

## **IPP.0003. Standards of Employee Conduct**

### **IPPMTL 0245**

May 11, 2011 - *Revised*

May 23, 2003 - *Original*

**CLICK [HERE](#) to acknowledge that you have read, understand, and will comply with this policy.**

#### **I. PURPOSE/REASON:**

- A. To provide all ODJFS employees with a clear understanding of the behaviors expected of them, behaviors that are prohibited, and the penalties that may be imposed for engaging in prohibited behaviors.
- B. An additional purpose is to standardize the rules of employee conduct so that they are applied fairly and understood by all employees.

#### **II. REFERENCES/AUTHORITY:**

##### **A. REFERENCES**

1. Ohio Revised Code (ORC) [124.34](#)
2. ORC [5101.02](#)
3. Ohio Ethics Law, [Chapter 102](#)
4. ORC [2921](#) *et al*
5. OCSEA Labor Agreement *et al*
6. SEIU 1199 Labor Agreement *et al*
7. All ODJFS Internal Policies and Procedures (IPPs)
8. OAC [123:1](#) *et al*
9. DAS policy [HR-D-02](#)

##### **B. AUTHORITY**

1. This policy is established by order of the director, ODJFS, hereinafter referred to as director.
2. Per ORC 5101.02, all duties conferred on the various work units of the department by law or by order of the director shall be performed under such rules as the director prescribes and shall be under the director's control.

#### **III. SUPERSEDES:**

ODJFS-IPP 0003 Standards of Employee Conduct dated September 4, 2009.

#### **IV. SCOPE:**

- A. This policy applies uniformly to all employees who are under the jurisdiction of the Ohio Department of Job and Family Services (ODJFS), with the following exceptions:
- B. Unclassified employees, as defined by the Ohio Revised Code, shall be required to comply with the Standards of Employee Conduct set forth in this document, however no provision of this document is to be construed as an employment contract. All unclassified employees are employed at will and serve at the pleasure of the appointing authority.
- C. Fair Labor Standards Act (FLSA) overtime-exempt employees are subject to the Standards of Employee Conduct; however, the schedule of discipline shall be adjusted to accommodate the overtime exemption.

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- D. Initial probationary employees may be removed from their positions at any time during the probationary period for services that are unsatisfactory in accordance with OAC 123:1 and OCSEA and SEIU/1199 labor agreements.

## V. DEFINITIONS:

- A. **COUNSELING:** Corrective counseling is a tool used to communicate, define expectations, and provide an opportunity to achieve success. A corrective counseling meeting is not discipline. Counseling should be documented with a written memo noting the inappropriate behavior, steps to avoid the inappropriate behavior and a warning that future incidents may result in discipline. Such memos are not put in the employee's personnel file.
- B. **VERBAL (ORAL) REPRIMAND:** Memorandum to the employee with a copy to the personnel file (not placed in the personnel file for SEIU/1199) recording and documenting the nature of the verbal admonishment. The memorandum shall be on the standard Labor Relations form and include the date, rule violation and the nature of the violation as well as the proper course of behavior and future consequences, if the behavior is not corrected.
- C. **WRITTEN REPRIMAND:** Memorandum to the employee with a copy to the personnel file recording and documenting the nature of the written admonishment. The memorandum shall be on the standard Labor Relations form and include the date, rule violation and the nature of the violation as well as the proper course of behavior and future consequences, if the behavior is not corrected.
- D. **SUSPENSIONS:**
  - 1. **NON-WORKING:** The loss of a scheduled workday without pay.
  - 2. **WORKING SUSPENSION:** Equal in weight and retention to a non-working suspension, but differs in that the employee continues to work and receive pay. **NOTE:** May not be imposed on SEIU/1199 without the employee's consent.
  - 3. **Lengths:**
    - a) Minor - One day in length
    - b) Medium - Two to four days in length
    - c) Major - Five days in length
  - 4. Exempt employee suspensions, reductions, or fines are governed by OAC 123:1-31-01.
- E. **FINE:** Employee fines are governed by the applicable collective bargaining agreement and Ohio Administrative Code.
- F. **DEMOTION:** A reduction of exempt employees in pay or positions. Exempt employees may be reduced in pay and position for violations of the Ohio Revised Code 124.34.
- G. **REMOVAL:** The involuntary termination of employment with the Ohio Department of Job and Family Services.
- H. **LAST CHANCE AGREEMENT (LCA):** An agreement that is normally crafted when an employee is facing a major suspension or removal. The LCA requires that the employee not violate any specified standard of conduct for the term of the agreement or face removal without recourse.
- I. **OVERTIME EXEMPT EMPLOYEES:** Employees who are exempted from the overtime pay provisions of the Fair Labor Standard Act (FLSA) due to their job duties and responsibilities and/or professional status.
- J. **REDUCTION OF LEAVE:** Leave Reductions are governed by the applicable collective bargaining agreements. **NOTE:** May not be imposed without employee consent.

