



**MUNICIPALITY OF THE COUNTY OF KINGS**  
**Employee Conduct Policy**

**Creation Date:** May 15, 2012  
**Approval Date:** June 5, 2012  
**Revision Date:** October 2, 2018

**Policy Category:** Human Resources  
**Next Review Date:** October 2020  
**Replaces:** HR Policy 6.001, 6.002

**1. Purpose:**

It is the policy of the Municipality of the County of Kings to provide guidelines, which may be changed from time to time, to promote understanding of what is considered acceptable and unacceptable conduct and behaviour; and to encourage consistency throughout the Municipality.

**2. Objective:**

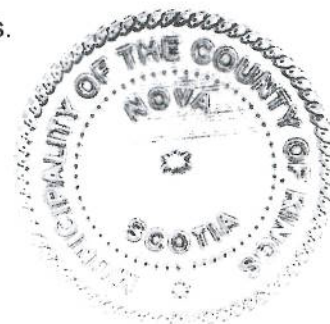
2.1 **Objectives** of this Policy are to:

- a. encourage positive employee/employer relations by providing for the fair and consistent treatment of staff
- b. encourage the proper conduct of County employees
- c. ensure that all employees of the Municipality of the County of Kings are aware of their obligations and the consequences of disregarding those obligations
- d. ensure that employee misconduct is dealt with in an appropriate manner

**3. Definitions:**

- a. **Corrective Action:** Corrective actions are measures which are applied to an employee in order to address unsatisfactory conduct. This action may consist of:
  - measures taken in instances where the employee should be aware of the performance and conduct expected of him/her, and/or where the employee has the capacity to meet the performance or conduct expected, but fails to provide satisfactory performance or conduct
  - measures taken in instances where the employee is not aware of the performance standard. This lack of awareness may reflect a lack of communication between the supervisor and the employee and may be considered as a mitigating circumstance in the conduct of investigations and the implementation of corrective actions.

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## MUNICIPALITY OF THE COUNTY OF KINGS

### Employee Conduct Policy

#### 4. Responsibilities:

##### 4.1 Council will:

- a. ensure that the Municipality of the County of Kings has in place an Employee Conduct Policy.
- b. review, amend, and adopt changes to the Employee Conduct Policy.

##### 4.2 The Chief Administrative Officer will:

- a. recommend changes to the Employee Conduct Policy where considered appropriate.
- b. ensure that the Employee Conduct Policy is understood and adhered to by all employees.
- c. assist and advise departments in the application and monitoring of the Employee Conduct Policy.
- d. take appropriate action in accordance with the Employee Conduct Policy.
- e. ensure the collection and maintenance of permanent records of all corrective action which has been taken.

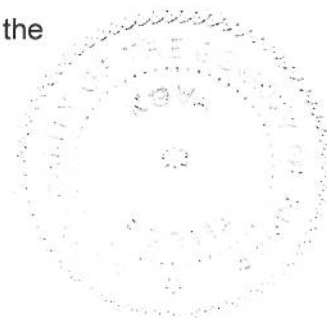
##### 4.3 Directors/Deputy CAO will:

- a. be responsible to the Chief Administrative Officer for necessary corrective action in their respective departments.
- b. ensure that all department employees are familiar with all aspects of the Employee Conduct Policy.
- c. recommend to the Chief Administrative Officer changes to the Employee Conduct Policy where considered appropriate.
- d. take necessary corrective action as appropriate and in accordance with the Employee Conduct Policy.
- e. assist supervisors in matters pertaining to the Employee Conduct Policy.

##### 4.4 Managers will:

- a. ensure that all employees, for which they are directly responsible, are aware of the County's Employee Conduct Policy.
- b. assist the Director and/or other departments in the application of the Employee Conduct Policy.

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## MUNICIPALITY OF THE COUNTY OF KINGS

### Employee Conduct Policy

- c. take necessary corrective action as appropriate in accordance with the Employee Conduct Policy.
  - d. suggest to the Directors, changes to the Employee Conduct Policy.
- 4.5 **Each employee** is responsible for observing rules of conduct that are normally accepted in a business environment.

