

CITY OF EUREKA

Category: PERSONNEL

POLICIES & PROCEDURES

Subject: STANDARDS OF EMPLOYEE  
CONDUCT

Date Adopted: August 8, 1982

File 3.50  
Number

### POLICY OBJECTIVE

To establish a policy for standards of employee conduct, identify that conduct which is unbecoming a City employee and potential corrective actions.

### ASSIGNED RESPONSIBILITY

City Manager, all Department Heads and all supervisors

### APPLICABILITY

Applicable to all City employees.

### PROCEDURES

1. All employees of the City are expected to adhere to standards of reasonable and prudent conduct. Employees who violate these standards should expect City management and supervisors to take appropriate disciplinary actions. Conversely, employees who perform exceptionally well or go beyond the normal demands of a job should be commended. This Policy and Procedure is designed to ensure fair treatment to all employees -- to prevent impulsive and unreasonable discipline for improper conduct. The rights of the employee must be protected. However, this does not give any employee the right to disobey rules, to fail to be productive, to be insubordinate, to be discourteous, to endanger others, or to engage in conduct unbecoming a City employee.
2. The following Standards of Employee Conduct apply to all employees of the City. These standards are not to be considered as a total and complete statement of management's expectations of employee behavior and performance. They are designed to serve as a framework within which employees are expected to conduct themselves and within which supervisors and management are expected to administer discipline should these standards be violated.
3. The following Standards of Employee Conduct include a variety of offenses as well as possible corrective actions to be considered by supervisors in determining whether an employee's actions constitute an offense subject to discipline. Not all possible offenses are listed; only those which are of greater significance and/or are most common. Various kinds of corrective actions for first, second, and third offenses are also listed. These corrective actions are recommendations only and are for general reference. The appropriate action may be either more or less

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severe, depending on the circumstances of a case. City management will exercise its discretion in recognizing that a single minor offense by a long-term employee with a good work record could be less severe than if committed by a relatively new employee with a poor work record. Progressive discipline requires that repeated offenses will normally carry more severe corrective actions than first offenses. If the corrective action for a third offense is less than termination and a fourth offense occurs, the principle of progressive discipline will be followed and a more severe corrective action, appropriate to the situation, will be imposed. A pattern of offenses after successive corrective actions ultimately results in dismissal.

4. An offense is considered a “first” offense the first time formal action is taken by the supervisor under the applicable section of this guide. An offense will be considered as a “second” or “third” offense only when it is of the same general nature (not necessarily identical) as the previous offense and the undesirable action has been pointed out to the employee previously. When a previous offense has occurred, the time elapsed between that offense and the current offense will be considered in determining the corrective action.
5. On some occasions, an employee may commit more than one kind of offense at the same time. Generally, the discipline imposed will not be determined by adding together the corrective actions for each offense. In such cases, the appropriate corrective action will be selected for the range of actions applicable for the more serious offense and the severity of the disciplinary action will be determined after considering the less serious offenses.
6. An employee may commit various kinds of offenses over a period of time. If the offenses are completely unrelated, they cannot be treated as second and/or third offenses. However, all past offenses, in the absence of any intervening pattern of good conduct, are indicative of a pattern of unsatisfactory behavior, and will be considered when determining an appropriate corrective action.
7. Department Heads shall confer with the Personnel Officer to review the proposed disciplinary action prior to any action being taken. The Personnel Officer shall advise the Department Head of the requirements for notifying employees of the proposed disciplinary action. Department Heads may establish additional reasonable rules of employee conduct.

Standards of Employee Conduct:

- A. Employees must perform their duties in a manner, which earns and maintains the trust and respect of their supervisors, other employees, and the public.

<u>Conduct Unbecoming a City Employee Offense</u>	<u>Potential Corrective Action</u>		
	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>
1. Using official position or office for personal gain or advantage.	Written Notice to Dismissal	6-10 days suspension to Dismissal	Dismissal
2. Engaging in any employment, activity or enterprise, which constitutes a conflict of interest.	Written Notice to 30 days Suspension	6 days suspension to Dismissal	Dismissal
3. Accepting favors or gratuities for services required on the job.	Written Notice to Dismissal	6 days suspension to Dismissal	Dismissal
4. Disclosing confidential information.	1 day suspension to Dismissal	10 days suspension to Dismissal	Dismissal
5. Using City time, property or equipment without authorization.	Written Notice to Dismissal	6 days suspension to Dismissal	Dismissal
6. Malicious destruction of City property or equipment.	1 day suspension to Dismissal	Dismissal	
7. Misconduct, on or off the job, seriously reflecting on City employees or employment.	1 day suspension to Dismissal	10 days suspension to Dismissal	Dismissal
8. Commission of an act or acts, which if proved, would constitute a felony or misdemeanor as established by proper investigation providing such act or acts are reasonable and rationally related to the performance of duties an/or conditions of employment.	1 day suspension to Dismissal	10 days suspension to Dismissal	Dismissal
9. Unauthorized possession of City equipment or property.	1-20 days suspension	6 days suspension to dismissal	Dismissal
10. Harassing or Sexually Harassing	Written warning to Dismissal	Dismissal	