## VI. PROCEDURES:

- A. **RESPONSIBILITY**

1. The director or designee is responsible for ensuring that the *Standards of Employee Conduct* are provided and made known to each employee of the department.
2. It is the responsibility of all employees of ODJFS to familiarize themselves with and adhere to the policies and procedures of the Agency. Consistent with that is the responsibility of all employees of the Agency to conduct themselves in such a manner that their activities, both on and off duty, are consistent with the mission of the Agency and do not adversely affect their ability to perform their duties.
3. Managers and Supervisors are responsible for the appropriate and consistent application of the standards of employee conduct, policies, and procedures of the department. Supervisors also are responsible for counseling employees when appropriate and initiating the request for disciplinary action as soon as they are aware of a potential situation and have consulted with Labor Relations.
4. Labor Relations staff is responsible for providing requested advice, guidance, and assistance. Labor Relations staff are the Agency's designated management advocates and the Agency Designee for Union Contract Administration.
5. Labor Relations must be contacted anytime there is a question about counseling or discipline to ensure equal protection to the employee, supervisor and the Agency.

#### B. GENERAL STANDARDS OF CONDUCT

1. Attendance
  - a) Each employee is important to the operation of the organization and each job function is essential. Accordingly, it is essential that each employee take personal responsibility for good attendance practices, as attendance is a vital concern to the Agency. It is recognized that illness, personal matters, and emergencies may occasionally occur which could not have been predicted and that may cause an employee to be away from work.
  - b) Abuse or misuse of leave and failure to timely notify a supervisor of one's need for leave adversely impacts operation of the Agency. The abuse or misuse of leave results in excessive costs to the Agency (e.g., overtime to cover absent staff). Several violations are listed in the disciplinary grid to address the various elements of attendance violations.
2. Government Property
  - a) All government property, including but not limited to automobiles, supplies, equipment, telephones, computer hardware, computer software, electronic mail, ODJFS information systems, internet usage, and facilities are to be used for official purposes only, unless otherwise stated. Misuse, abuse, loss, theft, damage, or destruction of an employee's government property must be reported to his/her supervisor immediately.
  - b) ODJFS credentials or identification cards shall not be used to coerce, intimidate, or deceive others or to obtain any privilege or article not otherwise authorized in the performance of official duties.
3. Personal Conduct

Employees have a responsibility to respect the diversity of our workforce and afford their fellow workers a workplace free from harassment and intimidation. Employees shall recognize the limitations of their authority and at no time use the power of their position for personal advantage or gain. No employee shall accept or solicit bribes, gifts, money, or favors from vendors or agencies/entities with which ODJFS has a regulatory or fiduciary relationship.
4. Civil Workplace

**Civility is valued here.** ODJFS is dedicated to maintaining a workplace that is both productive and civil. Employees must treat colleagues, coworkers, internal/external customers, and the public with respect. Courteous and positive communication is expected; belittling, rude, hostile, and volatile behavior will not be tolerated. Vulgar language and gestures are not conducive to a reasonable and satisfactory work environment. Disagreements shall be settled by discussion and intervention.