#### 5. Levels of Corrective Action

**Appropriate Conduct and Behaviour** includes but is not limited to:

- adherence to published policies, practices and procedures;
- competent performance of all job duties assigned;
- prompt and regular attendance at work;
- courtesy to and respect for co-workers, customers, suppliers or any other person who deals with the municipality in the conduct of their business;

**Inappropriate Conduct and Behaviour** includes but is not limited to Group One Offences (see attached Appendix A)

**Unacceptable Conduct and Behaviour** includes but is not limited to Group Two Offences and Group Three Offences (see attached Appendix A)

**Discipline:** Discipline may be administered at any time when an incident or a pattern of behaviour creates a serious concern for the immediate supervisor. Discipline may be administered in the form of informal counselling or formal discipline.

**Informal Counselling:** When an incident occurs that warrants informal counselling under this Policy, the employee's immediate supervisor shall bring the incident to the employee's attention, as soon as the facts giving rise to the incident become known. The supervisor and the employee should discuss the concerns and agree on a corrective action plan, if necessary. The supervisor is expected to follow up with the employee to ensure the corrective action plan is effective and the desired results are achieved. If the desired changes or results are not achieved after a reasonable period of time, then a formal discipline step may be implemented.

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**MUNICIPALITY OF THE COUNTY OF KINGS**

**Employee Conduct Policy**

**Formal Discipline**

4 levels of corrective action

**Note: Unionized employees** are subject to progressive discipline under the collective agreement.

Level 1 - Verbal Warning

This formal step usually occurs when informal counselling has not produced the required result; or a situation has become progressively worse with respect to the same concern or another unrelated, but cumulative situation.

Employee actions giving rise to a verbal warning must be investigated and documented by the immediate supervisor and then be brought to the attention of the employee. The documented facts are useful in preventing misinterpretation and are used in establishing the standard performance and/or behaviour that is expected.

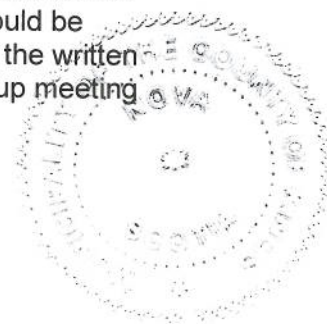
Supervisors are required to keep a record of all verbal warnings that are issued.

Level 2 - Written Warning

Written warnings are considered a severe discipline action and are usually issued after verbal warnings have failed to correct a concern; or, the situation warrants discipline that is more severe than informal counselling or a verbal warning.

Prior to issuing a written warning, the immediate supervisor shall document all pertinent facts related to the incident. A written warning shall contain a full description of the facts giving rise to the warning and include the date, time and place of the incident. Upon issuing a written warning a corrective action plan which outlines the improvement(s) required and the time frame within which the improvement(s) are to be achieved shall be developed. Whenever possible the corrective action plan should be mutually acceptable and be signed by both parties. A copy of the written corrective action shall be provided to the employee. A follow-up meeting

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**MUNICIPALITY OF THE COUNTY OF KINGS**

**Employee Conduct Policy**

should be scheduled no later than 30 days following the date on which the written warning and corrective action plan is issued.

Written warnings, related documentation, and corrective action plan are required to be filed in the employee's personnel file.

If, in the opinion of the supervisor, a written warning fails to correct the concern, more severe discipline action may be required, including progression to a higher level of involvement. Higher level of involvement may include the department director, depending upon the circumstances; and may also include advising the employee that failure to correct shortcomings could place the employee's continued employment at risk.

Level 3 - Disciplinary Suspension

Suspension from duty may occur only after the written warning discipline step has failed to correct the situation and the employee has been properly advised that a suspension may occur if shortcomings are not corrected. Disciplinary suspensions may also occur, without prior warnings, if the suspension is administered because of unacceptable conduct or behaviour. The suspension requires the approval of the Chief Administrative Officer in consultation with the Human Resources Specialist.

Level 4 - Termination

Termination may occur only after the formal discipline steps have been exhausted or investigation of an immediate suspension is deemed to warrant such action. The decision to terminate an employee is a serious step that can have repercussions for both the terminated employee and the municipality.

