

## CHAPTER 16

### Conduct and Discipline

#### 16.1 Purpose and Scope

The purpose of this Chapter is to establish the standards of conduct for County employees and to prescribe procedures for warning and the progressive discipline of such employees.

#### 16.2 Policy

It shall be the policy of Fairfax County government to ensure that all employees observe the Code of Ethics and the Standards of Conduct as prescribed herein. It shall be the policy of the County to ensure that all department heads and supervisors treat and discipline employees under their respective jurisdictions in a fair and equitable manner. Employees who feel they have not been so treated have a right to present their grievances following the procedures outlined in Chapter 17.

#### 16.3 Definitions

##### -1 Informal Warnings

Oral Warnings - such actions are excluded under the grievance procedure

##### -2 Formal Warnings

Written Reprimands

##### -3 Formal Disciplinary Actions

a. Suspensions

b. Dismissals

c. Disciplinary Demotions

#### 16.4 Responsibilities

##### -1 Each employee will:

a. Observe the Standards of Conduct, code of ethics, and other workplace rules.

b. Conduct him/herself, both on and off the job, in a manner, which will reflect credit

on the County government, and respective departments.

-2 Department heads and supervisors will:

- a. Inform employees of rules governing conduct and discipline as well as other workplace rules and special requirements;
- b. Treat employees in a fair and equitable manner;
- c. Investigate apparent employee offenses, by following the county's policy on harassment, discrimination, and retaliation;
- d. Administer appropriate disciplinary action when warranted and as described in this Chapter; and
- e. Consult with the Human Resources Director or his/her designees if necessary where disciplinary action involving loss of pay is contemplated.

-3 Human Resources Director and his/her staff will:

- a. Provide information and guidance to supervisors at all levels on standards of conduct and effective use of progressive discipline;
- b. Provide advice and assistance to supervisors in the uniform and equitable interpretation and application of the provisions of this Chapter;
- c. Ensure that the workplace rules and special requirements established by department heads and supervisors are not in conflict with the provisions of this Chapter;
- d. Evaluate management practices in the administration of discipline and compliance with standards of conduct within departments and provide recommendations to department heads when such management practices require changes; and
- e. Advise department heads on policies, procedures, the outcome of bullying investigations, and recommend appropriate action.

-4 Department heads will make the final decision on issuance of formal disciplinary actions of suspension, dismissal, or disciplinary demotions.

### 16.5 Disciplinary Actions

Disciplinary action will be taken only for good cause and after careful review of allegations with a goal, where appropriate, of correcting problem situations. However, disciplinary action must be taken when warranted to promote the efficiency of the Fairfax County service. The severity of the disciplinary action will be determined by the severity of the

misconduct and review of the employee's work record.

- 1 Oral Reprimand or Warning. When a supervisor deems that an informal oral reprimand or warning is warranted, he/she will:
  - a. Advise the employee, in private, of the specific infraction of the rule or breach of conduct and the date it occurred;
  - b. Allow the employee an opportunity to explain and weigh the explanation;
  - c. If warranted, administer the reprimand or warning informally; and
  - d. Maintain an informal record of the discussion with the employee's knowledge of such a record.
  
- 2 Written Reprimand. When a supervisor determines that an offense is of such a nature that a record should be placed in an employee's personnel file maintained within the Department of Human Resources, a letter of reprimand will be prepared. The letter will contain:
  - a. Statement of charges in sufficient written detail to enable the employee to understand fully the violation, infraction, conduct, or offense for which he/she is being disciplined;
  - b. Statement that it is an official letter of reprimand and that it will be placed in the employee's official personnel folder;
  - c. Previous offenses in those cases where the letter is considered a continuation of progressive discipline; and
  - d. Statement that similar occurrences could result in a proposal that more severe disciplinary action be initiated, up to and including dismissal.
  