5. Outside Employment

Employees shall not have a direct or indirect financial interest or other interest that conflicts or appears to conflict with one's government duties and responsibilities. For more information regarding conflicts of interest or outside employment see Chapters 102 (the Ohio Ethics Law) and 2921 of the Ohio Revised Code. Employee must report outside employment in accordance with IPP 5003.

6. Illegal Activities

Illegal activities on the part of any employee, in addition to being unlawful reflect on the integrity of the Agency and betray the trust and confidence placed in it by the public. It is expected that employees will obey, not only the letter of the law, but also the spirit of the law whether engaged in personal or official activities. An employee convicted of a felony must immediately report it to the Director or designee.

7. Confidentiality

Employees of the Agency have access to many different types of information. Each employee may only disclose or release information consistent with applicable law and agency policy.

8. Nepotism

- a) Except as provided in Section D of DAS policy HR-D-02, no public official or employee shall supervise any person closely related by blood, marriage or other significant relationship including business association.
- b) Employees will not authorize or use their authority or influence of his or her position to secure the authorization of employment or benefit (including a promotion or preferential treatment) for a person closely related by blood, marriage or other significant relationship including business association.

C. INVESTIGATIONS

Allegations of misconduct will be investigated. During the course of an investigation, employees are to cooperate fully by providing all pertinent information. Failure of an employee to answer any inquiry fully, truthfully and to the best of their knowledge will be grounds for disciplinary action. Individuals may also be required to submit to an official search of person or property. An employee may be placed on Administrative Leave during an investigation.

D. EMPLOYEE ASSISTANCE PROGRAM (EAP)

1. Employees experiencing personal problems that interfere with their duties and responsibilities are encouraged to seek the services of the Employee Assistance Program.
2. Participation by an employee in an EAP program may be considered in mitigating disciplinary action.
3. Imposition of discipline can be delayed until the employee completes an EAP program. Upon notice by the OHIO EAP of successful completion under the provisions of an Ohio EAP Participation Agreement, ODJFS will give serious consideration to modifying the contemplated discipline.
4. Separate disciplinary action may be instituted for offenses committed after commencement of an EAP Participation Agreement.

E. DISCIPLINE

1. In the Ohio Department of Job and Family Services, it is important that disciplinary actions be for just cause and be administered fairly throughout the department within the guidelines set herein. The discipline shall be commensurate with the offense taking into account the severity of the violation, mitigating circumstances, as well as previous discipline and other aggravating circumstances.
2. ODJFS is committed to the policy of constructive progressive discipline. Disciplinary actions should be imposed with the intent of giving the employee the opportunity to correct his/her behavior so long as the discipline is commensurate with the offense. If the behavior is not corrected, discipline should become increasingly more severe up to and including removal. However, certain offenses warrant severe discipline to include removal on the first offense.
3. Individual violations are not mutually exclusive. Progressive discipline need not be measured in terms of following the complete progression in each category. The violation of different work rules, the closeness in time and repetitive nature of the violations are examples of circumstances that aggravate the penalty.

F. VIOLATIONS AND PENALTIES

1. Appendix B provides the Violations and Penalties commonly referred to as the disciplinary grid. This is a guideline to inform employees of those actions that are considered unacceptable and the possible corrective action for such. **These guidelines are not all-inclusive and may vary depending upon individual mitigating or aggravating circumstances.**
2. Disciplinary corrective actions include, but are not limited to, the following forms:
  - a) Verbal Reprimand
  - b) Written Reprimand
  - c) Fine
  - d) Reduction of Leave
  - e) Working Suspension
  - f) Non-Working Suspension
  - g) Demotion
  - h) Removal

NOTE: Per appropriate bargaining unit contract or statute, not all corrective actions may be applicable.

