

Policy 1317
Standards of Conduct and Performance for Classified Employees

Date of Current Revision: April 2008
Responsible Office: Human Resources

1. PURPOSE

This policy is written to reflect James Madison University's compliance with the Commonwealth of Virginia's policy to ensure the clear statement of employee expectations and fair treatment of all classified employees. Standards of Conduct are designed to protect the well being and rights of all employees; to assure safe, efficient university operations; and to assure compliance with law. The ultimate goal of this policy is to help employees become fully contributing members of the university community.

2. AUTHORITY

This policy complies with Virginia Department of Human Resource Management Policy 1.60: Standards of Conduct.

3. DEFINITIONS

Corrective Action:

Any action taken by management to address employment issues, such as unacceptable or substandard performance and/or behavior. Corrective action may range from an informal action such as counseling to formal disciplinary action.

Disciplinary Action:

An action taken in response to an employee's behavior. Disciplinary actions may range from the issuance of an official Written Notice only to issuance of a Written Notice and termination. Disciplinary action also may include demotion or transfer in lieu of termination. In such cases, the university must initiate a disciplinary salary action. With a disciplinary salary action, employees may be retained in their current positions and have their duties reduced or be moved to positions in the same or lower pay band with less job responsibilities. In either case, the employee's salary must be reduced by at least 5 percent. In no case may an employee's salary exceed the maximum of the pay band following a disciplinary salary action.

Employee Assistance Program

A structured support service that assists the employee with identifying and resolving the concerns of employee that may affect performance.

Standards of Conduct:

Reasonable and acceptable expectations for work performance and workplace behavior.

Suspension:

An employee's absence from work, with or without pay, imposed by the university as a part of a disciplinary action and/or to remove the employee from the workplace pending (1) an investigation related to his or her conduct or (2) a court action.

Unacceptable Conduct:

Unacceptable employee behavior for which specific disciplinary action is warranted.

4. APPLICABILITY

This policy applies to all classified employees. It also applies, where applicable, to those who supervise classified employees.

5. POLICY

The Virginia Department of Human Resource Management, in keeping with effective employee relations management, has established uniform rules of personal conduct and performance for classified employees. Additionally, uniform disciplinary guidelines are prescribed when application is necessary.

Classified employees are provided a copy of the classified employee handbook that details this policy.

The Standards of Conduct serve the following purposes:

- Establish guidelines for positive employee behaviors that contribute to the success of the university's mission.
- Establish a fair and objective process for correcting or treating unacceptable conduct or work performance
- Distinguish between less serious and more serious acts of misconduct and provide corrective action accordingly
- Limit corrective action to employee conduct occurring only when employees are at work or when otherwise representing James Madison University in an official or work-related capacity, unless otherwise specifically provided for.

6. PROCEDURE

It is the policy of the university and of the Commonwealth to promote the well-being of employees by maintaining high standards of work performance and professional conduct.

Expected (Acceptable) Conduct

Not all inclusive

The examples of conduct set forth below are not all-inclusive, but are intended as examples of expected (acceptable) behavior.

Employees who contribute to the success of the university's mission:

- Report to work as scheduled and seek approval from their supervisors in advance for any changes to the established work schedule, including the use of leave and late or early arrivals and departures.
- Perform assigned duties and responsibilities with the highest degree of public trust.
- Devote full effort to job responsibilities during work hours.
- Maintain the qualifications, certification, licensure, and/or training requirements identified for their positions.
- Demonstrate respect for the agency and toward agency coworkers, supervisors, managers, subordinates, residential clients, students, and customers.
- Use state equipment, time, and resources judiciously and as authorized.
- Support efforts that ensure a safe and healthy work environment.
- Utilize leave and related employee benefits in the manner for which they were intended.
- Resolve work-related issues and disputes in a professional manner and through established business processes.
- Meet or exceed established job performance expectations.
- Make work-related decisions and/or take actions that are in the best interest of the agency.
- Comply with the letter and spirit of all state and agency policies and procedures, the Conflict

- o of Interest Act, and Commonwealth laws and regulations.
- o Report circumstances or concerns that may affect satisfactory work performance to management, including any inappropriate (fraudulent, illegal, unethical) activities of other employees.
- o Obtain approval from supervisor prior to accepting outside employment.
- o Obtain approval from supervisor prior to working overtime, if non-exempt from the Fair Labor Standards Act (FLSA).
- o Work cooperatively to achieve work unit and agency goals and objectives.
- o Conduct themselves at all times in a manner that supports the mission of their agency and the performance of their duties.

Unacceptable Conduct

Not all inclusive

The offenses set forth below are not all-inclusive, but are intended as examples of unacceptable behavior for which specific disciplinary actions may be warranted. Accordingly, any action, which, in the judgment of the university, undermines the effectiveness of the university's activities, may be considered unacceptable and treated in a manner consistent with the provisions of this section.

Action to remove employees from the university under this policy must be reviewed and approved by the director of the JMU Office of Human Resources in advance of taking final action.

Grouped according to severity

The offenses listed below are organized into three groups according to the severity of the behavior, with Group I being the least severe.

Group I

These offenses include acts and behaviors that have a relatively minor impact on agency business operations but still require management intervention.