- 3 Suspension. When a supervisor determines that an offense requires a more severe disciplinary action than a written reprimand, he/she will:
  - a. Investigate alleged employee offenses promptly; obtain all pertinent facts in the case (time, place, events and circumstances) including, but not limited to, making contact with persons involved or having knowledge of the incident;
  - b. Discuss the case including the length of suspension with higher levels of supervision, where appropriate;
  - c. Consult with the Human Resources Director or his/her designee if necessary when suspensions are contemplated;

- d. Prepare and submit advance notice letter to appropriate levels for review and approval; and
  - e. Consider employee's reply to the advance notice letter and make final recommendation to department head. The department head will make the final decision.
- 4 Dismissal. The dismissal of an employee shall constitute the most severe type of disciplinary action authorized under this Chapter. This action should only be taken when a department head has determined that an employee is unsuited for employment in Fairfax County. When this determination has been made, the procedures outlined in the preceding paragraphs under Suspensions will be followed.
  - 5 Disciplinary Demotion. Separate and apart from disciplinary actions described in the preceding paragraphs, a department head may initiate a non-job performance demotion when an employee willfully violates or fails to comply with the requirements imposed by the Standards of Conduct or when an employee willfully participates in prohibited conduct as described by this Chapter. When such action is contemplated, the procedure outlined in the preceding paragraphs under Suspensions will be followed.
  - 6 When disciplinary action is necessary, the department head may enter into an Employee Assistance Program Disciplinary Diversion Agreement under conditions set forth in procedures established by the Human Resources Director.

#### 16.6 Criteria for Advance Notice Letter

- 1 The advance notice letter must include:
  - a. Statement of charges in sufficient detail to enable the employee to understand fully the violation, infraction, conduct, or offense for which he/she is being disciplined;
  - b. Type of disciplinary action (suspension, dismissal, or disciplinary demotion);
  - c. A list of previous offenses, if any, which have been considered in arriving at the current disciplinary action;
  - d. Effective date of disciplinary action (no sooner than ten (10) business days from the date of advance notice letter) and employee's right to reply (five (5)) business days from receipt of the letter);
  - e. Employee's right to grieve should the final decision result in a suspension, dismissal or disciplinary demotion; and
  - f. Statement that the action proposed, if implemented, will become a permanent part of

his/her personnel file.

16.7 *Circumstances When Administrative Leave Is Appropriate Prior to Compliance with Advance Notice Letter Provisions*

When there is reasonable cause to believe an employee is guilty of a crime for which a sentence of imprisonment can be imposed or when circumstances are such that the retention of the employee in an active duty status may result in damage to County property or may be detrimental to the interests of the County or injurious to the employee, his/her fellow workers, or the general public, the department head or designee may temporarily assign him/her to duties in which these conditions will not exist or place the employee on administrative leave until appropriate disciplinary action, if any, is determined and the provisions of Section 16.6 have been followed.

16.8 *Probationary Employees*

- 1 The disciplinary procedures prescribed herein shall be applicable to those employees of the competitive service assigned to a merit position. Employees are not covered by the rules of progressive discipline until they have completed a probationary period of twelve (12) months and any extensions authorized in accordance with the provisions of Chapter 7 after original appointment and may be terminated without benefit of this procedure.
- 2 All employees are required to observe the Code of Ethics and Standards of Conduct prescribed herein.

## ADDENDUM NUMBER 1 TO CHAPTER 16

### STANDARDS OF CONDUCT

**All employees**, regardless of grade, title or length of county service **are expected to adhere to the following Standards of Conduct**. Violation of the Standards of Conduct is grounds for disciplinary action up to and including dismissal.

#### **Leave and Attendance**

*Employees are expected to:*

Comply with rules and regulations governing hours of work, absences, use of leave.

*Employees are prohibited from:*

Failing to report to work as scheduled without proper notice to supervisor;

Leaving work without permission;

Arriving late for work on a consistent basis.

#### **Personal Behavior and Conduct**

*Employees are expected to:*

Demonstrate professionalism and support the county's commitment to excellent customer service at all times;

Exercise courtesy, respect and tact when dealing with fellow employees and the public regardless of age, race, color, religion, sex, creed, national origin, marital status, disability, pregnancy or related medical conditions, gender identity, sexual orientation, genetic information, union or political affiliation, military status, or any other factor unrelated to the impartial conduct of county business.