**CLICK [HERE](#) to acknowledge that you have read, understand, and will comply with this policy.**

VII. **APPENDIXES:**

A. SUBJECT MATTER EXPERT(S)

Owning Entity	Address	Name(SME)	Phone/ Fax/ E-mail
Bureau of Civil Rights / Labor Relations	BCR/LR Office: 30 East Broad Street, 30th Floor, Columbus Ohio 43215	Labor Relations Staff	614-466-6514 614-752-6381 IPPM_STAFF@jfs.ohio.gov

B. [THE DISCIPLINARY GRID, ODJFS STANDARDS OF EMPLOYEE CONDUCT, RULE VIOLATIONS AND PENALTIES](#)

ODJFS-IPP 0003

**Standards of Employee Conduct**

Revised: June 20, 2011

Original: May 23, 2003

**APPENDIX B  
ATTENDANCE**

<b>CODE</b>	<b>VIOLATION OFFENSE</b>	<b>FIRST OFFENSE</b>	<b>SECOND OFFENSE</b>	<b>THIRD OFFENSE</b>	<b>FOURTH OFFENSE</b>
<b>A1</b>	FAILURE TO PROVIDE PROPER CALL OFF	VERBAL - WRITTEN	MINOR - MEDIUM	MEDIUM - MAJOR	MAJOR - REMOVAL
<b>A2</b>	ABSENT WITHOUT LEAVE, (AWOL)				
	A) ONE DAY OR LESS	WRITTEN - MINOR SUSPENSION	MEDIUM SUSPENSION	MAJOR SUSPENSION	REMOVAL
	B) TWO DAYS	MEDIUM SUSPENSION	MAJOR SUSPENSION	REMOVAL	*
	C) THREE DAYS	MAJOR SUSPENSION	REMOVAL	*	*
	D) FOUR OR MORE DAYS	REMOVAL	*	*	*
<b>A3</b>	MISUSE OF ACCRUED LEAVE	WRITTEN - MINOR SUSPENSION	MEDIUM SUSPENSION	MAJOR SUSPENSION	REMOVAL
<b>A4</b>	FAILURE TO WORK SPECIFIC HOURS WHEN REQUIRED, INCLUDING MANDATORY OVERTIME	WRITTEN - MINOR SUSPENSION	MEDIUM SUSPENSION	MAJOR SUSPENSION	REMOVAL
<b>A5</b>	TARDINESS 30 MINUTES OR LESS	VERBAL - WRITTEN	MEDIUM	MAJOR	REMOVAL
<b>A6</b>	JOB ABANDONMENT 3 CONSECUTIVE WORKDAYS WITHOUT PROPER NOTICE	REMOVAL	*	*	*
<b>A7</b>	PATTERN ABUSE CONSISTENT PERIODS OF SICK LEAVE WITHIN A SIX WEEK PERIOD	VERBAL - WRITTEN	MINOR - MEDIUM SUSPENSION	MEDIUM - MAJOR SUSPENSION	MAJOR SUSPENSION - REMOVAL
<b>A8</b>	FAILURE TO PROVIDE A PHYSICIANS VERIFICATION WHEN REQUIRED	VERBAL - WRITTEN	MINOR - MEDIUM SUSPENSION	MEDIUM - MAJOR SUSPENSION	MAJOR SUSPENSION - REMOVAL
<b>A9</b>	LEAVING WORK AREA, EXTENDEING BREAKS, OR EXTENDING LUNCH WITHOUT AUTHORIZATION	VERBAL - WRITTEN	MINOR - MEDIUM SUSPENSION	MEDIUM - MAJOR SUSPENSION	MAJOR SUSPENSION - REMOVAL

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### FAILURE OF GOOD BEHAVIOR