Standards of Employee Conduct:

B. Employees must provide a high quality of service to the public and must consistently perform their duties effectively and efficiently.

<u>Job Performance Below Standard Offense</u>	<u>Potential Corrective Action</u>		
	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>
1. A violation of City or Department rules.	Oral warning to 5 days suspension	6 days suspension to Dismissal	Dismissal
2. Requiring excessive supervision or instruction in performance of duties after completion of training for the position.	Oral warning or written notice	Written Notice to 5 days suspension	6 days suspension to Dismissal
3. Misusing, or failing to use, delegated authority in the performance of duties.	Oral warning to 20 days suspension	6 – 30 days suspension	Dismissal
4. Personal appearance not appropriate for the job in terms of Department standards and/or job safety.	Oral warning or written notice	Written notice or 1-5 days suspension	6 days suspension to Dismissal
5. Failure to carry out assigned work or supervisory responsibilities adequately, directly or promptly.	Oral warning to Dismissal	1 day suspension to Dismissal	Dismissal

Standards of Employee Conduct:

- C. Employees must perform all duties reasonably required of them, and report for work as scheduled, unless ill, injured, or involved in an emergency.

<u>Neglect of or Inexcusable Absence from Duty Offense</u>	<u>Potential Corrective Action</u>		
	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>
1. Neglect of Duty.	Oral warning to Dismissal	6 days suspension to Dismissal	Dismissal
2. Unexcused, excessive or patterned absenteeism.	Written notice to 5 days suspension	6 days suspension to Dismissal	Dismissal
3. Failure to make reasonable effort to notify supervisor of inability to report for work.	Oral warning or written notice	6 days suspension to Dismissal	Dismissal
4. Leaving assigned work location without proper approval or appropriate reason.	Written notice to Dismissal	1 day suspension to Dismissal	10 days suspension to Dismissal
5. Frequent and unexcused tardiness.	Oral warning or written notice	Written notice to 10 days suspension	10 days suspension to Dismissal
6. Unauthorized sleeping on the job.	Written notice to Dismissal	5 days suspension to Dismissal	10 days suspension to Dismissal.

Standards of Employee Conduct:

D. Employees must cooperate and work well with other employees and the public.

<u>Improper Behavior in Relations with Supervisors, Fellow Employees, or the Public Offense</u>	<u>Potential Corrective Action</u>		
	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>
1. Flagrant refusal to perform reasonable work assignments or to cooperate with supervisors or management in the performance of duties (insubordination).	1 to 6 days Suspension	Dismissal	Dismissal
2. Failure to cooperate with or using abusive language toward other employees or the public.	Oral warning or written notice	Written notice to 5 days suspension	6 days suspension to Dismissal
3. Unnecessarily disrupting the work of other employees.	Oral warning or written notice	Written notice to 5 days suspension	6 days suspension to Dismissal
4. Using threats, violence, or attempting to harm another employee or the public.	6 days suspension to Dismissal	Dismissal	
5. Making false, vicious or malicious statements about any employee, or city government or Department management.	Oral warning to 30 days suspension	6 days suspension to Dismissal	Dismissal
6. Unauthorized possession of dangerous weapons, such as firearms or knives on City property or in City vehicles.	Oral warning to 30 days suspension	6 days suspension to Dismissal	Dismissal
7. Unauthorized use of dangerous weapons, such as firearms, knives or tools, which could result or results in harm to another employee or the public.	30 days suspension to Dismissal	Dismissal	
8. Actions on the job intended to destroy property or to inflict bodily injury (whether or not the destruction or injury actually occurs).	Written notice to Dismissal	10 days suspension to Dismissal	Dismissal
9. Creating unsanitary conditions.	Oral warning to 5 days suspension	6-10 days suspension to Dismissal	Dismissal

Standards of Employee Conduct:

- E. While at work, employees must not do anything, which would impair their ability to perform their duties, or discredit the City or the department and their employees.