Comply with a proper order of an authorized supervisor.

*Employees are prohibited from:*

Harassing fellow employees, county vendors, or members of the public on the basis of race, color, religion, sex, creed, sexual orientation, national origin, age, marital status, military status, disability, pregnancy or related medical conditions, gender identity, genetic information, or any other characteristic now or hereafter protected by federal, state or county law. This prohibition includes, but is not limited to, sexual harassment;

Engaging in rude or unprofessional behavior or disorderly conduct even if the behavior is not expressly forbidden by regulation or law;

Engaging in bullying, as defined in Chapter 2 of these regulations.

Using racial, sexist or ethnic slurs or other language that disparages any person on the basis of age, race, color, religion, sex, national origin, marital status, disability, pregnancy or related medical conditions, gender identity, sexual orientation, creed, genetic information, union or political affiliation, military status.

Being convicted of a crime that is committed on the job or a felony in Virginia of such nature that the public or other employees may be endangered if the employee remains in his or her position or of such nature that reasonably undermines the public trust in the employee's ability to perform his or duties.

Engaging in conduct on or off duty that violates federal or state law, county ordinances or policies when the violation is related to the employee's activity as a county employee or to county business or when it undermines public trust in the county or the employee's ability to perform his or her duties.

Manufacturing, distributing, possessing, using or being under the influence of alcohol or illegal drugs while at work or on county premises with the exception of attendance at events where alcohol is permitted during off duty hours;

Threatening, assaulting, intimidating, or harassing another employee or a member of the public;

Using obscene language toward fellow employees, supervisors, subordinates and/or members of the public;

Abusing supervisory authority through favoritism, harassment, discrimination, or mistreatment of employees.

## **Protection and proper use of County data, property, funds, and records**

*Employees are expected to:*

Use public property, resources, and funds in accordance with established procedures;

Maintain confidentiality with regard to client or customer information in accordance with state and federal law, county ordinance and county policy;

Maintain employee confidentiality by preventing the disclosure of personal information to any unauthorized party.

*Employees are prohibited from:*

Using County data, facilities, equipment, property or employees for other than officially approved activities, except as permitted under County policy or procedure;

Engaging in any action prohibited by county information technology policy or procedure;

Carelessly or willfully causing destruction of county property;

Knowingly falsifying or conspiring to falsify any county record or report whether paper or electronic, (e.g., resume, time and attendance reports, workers' compensation claims, travel and/or expense vouchers).

## **Driving**

*Employees are expected to:*

Operate all county vehicles in accordance with federal, state and local driving laws;

Operate privately owned vehicles being used in the performance of County business in accordance with state and local driving laws;

Remain aware of status of operator's license and report any suspension or revocation of driving privileges to their supervisor immediately if job duties require the operation of a vehicle for county business.

*Employees are prohibited from:*

Knowingly operating a vehicle on county business without a valid operator's license;

Possessing, using, or being under the influence of alcohol, illegal drugs, or prescription drugs that might adversely affect one's ability to drive, while driving a county vehicle or while driving a personal vehicle on county business.

## **Safety**

*Employees are expected to:*

Promote safe and healthy working environment by complying with all appropriate safety and health regulations;

Promptly report safety and health hazards so that they can be corrected before injuries result;

Dress in appropriate attire, uniform or safety equipment as specified by the standards and work rules for the agency and position;

Immediately report workplace violence to your supervisor or appropriate authority.

*Employees are prohibited from:*

Bringing a gun, either concealed or displayed, to work or onto county premises, with the exception that employees of county agencies may store a lawfully possessed firearm and ammunition in a locked motor vehicle on county premises. This prohibition shall apply to all employees, except those authorized to carry a firearm at work or onto county premises based on the nature of their work. Such employees may do so only if specifically authorized by their appointing authority.

Bringing any weapon (except a gun as expressly permitted above), either concealed or displayed, to work or onto county premises, unless specifically authorized to do so by the appointing authority. For the purposes of this standard of conduct, the term weapon includes instruments of combat, or any object carried for the purpose of inflicting or threatening bodily injury.