The termination, for any reason must be properly documented and approved, in advance, by the Chief Administrative Officer in consultation with the Human Resources Specialist.

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## MUNICIPALITY OF THE COUNTY OF KINGS

### Employee Conduct Policy

#### 6. Records of Employee Conduct

- a. Records of any corrective action taken will be added to the employee's personnel file for a period of two years. At the end of that time, if the employee has maintained a record of good conduct for that two-year period, all accounts of this corrective action will be removed from the employee's file. If any additional corrective action was required during this period, all records of this action will remain on the employee's file until they complete the necessary two-year period of good conduct.

**Unionized employees** are to follow the collective agreement's language on progressive discipline to determine how long an offense will remain on a personnel file.

#### 7. Appeal of Dismissal or Corrective Action

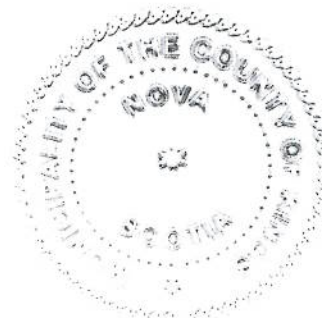
- a. Should an employee consider dismissal or corrective action to be improper, a grievance may be presented in writing to the Chief Administrative Officer and /or Human Resources Specialist. **Unionized employees** are to follow the collective agreement language to file a grievance.

#### 8. Corrective Action Records Maintenance

The following points should be emphasized with respect to records detailing corrective action:

- a. the records describing the incident should be as complete and as detailed as possible
- b. the records will be dated and signed by the supervisor (i.e. Chief Administrative Officer or Director) and, where appropriate, by the employee affected
- c. the records will state the action taken by the supervisor to address the situation
- d. the incident(s), as well as the effects or potential effects of the incident(s), will be recorded
- e. those factors which were considered relevant to the degree of action taken must be specified
- f. any verbal discussion or reprimands given previously must be indicated, as well as specific dates and other relevant material

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**MUNICIPALITY OF THE COUNTY OF KINGS**  
**Employee Conduct Policy**

**Note:** Appendix A is meant to be a guideline only to assist the Chief Administrative Officer, Directors, and Managers in the application of corrective action. This Appendix includes a comprehensive listing of offenses.

**9. Related Policies, Procedures and Legislation**

- Code of Ethics Policy HR-06-002
- Sexual Harassment Policy HR-06-004
- Workplace Harassment/ Discrimination Policy HR-06-005
- Collective agreement between CUPE Local 2618 and the Municipality of the County of Kings

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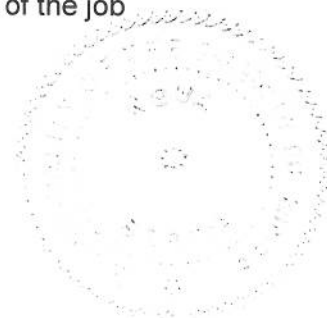
**MUNICIPALITY OF THE COUNTY OF KINGS**  
**Employee Conduct Policy**

**Employee Conduct - APPENDIX A**

**Group One Offenses (Section 5: Inappropriate Conduct and Behaviour)**

1. Absence from duty without prior permission from the immediate supervisor. The employee should notify their immediate supervisor or, if that is not possible, the Department Director, or Chief Administrative Officer (prior to the start of their shift if possible), of the reasons for their absence and the expected time or date of return. An exception may be in the case of sickness or other cause beyond the control of the employee, which prevents obtaining prior approval.
2. Unauthorized leaving of the working area during work hours without permission from the immediate supervisor.
3. Neglecting job duties (e.g. reading for pleasure during working hours)
4. Repeatedly arriving late for work
5. Failure to commence work at the beginning of the work period, and/or leaving prior to the end of the work period without permission
6. Creating or contributing to unsanitary or unsafe conditions in the workplace
7. Use or possession of the Municipality of the County of Kings property/equipment without authorization
8. Wilful failure to respond to legitimate requests for work to be undertaken
9. Unauthorized stopping of work or making preparations to leave work prematurely
10. Distracting the attention of others, or causing confusion by unnecessary shouting or demonstration on the job
11. Where the operations are continuous, an employee leaving his/her post at the end of a scheduled shift, before being relieved by his/her supervisor or relieving employee on the incoming shift
12. Failure to immediately report any personal injury or equipment damage to supervisor
13. Unsatisfactory work and/or failure to maintain required standards of performance
14. Any violation of any of the Municipality of the County of Kings recognized policies
15. Failure to report loss of any certification required to carry out the performance of the job (i.e. driving license)