CODE	VIOLATION	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
<b>F1</b>	FAILURE TO CARRY OUT AND/OR FOLLOW DIRECTIONS, ASSIGNMENTS, WRITTEN POLICIES, PROCEDURES, AND/OR WORK RULES	VERBAL WRITTEN	MINOR - MEDIUM SUSPENSION	MEDIUM - MAJOR SUSPENSION	MAJOR SUSPENSION REMOVAL
<b>F2</b>	FAILURE TO CARRY OUT A DIRECT ORDER	WRITTEN - MINOR SUSPENSION	MINOR - MEDIUM SUSPENSION	MEDIUM - MAJOR SUSPENSION	REMOVAL
<b>F3</b>	DISCOURTEOUS AND/OR RUDE CONDUCT: TREATMENT OF ANOTHER THROUGH OFFENSIVE OR INDECENT CONDUCT	WRITTEN - MINOR SUSPENSION	MEDIUM SUSPENSION	MAJOR SUSPENSION	REMOVAL
<b>F4</b>	PROMOTION OF OR PARTICIPATION IN ILLEGAL GAMBLING ACTIVITIES DURING WORKING HOURS	VERBAL - WRITTEN	MINOR - MEDIUM SUSPENSION	MEDIUM - MAJOR SUSPENSION	MAJOR SUSPENSION - REMOVAL
<b>F5</b>	VIOLATION OF ODJFS DRESS CODE POLICY	VERBAL - WRITTEN	MINOR - MEDIUM SUSPENSION	MEDIUM - MAJOR SUSPENSION	MAJOR SUSPENSION - REMOVAL
<b>F6</b>	UNAUTHORIZED DISPLAY, SOLICITATION, AND/OR DISTRIBUTION OF LITERATURE	VERBAL - WRITTEN	MINOR - MEDIUM SUSPENSION	MEDIUM - MAJOR SUSPENSION	MAJOR SUSPENSION - REMOVAL
<b>F7</b>	POSTING OR DISPLAYING INAPPROPRIATE MATERIAL	VERBAL - WRITTEN	MINOR - MEDIUM SUSPENSION	MEDIUM - MAJOR SUSPENSION	MAJOR SUSPENSION - REMOVAL
<b>F8</b>	ACTS OF SEXUAL HARRASSMENT, DISCRIMINATION, INSULT, INTIMIDATION, OR HARASSMENT ON THE BASIS OF A PROTECTED CLASS	MEDIUM SUSPENSION - REMOVAL	MAJOR SUSPENSION - REMOVAL	REMOVAL	*
<b>F9</b>	NEPOTISM	MEDIUM SUSPENSION - REMOVAL	MAJOR SUSPENSION - REMOVAL	REMOVAL	*
<b>F10</b>	FELONY CONVICTION OR FAILURE TO DISCLOSE A FELONY CONVICTION	REMOVAL	*	*	*
<b>F11</b>	PURPOSEFUL, CARELESSNESS, OR UNAUTHORIZED USE OR ABUSE OF STATE EQUIPMENT, PROPERTY, STATE PAID TIME, OR	WRITTEN - REMOVAL	MINOR SUSPENSION - REMOVAL	MEDIUM SUSPENSION - REMOVAL	MAJOR SUSPENSION - REMOVAL

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**FAILURE OF GOOD BEHAVIOR**

CODE	VIOLATION	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
	THE PROPERTY OF ANOTHER				