## **Outside Employment/Conflict of Interest/Political Activities of Employees**

*Employees are expected to:*

Disqualify themselves in any decision where a conflict of interest may be presumed to exist;

Obtain permission from their appointing authority prior to engaging in any private business activity, employment or other activity outside of work that conflicts or interferes with full discharge of their official duties or the work they perform as a county employee.

*Employees are prohibited from:*

Accepting anything of value for performing, or refraining from performing, an official job-related act; or accepting anything of value in order to assist another person in obtaining a county job, promotion, or contract;

Using information obtained in connection with county employment in order to obtain financial gain for the employee or others;

Accepting anything that might tend to influence the manner of performance of county employment or that might be intended to influence the manner in which a county employee performs his or her job;

Having a personal interest in any contract with the county;

Participating in matters related to their employment in which the interests of the county employee, or the interests of the county employee's family members or business associates, might be affected.

Engaging in political activities, as defined in state law and County ordinance, while on duty, in uniform, or on the premises of their employment with the County.<sup>1</sup>

Using their official authority to coerce or attempt to coerce a subordinate employee to pay, lend, or contribute anything of value to a political party, candidate, or campaign or to discriminate against any employee or applicant for employment because of that person's political affiliations or participation in permitted political activities or failure to participate in political activities, whether permitted or not.<sup>2</sup>

Discriminating in the provision of public services, including, but not limited to, firefighting, emergency medical, or law enforcement services, or responding to requests for such services, on the basis of the political affiliation or political activities of the person or organization for which such services are provided or requested.<sup>3</sup>

Suggesting or implying that the County has officially endorsed a political party, candidate, or campaign.<sup>4</sup>

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1 See Va. Code Ann. § 15.2-1512.2(B).

2 Va. Code Ann. § 15.2-1512.2(D).

3 Va. Code Ann. § 15.2-1512.2(E).

4 Va. Code Ann. § 15.2-1512.2(F).

## ADDENDUM NUMBER 2 TO CHAPTER 16

### CODE OF ETHICS FOR THE MERIT SERVICE OF FAIRFAX COUNTY, VIRGINIA

Fairfax County Code of Ethics is intended to inspire a superior level of conduct, sensitivity and sound judgment for all employees.<sup>5</sup> The code is intended to complement, not replace, all professional code of ethics. Employees should be aware of and abide by their respective professional values and requirements. All employees must perform their designated function in a manner that reflects the highest standards of ethical behavior. All employees must uphold their responsibility as trusted public servants. All employees are obligated to respect, honor, and uphold the Constitution, laws and legal regulations, policies and procedures of the United States, the Commonwealth of Virginia, and the County of Fairfax.

The Code of Ethics is supported by six core principles that form the ethical foundation of the organization: Honesty, Public Service, Respect, Responsibility, Stewardship, and Trust.

- I. **Honesty:** Be truthful in all endeavors; be honest and forthright with each other and the general public.
- II. **Public Service:** Ensure all actions taken and decisions made are in the best interest of the general public and enrich and protect quality of life.
- III. **Respect:** Treat all individuals with dignity; be fair and impartial; affirm the value of diversity in the workplace and in Fairfax County; appreciate the uniqueness of each individual; create a work environment that enables all individuals to perform to the best of their abilities.
- IV. **Responsibility:** Take responsibility for actions; work a full day; conduct all workplace actions with impartiality and fairness; report concerns in the workplace, including violations of laws, policies and procedures; seek clarification when in doubt; ensure that all decisions are unbiased.
- V. **Stewardship:** Exercise financial discipline with assets and resources; make accurate, clear and timely disclosures to the public; maintain accurate and complete records; demonstrate commitment to protecting entrusted resources.
- VI. **Trust:** Build regard for one another through teamwork and open communication; develop confidence with the public by fulfilling commitments and delivering on promises.

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<sup>5</sup> For the purpose of this document, the term employee includes all persons, volunteers and all elected and appointed officials working on behalf of Fairfax County.