

EFM SUBMISSION NO.: 2012 EFM 126
PRESENTED: 11-1-12
ADOPTED: 11-2-12

The Department of Human Resources and Labor Relations, in conjunction with the Flint City Charter, Section 1-802 – Compilation of Rules, Policies and Procedures, Section 4-302(A) – Development and Application of Personnel Policy and Section 4-303 – Duties and Responsibilities of the Chief Personnel Officer, has found it necessary to amend the approved City of Flint “Code of Conduct Policy” to include rules related to progressive discipline.

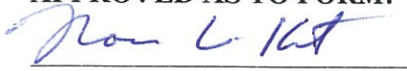

The Code of Conduct Policy for all City employees is intended to promote the orderly and efficient operation of the City, as well as, to protect the rights of all employees.

Violations of the Code of Conduct Policy shall be regarded as cause for disciplinary action, up to and including discharge, this Code of Conduct Policy does not preclude the establishment of additional rules by the Human resources and Labor Relations Department for City employees that are necessary for the effective operation of City government.

The Department of Human Resources and Labor Relations has amended the Code of Conduct Policy to include under “Enforcement,” the following statement ***“Depending on the nature, frequency and severity of the offense, the City shall adhere to progressive discipline in order to provide the employee with an opportunity to correct offending behavior. Progressive discipline shall generally include a verbal warning, written reprimand, suspension and termination, in that order. The offense subject to discipline need not be identical to previous offenses, and the severity of the offense, as determined by the Director of Human Resources and Labor Relations, may remove it from progressive discipline altogether. Factors to consider in instituting discipline, progressive or otherwise, include but are not limited to, the severity of the offense, the frequency of offenses, whether the employee has taken responsibility and accountability for his or her actions, the time interval between offenses and the work history of the employee.”***

It is resolved; that the City Officials are hereby authorized to approve the amended Code of Conduct Policy as approved and submitted by the Director of the Human Resources and Labor Relations and authorize immediate implementation of the attached policy.

APPROVED AS TO FORM:


Peter M. Bade, City Attorney

Michael K. Brown, City Administrator

APPROVED AS TO FINANCE:

Gerald Ambrose, Finance Director

EFM DISPOSITION:

ENACT  REFER TO COUNCIL _____ FAIL _____
Edward J. Kurtz, Emergency Financial Manager
DATED: 11-2-12

RESOLUTION STAFF REVIEW

Date: October 26, 2012

Agenda Item Title:

Resolution Authorizing the Appropriate City officials to approve the amended Code of Conduct Policy as approved by and submitted by the Director of Human Resources and Labor Relations and authorize immediate implementation of the attached policy.

Prepared by:

Susan Crosslin

Summary of Proposed Action:

Resolution to approve the amended "Code of Conduct Policy" to be compliant identified governmental requirements.

Financial Implications:

There are no financial implications

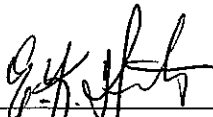
Pre-encumbered: Yes _____ No _____ **Requisition:**

Account No. _____

Other implications: There are no implications at this time

Staff Recommendation: Recommend Approval

Staff Person:



Elycka K. Hunter, Director
Human Resources and Labor Relations



CITY OF FLINT
DEPARTMENT OF HUMAN RESOURCES
AND LABOR RELATIONS

Dayne Walling
Mayor

Edward J. Kurtz
Emergency Financial Manager

Erycka K. Hunter
Director

POLICIES AND PROCEDURES
City of Flint

CODE OF CONDUCT
POLICY

ISSUE DATE: December 1, 2010	DATE REVISED: OCTOBER 26, 2012 No. of Pages: 5	SOURCE: City of Flint Policies and Procedures Manual
REVIEWED BY CITY ATTORNEY:	APPROVED BY DIRECTOR, HUMAN RESOURCES & LABOR RELATIONS: ERYCKA K. HUNTER	DATE APPROVED BY FLINT CITY COUNCIL: December 20, 2010
DATE REVIEWED: December 9, 2010 REVISED:	DATE APPROVED:	REVISED: RESOLUTION NO.: 101341 REVISED:

PURPOSE:

Rules of personal conduct for employees are intended to promote the orderly and efficient operation of the City, as well as to protect the rights of all employees.

