

Employees must assure that Town departments and agencies cooperate with each other.

Employees must not try to advance their agency, department, position or ideas over another for purely personal benefit.

Employees must refrain from participating in any other activity, job, etc., which involves such time demands as would render performance of duties as a Town employee less efficient. Employees must also refrain from the solicitation of commercial activities while on the job.

Employees must refrain from conducting themselves in a manner unbecoming to their position with the Town.

### **Records**

Employees are prohibited from falsifying or defacing Town records such as the employment application, time sheets, I-9 forms, departmental reports, or any other documents.

### **Use of Town Equipment**

Employees must not misappropriate, abuse or destroy Town property, either deliberately or through negligence. The state ethics law prohibits employees from using publicly owned or supported property, equipment, vehicles, labor or services for private or political purposes, and from removing Town property from the premises without authorization.

### **Safety**

Employees must observe all safety rules, laws and regulations. Employees must use all tools, equipment, supplies, machinery and vehicles in accordance with departmental safety standards and procedures. Employees must follow all applicable accident and injury prevention and reporting procedures.

Employees must refrain from fighting, engaging in horseplay, and playing pranks.

Employees must not carry weapons on the job or into the work site.

Employees must observe non-smoking rules.

### **Political Activities**

Employees may not participate in any political activities during work hours.

Employees must establish that they are not acting as an employee of the Town, but as a private citizen, when engaging in any political activities while off-duty.

Employees are prohibited from directly or indirectly soliciting political funds or contributions.

### **Attendance**

Employees are expected to report for work on time in a consistently dependable manner in order to enable the orderly flow of services to the residents of the Town. Excessive absences and tardiness, as defined by the various operational departments/divisions, must be avoided.

Employees must not leave their work area or site without permission or leave before the end of the shift without permission unless in the case of an emergency.

Employees must notify their supervisor of any unforeseen absences prior to the beginning of their work shift. Failure to report will cause the employee to be considered Absent Without Leave and may result in loss of pay as well as discipline. Planned absences, such as time off for vacations, must be approved in advance by supervisors in accordance with respective departmental rules.

### **Insubordination**

An employee's refusal to obey a supervisor's direct order or willful failure to perform an assigned task or follow an established procedure is viewed as a workplace offense.

Verbal and physical abuse of supervisors or other management representatives is regarded as insubordination and can result in disciplinary action up to and including discharge.

### **Disciplinary Procedure**

Employees who violate work rules will be subject to progressive discipline and may also warrant referral to the Town's Employee Assistance Program. This means that employees will be assessed penalties that become increasingly severe for successive offenses whether or not of the same nature or kind or in those incidences in which a performance improvement is not forthcoming. However, based on the employee's work record and the severity of the misconduct or performance issue, an escalation of the progressive discipline system may be warranted.

For example, some types of misconduct are so egregious that they may result in immediate termination. These include, but are not limited to, physical attacks on supervisors or co-workers; falsification of an employment application or other work documents or records; theft; willful property damage; or use or possession of illegal drugs on the job.

The following progressive steps should be taken in the event of misconduct unless as noted above:

1. The first step in the Town's progressive disciplinary system is "counseling." This is usually a verbal warning, that is properly documented, advising employees that their conduct is unacceptable, and that further infractions will lead to additional disciplinary actions. In cases involving performance deficiencies, employees first will be counseled by their supervisors and told which improvements are needed before they are subject to discipline. A notice of counseling will be placed in the employee's personnel file.
2. The second step is a "written warning." This warning will describe the unacceptable conduct of performance and specify the improvement needed. A copy of this warning will be retained in the employee's personnel file indefinitely.
3. The third step is an unpaid suspension. The length of suspension will vary, based on such factors as the severity of the offense and the employee's performance and disciplinary record. Employees may be suspended for repeated instances of minor misconduct or for a single serious offense. A record of the suspension will be retained indefinitely in the employee's personnel file.
4. Employees who fail to improve their conduct or performance after imposition of a disciplinary suspension may be discharged.
5. In an effort to provide employees with a reasonable opportunity for input, the following procedures should be followed in a timely manner whenever possible:
6. Before imposition of any discipline, employees will be given an opportunity to relate their version of the incident or problem at issue and provide any explanation or justification they consider relevant. Management will conduct an objective investigation of the circumstances.
7. Discipline should be related to the seriousness of the offense and the employees' work record and length of service.
8. If dissatisfied with disciplinary action taken against them, employees may appeal to their Manager and/or Appointing Authority.

9. The authority of supervisors to discipline is that which is delegated to them by their Department Head and/or Board or Committee. The Human Resources Department must be kept informed of all disciplinary measures more severe than a first step documented counseling in order to advise managers Town-wide in a consistent manner.
10. Employees who allegedly engage in misconduct or serious safety violations may be placed on leave at the time of the incident, pending an investigation and review of the matter. Workers who are found not responsible for the alleged misconduct will be reinstated with full back pay and no loss of benefits or seniority. Employees who have had the claims of misconduct against them sustained may be subject to disciplinary action, up to and including termination.
11. Employees who are discharged from the Town are entitled to all pay due them from the Town in their final paycheck and shall be required to return all Town property in their possession. Discharged employees should be escorted by a management representative from the premises.
12. Employees must be made aware of any information that is placed within their personnel file that has been used or may be used, to negatively affect the employee's qualification for employment, promotion, transfer, additional compensation or the possibility that the employee will be subject to disciplinary action.

Each supervisory and management employee is responsible for the enforcement of rules, standards of conduct, and the protection of the interests of the Town of Wellesley. The Human Resources Department is responsible for advice and assistance in the administration of this policy.