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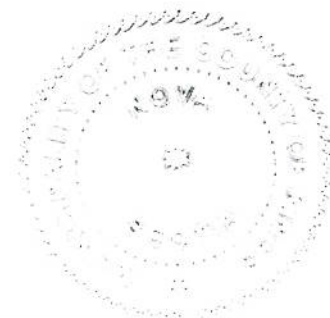
**MUNICIPALITY OF THE COUNTY OF KINGS**  
**Employee Conduct Policy**

**Employee Conduct - APPENDIX A (continued)**

**Group Two Offenses (Section 5: Unacceptable Conduct and Behaviour)**

1. Neglect or carelessness in observance of official or departmental rules of safety or disregard of common safety practices
2. Unauthorized leaving of the job during regular working hours without permission from a supervisor
3. Unauthorized sleeping during working hours
4. Reporting to work intoxicated, impaired or under the influence of drugs (including cannabis/marijuana) or alcohol, drinking alcoholic beverages while on the job, or consuming cannabis (marijuana), in any form, while on the job. (Accommodation may be made for those with a medical prescription for cannabis, who are not in a safety-sensitive position and who seek accommodation in writing.)
5. Using abusive or threatening language towards subordinates, co-workers, or other individuals
6. Soliciting or canvassing of Municipality of the County of Kings employees during working hours, without permission
7. Failure to report an accident in which the employee was involved
8. Refusing to give testimony during investigation of an accident
9. Unauthorized use of Municipality of the County of Kings property for private work or performing private work during regular working hours
10. Threatening, intimidating, coercing, or interfering with employees or supervisors at any time
11. Making or publishing false or malicious statements concerning any employee, supervisor, the Municipality of the County of Kings or its operation
12. Failure to report for overtime work without good reason, after being scheduled to work, according to overtime policy
13. Refusal to perform work assigned or failure to comply with written or verbal instructions, which the employee may be reasonably expected to perform, according to their job duties or responsibilities

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**MUNICIPALITY OF THE COUNTY OF KINGS**  
**Employee Conduct Policy**

**Employee Conduct - APPENDIX A (continued)**

**Group Three Offenses (Section 5: Unacceptable Conduct and Behaviour)**

1. Careless or wilful neglect in the performance of assigned duties or in the care, use or custody of any of the Municipality of the County of Kings property; abuse, or deliberate destruction in any manner of Municipality of the County of Kings property, tools, equipment, or the property of other employees
2. Altering another employee's time card or unauthorized altering of own time card
3. Falsifying testimony when accidents are being investigated; falsifying or assisting in falsifying staff or other records; giving false information or withholding pertinent information in making an application for employment
4. Making false claims or misrepresentations in an attempt to obtain sick leave, accident benefits or Workers' Compensation benefits
5. Bookmaking or gambling of a similar serious nature
6. Theft, damage or destruction of property belonging to the Municipality of the County of Kings or to other employees
7. The sale or use of illegal substances during working hours
8. Fighting or attempts to injure another employee, or threats to do so
9. Possession of firearms, explosives or weapons on Municipality of the County of Kings property at any time
10. Conviction of a indictable offence
11. Misuse or removal of information such as blueprints, lists, Municipality of the County of Kings records or confidential information of any nature, or revealing such information without prior written authority from the Municipality of the County of Kings
12. Instigating, leading, or participating in any illegal walkout, strike, or other such demonstration
13. Any proven violation of the Municipality of the County of Kings Sexual Harassment Policy and Workplace Harassment Policy
14. Dishonesty or any dishonest action as defined by the Municipality of the County of Kings Code of Ethics Policy, e.g. breach of confidentiality or conflict of interest

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