STATEMENT OF POLICY:

Each employee is required to conduct him/herself in a proper, professional manner at all times. The following are examples of conduct him/herself in a proper, professional manner at all times. The following are examples of conduct that are prohibited:

1. Sexual Harassment: Sexual harassment is a form of unlawful gender (sex) discrimination and is not tolerated. All employees should be familiar with the City of Flint's policy on sexual harassment. (See Harassment and Discrimination in the Work Place Policy).
2. Sexual Conduct: Behavior of a sexual nature that is not sexual harassment may, nonetheless, be unprofessional in the workplace or disruptive in the work environment and, like other unprofessional or disruptive behavior, could warrant discipline.
3. Improper behavior relating to attendance, such as:
 - Excessive absenteeism or tardiness;
 - Leaving work early or extending break periods;
 - Leaving the work area without permission;



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- Making preparation to leave work before the lunch period, break period, or the specified quitting time;
 - Failure to report for overtime work when scheduled;
 - Failure to start work at the designated time;
 - Failure to return from an authorized leave of absence or vacation at the designated time.
4. Improper use of leave time to cover an absence (e.g., sick leave, bereavement leave, FMLA, jury duty).
 5. Failure to properly and/or promptly report the reason(s) for being absent, if no previous arrangements were made with the supervisor.
 6. Malicious, negligent, or intentional destruction, damage, defacement, or willful neglect of City or another individual's property. (See Also: City of Flint Code of Ordinances, §1-134)
 7. Unauthorized use or possession of equipment or property of the City or other individuals. (See Also: City of Flint Code of Ordinances; §1-134)
 8. Unauthorized taking or attempting to take, misappropriation, concealment, or removal of property belonging to the City, an employee, customer, supplier, vendor, visitor, patron, or guest of the City. (See Also: City of Flint Code of Ordinances §1-134.)
 9. Improper documentation, destruction, or making false statements, alterations, deletions or omissions on City forms, records or reports (including production records, time records, employment applications, and medical records) including, but not limited to, making false claims for wages, benefits, insurances, leaves of absence, and/or providing false information for personal gain.
 10. Failure to comply with safety rules and regulations, including:
 - Failure to immediately report all accidents and injuries. (See Also: Employee Injury Reporting Procedures);
 - Failure to comply with and/or follow safety rules and regulations as established by the City of Flint, and/or supervisor/department head and Human Resources and Labor Relations Department;



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- Failure to wear safety apparel and equipment when and where designated;
 - Creating or contributing to disorderly, unclean, or unsafe working conditions.
11. Non-work related use of official position and influence for personal profit. (See Also: City of Flint Code of Ordinances, §1-134 and §1-135)
 12. Conducting personal business while on duty.
 13. Unauthorized use of the City's telephone, electronics, computer, or other equipment during working or non-working hours. (See Also: City of Flint Computer Usage Policy and City of Flint Code of Ordinances, §1-135.)
 14. Refusal or willful failure to carry out the instructions of the supervisor, including, the assigned duties of the position when such instructions do not require unsafe or illegal acts.
 15. Neglect of duty and/or lack of due care and/or diligence in the performance of duties.
 16. Unauthorized disclosure or misuse of records or other business information. (See Also: City of Flint Code of Ordinances, §1-133)
 17. Misconduct related to the use and possession of alcoholic beverages and controlled substances: (See Also: City of Flint Zero Tolerance Policy).
 - Consuming or possessing alcoholic beverages on City premises or while on duty.
 - Consuming or possessing controlled substances on City premise without a prescription;
 - Unlawful manufacture, distribution, dispensation, or use of illegal drugs or controlled substances;
 - Under the influence of alcohol when reporting to or while at work;
 - Under the influence of illegal drugs or controlled substances without a prescription when reporting to or while at work.
 - Failure to pass a required drug or alcohol screen;