**FAILURE OF GOOD BEHAVIOR**

<b>F12</b>	ENGAGING IN POLITICAL ACTIVITIES AS PROHIBITED BY ORC 124.57	WRITTEN - MINOR SUSPENSION	MEDIUM SUSPENSION	MAJOR SUSPENSION	REMOVAL
<b>F13</b>	PARTICIPATION IN WORK STOPPAGE, STRIKE, SLOW DOWN, SICK OUT OR OTHER FORM OF JOB ACTION OR WORK INTERRUPTION CONCERTED OR OTHERWISE; INTERFERING WITH THE ACTIVITIES OF EMPLOYEES WHO DO NOT PARTICIPATE IN A WORK STOPPAGE	MAJOR SUSPENSION - REMOVAL	REMOVAL	*	*
<b>F14</b>	REFUSAL TO FULLY COOPERATE WITH AND/OR PROVIDING FALSE, INCOMPLETE, OR MISLEADING INFORMATION IN AN INVESTIGATION OR INQUIRY	MEDIUM SUSPENSION - REMOVAL	MAJOR SUSPENSION - REMOVAL	REMOVAL	*
<b>F15</b>	MISUSE, REMOVAL OF PROVIDING OR DISCUSSING CONFIDENTIAL MATERIAL, RECORDS, OR OFFICIAL DOCUMENTS OR CUSTOMER INFORMATION	MAJOR SUSPENSION - REMOVAL	REMOVAL	*	*
<b>F16</b>	UNAUTHORIZED USE OF RECORDING DEVICES	WRITTEN - MINOR SUSPENSION	MINOR - MEDIUM SUSPENSION	MEDIUM - MAJOR SUSPENSION	REMOVAL
<b>F17</b>	SLEEPING WHILE ON DUTY	WRITTEN - MINOR SUSPENSION	MINOR - MEDIUM SUSPENSION	MEDIUM - MAJOR SUSPENSION	REMOVAL
<b>F18</b>	INATTENTION TO DUTY, NOT ALERT ON DUTY, APPEARING TO BE IN OR TAKING ON A POSTURE OF REST WHILE ON DUTY.	VERBAL - WRITTEN	MINOR - MEDIUM SUSPENSION	MEDIUM - MAJOR SUSPENSION	MAJOR SUSPENSION - REMOVAL
<b>F19</b>	FAILURE TO REPORT IMMEDIATELY A VIOLATION OF ANY WORK RULE, LAW, OR REGULATION	WRITTEN - MINOR SUSPENSION	MEDIUM SUSPENSION	MAJOR SUSPENSION	REMOVAL

**FAILURE OF GOOD BEHAVIOR**

<b>CODE</b>	<b>VIOLATION</b>	<b>FIRST OFFENSE</b>	<b>SECOND OFFENSE</b>	<b>THIRD OFFENSE</b>	<b>FOURTH OFFENSE</b>
<b>F20</b>	VIOLATION OF OHIO ETHICS LAW	MAJOR SUSPENSION - REMOVAL	REMOVAL	*	*
<b>F21</b>	THEFT IN OFFICE	MAJOR SUSPENSION - REMOVAL	REMOVAL	*	*
<b>F22</b>	REPORTING TO WORK UNDER THE INFLUENCE OF ANY INTOXICANT; UNFIT FOR DUTY	REMOVAL	*	*	*
<b>F23</b>	POSSESSION, CONSUMPTION, SELLING OR DISTRIBUTION OF ALCOHOL, ILLEGAL DRUGS, OR MISUSE OF PRESCRIBED DRUGS WHILE ON DUTY OR ON ODJFS PROPERTY	REMOVAL	*	*	*
<b>F24</b>	REFUSAL TO SUBMIT TO / FAILURE TO PASS A PROPERLY ORDERED DRUG OR ALCOHOL TEST	REMOVAL	*	*	*
<b>F25</b>	DISRUPTING THE WORK ENVIRONMENT BY HORSEPLAY OR PRACTICAL JOKES	WRITTEN - MINOR SUSPENSION	MEDIUM - MAJOR SUSPENSION	MAJOR SUSPENSION - REMOVAL	REMOVAL
<b>F26</b>	PHYSICAL ATTACK TO ANOTHER	REMOVAL	*	*	*
<b>F27</b>	VERBAL OR WRITTEN THREATS TO ANOTHER	MAJOR SUSPENSION - REMOVAL	REMOVAL	*	*
<b>F28</b>	VIOLATION OF ANY PROHIBITED CONDUCT AS DEFINED BY WORKPLACE VIOLENCE POLICY	MAJOR SUSPENSION - REMOVAL	REMOVAL	*	*
<b>F29</b>	INAPPROPRIATE RELATIONSHIPS FROM ONE EMPLOYEE TO ANOTHER	WRITTEN - MINOR SUSPENSION	MINOR - MEDIUM SUSPENSION	MEDIUM - MAJOR SUSPENSION	REMOVAL
<b>F30</b>	ANY FAILURE OF GOOD BEHAVIOR THAT MAY DISCREDIT, EMBARRASS, UNDERMINE, OR INTERFERE WITH THE MISSION OF ODJFS	WRITTEN - MINOR SUSPENSION	MINOR - MEDIUM SUSPENSION	MEDIUM - MAJOR SUSPENSION	REMOVAL