



HR Highlights March 2022

Standards of Conduct Policy 1.60 Revised

We thank a variety of state agencies for providing comments and suggestions that have enhanced the revision and updating of the Standards of Conduct (SOC) policy. The new policy is effective March 7, 2022. While all changes in verbiage and nuance are too innumerable to list in this message, the following are a few highlights:

- Adapted language to note that, while the SOC policy encourages progressive discipline for behaviors/misconduct, there are situations where a one-time and first occurrence of unacceptable misconduct or performance warrants significant disciplinary action.
- Adapted language to distinguish formal and informal counseling as verbal or written counseling.
- Noted that there may be higher standards or expectations for conduct for those in managerial/supervisory positions than for line staff; behaviors may warrant different degrees of accountability.
- Expounded upon requirements for notice of intent/due process prior to issuance of written notices. Guides for conducting [Due Process](#) and a [Disciplinary Meeting](#) are available on our website.
- Reiterated importance of review by Human Resources of written notices prior to issuance.
- Expanded options for removing an employee from the workplace by permitting temporary reassignments/relocations to other units, **if appropriate**, during investigations or to enable the agency to conduct business operations or to mitigate a safety or potentially escalating situation in a distinct unit.
- Clarified that an appropriate referral to an Employee Assistance Program is not a substitute for disciplinary action but may be used in conjunction with disciplinary actions.
- Noted that disciplinary actions should take place as promptly **as feasible** based on discovery of misconduct and investigatory efforts.
- Noted considerations for defining a “reasonable opportunity” for employees to respond to notices of intent.
- Noted that legal representation for employees in SOC related meetings is not permitted during the internal agency disciplinary process.
- Added the Correctional Officer Procedural Guarantee Act to other legislated mandates for law enforcement personnel that must be considered by agencies having correctional officers in their workforce.
- The policy glossary has been expanded. A glossary of offenses and terms used in disciplinary actions has been added to Attachment A *Examples of Offenses Grouped by Level*.
- The impact on pay and benefits during suspensions and upon reinstatements are noted in policy guides.

If you have questions about the revisions, please contact policy@dhrm.virginia.gov.