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- Falsification of related laboratory test results and/or test samples;
 - Adulteration or attempted adulteration of a drug screening specimen;
18. Dissemination of sexually explicit materials through the City's communication and/or email system. City systems are not to be used to create, forward, or display any offensive or disruptive messages, including photographs, graphics or audio materials.
 19. Remaining on the premises or entering the premises without authorization unless on duty or having business as a citizen.
 20. Unsatisfactory work performance or failure to maintain reasonable and appropriate standards of communication, performance and production.
 21. Knowingly admitting, or providing means of access, to an unauthorized person or persons into any locked or restricted building and/or area of the City.
 22. Knowingly providing means of access to the City's computer systems without authorization. (See Also: City of Flint Computer Usage Policy.)
 23. Other misconduct such as, but not limited to, the following:
 - Use of vulgar or obscene language;
 - Threatening, intimidating, obstructing, and/or harassing other persons; fighting and/or instigating a fight, verbal, physical, or psychological abuse; or mistreatment of a supervisor, co-worker, citizens, supplier, vendor, or guest;
 - Gambling or engaging in other games of lottery on the City's time and/or premises;
 - Unauthorized use/possession of the City's or other's property, including but not limited to: non-business use of City computers and peripheral equipment, office supplies, furniture, scrap materials; (See Also: City of Flint Computer Usage Policy and City of Flint Fraud Policy.)
 - Possession of weapons, firearms, or explosives on the premises of the City (unless authorized in the course of employment);
 - Intimidation based on a person's age, race, color, religion, national origin, or sexual orientation;



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- Intimidation based on a person's race, color, religion, national origin, or sexual orientation;
- Negligent use of City property; (See Also: City of Flint Code of Ordinances, §1-134 and §31-12.1)
- Smoking in unauthorized areas or inappropriately disposing of smoking materials;
- Sleeping, loitering or loafing on the job;
- Failure to maintain proper grooming, dress, cleanliness, or hygiene. Dress or appearance should not be distracting to those with whom the employee works and should be within acceptable standards of health, safety and public contact; (See Also City of Flint Personal Appearance/Dress Code Policy.)
- Failure to disclose outside interests that may conflict with the interests of the City; (See Also City of Flint Code of Ordinances, §1-142; Ordinance 2636);
- Vending, soliciting, or collecting contributions on the City's time or premises absent prior appropriate authorization from the City;
- Failure to report inappropriate use of City equipment or electronic systems. (See Also: City of Flint Computer Usage Policy and City of Flint Fraud Policy.)

ENFORCEMENT:

Violations, therefore, shall be regarded as cause for disciplinary action, up to and including, discharge. Discharge may result from an accumulation of minor infractions as well as for a single serious infraction. *Depending on the nature, frequency and severity of the offense, the City shall adhere to progressive discipline in order to provide the employee with an opportunity to correct offending behavior. Progressive discipline shall generally include a verbal warning, written reprimand, suspension and termination, in that order. The offense subject to discipline need not be identical to previous offenses, and the severity of the offense, as determined by the Human Resources and Labor Relations Director, may remove it from progressive discipline altogether. Factors to consider in instituting discipline, progressive or otherwise, include but are not limited to, the severity of the offense, the frequency of offenses, whether the employee has taken responsibility and accountability for his or her actions, the time interval between offenses and the work history of the employee.*



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This Code of Conduct Policy does not preclude the establishment of additional rules by the City of Flint Human Resources and Labor Relations Department for City employees that are necessary for the effective operation of City government.

A disciplinary action under these rules does not free an employee from possible criminal liabilities nor precludes sanctions established for violation of ordinances, or state or federal laws. These rules are not all inclusive and the City of Flint and Director of the Human Resources and Labor Relations Department reserve the right to discipline employees for acts or omissions that are not listed below.

*A copy of this policy is available to all City of Flint employees via
the City of Flint website*