- o Unsatisfactory attendance or excessive tardiness
- o Abuse of state time, including, for example, unauthorized time away from the work area, use of state time for personal business and abuse of sick leave
- o Use of obscene or abusive language
- o Inadequate or unsatisfactory work performance
- o Disruptive behavior
- o Conviction of a minor moving traffic violation while using a state-owned or other public-use vehicle
- o Violation of JMU Policy 1110, Alcohol and Other Drugs (considered a Group I offense depending on the nature of the violation)
- o Violation of Virginia Department of Human Resource Management Policy 2.15, Sexual Harassment (considered a Group I offense depending upon the nature of the violation)
- o Violation of JMU Policy 1302, Equal Opportunity (considered a Group I offense depending upon the nature of the violation)

Group II

These offenses include acts and behavior that are more severe in nature and are such that an accumulation of two Group II offenses normally should warrant removal.

- o Failure to follow a supervisor's instructions, perform assigned work or otherwise comply with established written policy
- o Violating a safety rule where there is not a threat of bodily harm
- o Leaving the work site during work hours without permission
- o Failure to report to work as scheduled without proper notice to supervisor(s)
- o Unauthorized use or misuse of state property or records

- Refusal to work overtime hours as required
- Committing a Group I offense when the employee has an active Group I Written Notice for the same offense in his/her personnel file
- Violation of JMU Policy 1110, Alcohol and Other Drugs (considered a Group II offense depending on the nature of the violation, such as the use of alcohol or unlawful use or possession of a controlled drug while on the job)
- Violation of Virginia Department of Human Resource Management Policy 2.15, Sexual Harassment (considered a Group II offense depending upon the nature of the violation)
- Violation of JMU Policy 1302, Equal Opportunity (considered a Group II offense depending upon the nature of the violation)

Group III

These offenses include acts and behavior of such a serious nature that a first occurrence normally should warrant removal.

- Absence in excess of three days without proper authorization or a satisfactory reason
- Falsifying any records, including, but not limited to, insurance claims, leave records, reports, vouchers, time records or other official state documents
- Willfully or negligently damaging or defacing state records, state property or property of other persons (including, but not limited to, employees, patients, students, supervisors and visitors)
- Theft or unauthorized removal of state records, state property or the property of other persons (including, but not limited to, employees, patients, students, supervisors and visitors)
- Gambling on state property or during work hours
- Fighting and/or other acts of physical violence
- Violating safety rules where there is a threat of physical harm
- Sleeping during work hours
- Participating in any kind of work slowdown or similar concerted interference with state operations
- Unauthorized possession or use of firearms, dangerous weapons, or explosives
- Threatening or coercing persons associated with any state agency (including, but not limited to, employees, patients, students, supervisors and visitors)
- Criminal convictions for illegal conduct occurring on or off the job that clearly are related to job performance or are of such a nature that to continue employees in their positions could constitute negligence in regard to agencies' duties to the public or to other state employees
- Failure of an employee whose job requires carrying a firearm or authorization to carry a firearm to report conviction for a "misdemeanor crime of domestic violence"
- Violation of JMU Policy 1110, Alcohol and Other Drugs (considered a Group III offense depending on the nature of the violation, such as the use of alcohol or unlawful use or possession of a controlled drug while on the job)
- Violation of Virginia Department of Human Resource Management Policy 2.15, Sexual Harassment (considered a Group III offense depending upon the nature of the violation)
- Violation of JMU Policy 1302, Equal Opportunity (considered a Group III offense depending upon the nature of the violation)

Due Process

Prior to the issuance of any Written Notices, demotions, transfers with disciplinary salary actions, suspensions or terminations, supervisors should:

- Allow the director of the JMU Office of Human Resources or designee(s) to review the documentation for the recommended action to determine if the action is appropriate for the offense; if a referral to the [Employee Assistance Program](#) is advisable; and what the final recommendation for corrective action should be.

- Give the employees oral or written notification (administrative notification) of the offense, an explanation of the agency's evidence in support of the charge, and a reasonable opportunity to respond. Normally, a 24 hour period is a sufficient period of time, however, a “reasonable opportunity to respond” should not be based solely on the quantity of time provided but also on the nature of the offense, which may or may not require more or less time to refute or mitigate the charge.

This policy provides guidance related to the Virginia Department of Human Resource Management Policy 1.60: Standards of Conduct. To view the Commonwealth's Standards of Conduct in its entirety follow this [link](#).

7. RESPONSIBILITIES

Supervisors of classified employees must maintain open, honest communication with employees, ensuring that expectations are clear. Supervisors should clearly communicate both when the employee performs excellently as well as when performance and behavior is substandard. Supervisors have a responsibility to communicate the potential consequences of conduct or performance issues.

The JMU Office of Human Resources is responsible for providing guidance and support with the progressive disciplinary process including providing Written Notice forms and assisting managers in the application of this policy.

8. SANCTIONS

Sanctions will be commensurate with the severity and/or frequency of the offense and may include termination of employment.

9. EXCLUSIONS

This policy does not apply to wage employees and faculty members.

10. INTERPRETATION

The authority to interpret this policy rests with the president and is generally delegated to the director of the JMU Office of Human Resources.

Previous version: June, 2006

Approved by the President: March, 1999

Index Terms:

Disciplinary action
Standards of conduct
Suspension
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