<u>Gambling, Drunkenness, or Use of Liquor or Controlled Substances*</u> <u>Offense</u>	<u>Potential Corrective Action</u>		
	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>
1. Gambling on the job, on City property, or using city equipment.	Written Notice to 10 days suspension	6 – 30 days suspension	Dismissal
2. Operating or conducting organized gambling for profit on the job, on City property, or using City equipment	10 days suspension to Dismissal	Dismissal	
3. Drinking alcoholic beverages on the job site during work period except at functions sanctioned by the City manager.	Written notice to Dismissal (See Note at end of this STANDARD)	10 days suspensions to Dismissal (See Note at end of this STANDARD)	20 days suspension to Dismissal (See Note at end of this STANDARD)
4. Drinking of alcoholic beverages which results in unfitness to work at reasonable efficiency, or which may endanger the employee, or other employees, City property, or the public.	Written notice to Dismissal (See Note at end of this STANDARD)	10 days suspension to Dismissal (See Note at end of this STANDARD)	20 days suspension to Dismissal (See Note at end of this STANDARD)
5. Reporting for duty under the influence of controlled substances or alcohol.	Written notice to Dismissal (See note at end of this STANDARD)	10 days suspension to Dismissal (See Note at end of this STANDARD)	20 days suspension to Dismissal (See Note at end of this STANDARD)
6. Operating City vehicles or other equipment while under the influence of any alcoholic beverage, or any controlled substance, which will impair operative ability.	10 days suspension to Dismissal (See Note at end of this STANDARD)	Dismissal (See Note at end of this STANDARD)	
7. Illegal possession of controlled substance on the job site or on City property.	Dismissal		
8. Illegally using controlled substances on the job site or on City property	Dismissal		

\* A controlled substance may be a substance, which is totally illegal or requires the issuance of a prescription form a physician.

NOTE: The action may be: (1) reduced in severity if the employee successfully participates in an alcoholism rehabilitation program; or (2) delayed during employee participation in the program, depending on progressive rehabilitation and improvement of job performance. The supervisor should make every effort to take or arrange to take the employee home safely and to ensure that the employee is released in the custody of another responsible person.

Standards of Employee Conduct:

F. Employees must perform their duties in a safe manner. This standard is not restricted to operating equipment or motor vehicles.

<u>Safety Offense</u>	<u>Potential Corrective Action</u>		
	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>
1. Operating City equipment unsafely or carelessly.	Oral warning or written notice	Written notice to 5 days suspension	6 days suspension to Dismissal
2. Causing or contributing to an accident by operating City equipment in an unsafe manner, as established by proper investigation.	1-20 day suspension	6 days suspension to Dismissal	Dismissal
3. Violating safety rules or practices, which endanger the employee or others or damage City property or equipment.	Written notice to 20 days suspension	6 days suspension to Dismissal	Dismissal
4. Playing tricks or jokes or engaging in horseplay on the job which may lead to physical or emotional injury to employees or others, or damage to equipment or property.	Written notice to 10 days suspension	6-10 days suspension	10 days suspension to Dismissal

Standards of Employee Conduct:

G. City employees must be characterized by high personal integrity both in securing employment and in the performance of their duties.

<u>Fraud, Dishonesty, Theft, or Falsification of Records Offense</u>	<u>Potential Corrective Action</u>		
	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>
1. Soliciting, accepting or offering a bribe.	Dismissal		
2. Theft of or aiding or encouraging the theft of cash, or City property or equipment, as established by proper investigation.	Dismissal		
3. Intentionally falsifying or destroying, without proper authorization, City or Department records.	Dismissal		
4. Intentionally falsifying application for employments or medical information, which would have, otherwise cause employment disqualifications to equipment or property.	Dismissal		
5. Deliberately withholding information related to work from supervisors or others requiring the information	Written notice to 10 days suspension	6-30 days suspension	Dismissal
6. Falsifying time reports, mileage reports, expense accounts, or similar work oriented documents, falsely claims sick or allowed pay, falsifying reason for absence.	5 days suspension to Dismissal	Dismissal	

Standards of Employee Conduct:

H. The City's standard of acceptable interpersonal conduct requires employees to practice nondiscrimination and courteous treatment of others in the performance of their duties.

<u>Affirmative Action Offense</u>	<u>Potential Corrective Action</u>		
	<u>First Offense</u>	<u>Second Offense</u>	<u>Third</u>
1. Making derogatory racial, ethnic, or sexist remarks in the presence of the public or other employees while on duty.	Oral warning to 5 days suspension	Written notice to 10 days suspension	6 days suspension to Dismissal