



## ATTACHMENT A: POLICY 1.60 STANDARDS OF CONDUCT

### Examples of Offenses Grouped by Level

Note: This guide is intended to supplement Policy 1.60, Standards of Conduct. Contingent with business needs and operational requirements, Agencies may determine that the impact of certain actions are more serious and issue a higher level of action than what is described in the below table. Such determinations may be demonstrated through the accountability of the agency to the population served and its obligations regarding the safety and well-being of the public, residents or patients of agency facilities; as well as the physical, fiscal or cyber-security responsibilities associated with the Commonwealth’s infrastructure and data. Any offense not specifically enumerated or that in the judgment of the Agency Head or designee that undermines the effectiveness of the Agency’s activities may be considered unacceptable and treated in a manner consistent with the below offenses. Agencies may also address multiple offenses through the issuance of one or more Written Notice and may consider mitigating circumstances and aggravating factors. See the Glossary on page three for additional descriptions of offenses.

Offense Level	Examples of Offenses (Not all inclusive)	Typical Disciplinary Action	Active Life from Issuance Date	Effects on Accumulated Offenses and Levels
Group I	Group I Level Offenses generally have a minor impact on agency business operations but still require intervention. <b>Examples may include:</b> Tardiness; poor attendance; abuse of state time; use of obscene or disrespectful language; disruptive behavior; conviction of a minor moving traffic violation while operating a state-owned/leased or public use vehicle; unsatisfactory work performance.	<b>First Offense:</b> Typically, verbal or written counseling is appropriate although an agency has the discretion to issue a Group I  <b>Repeated Violations of the Same or Similar Offense:</b> An agency may issue a Group II Written Notice with suspension without pay for up to ten workdays if the employee has an active Group I for the <b>same or similar offense</b> in their personnel file.	2 Years	Absent mitigating circumstances, a repeat of the same or similar active Group I Offense should result in the issuance of a Group II Offense notice.  Accumulation of three active Group I offenses should typically include a suspension of at least five but no more than ten workdays.  Receipt of a fourth active Group I will normally result in discharge. In lieu of discharge the agency may:

				<ul style="list-style-type: none"> <li>• Suspend without pay for up to thirty workdays; and/or</li> <li>• Demote or transfer the employee with a minimum 5% salary reduction.</li> </ul>
Group II	<p>Group II Level Offenses includes acts of misconduct, violations of policy, or performance of a more serious nature that significantly impact the agency's services and operations.</p> <p><b>Examples may include:</b> Failure to follow supervisor's instructions; comply with written policy or agency procedures; violation of safety/health rule(s) where no threat to bodily harm exists; leaving work without permission; failure to report to work without proper notice/approval; unauthorized use or misuse of state property; refusal to work overtime, etc.</p>	<p>First Offense: The agency has the option of suspending the employee without pay for up to ten workdays.</p> <p>Second Offense: Discharge. In lieu of discharge, the agency may:</p> <ul style="list-style-type: none"> <li>• Suspend without pay for up to 30 workdays; and/or</li> <li>• Demote or transfer with disciplinary salary action of at least 5%.</li> </ul>	3 years	<p>Absent mitigating circumstances, discharge may occur for the accumulations as follows:</p> <ul style="list-style-type: none"> <li>• Three active Group I level offenses and One Group II;</li> <li>• Two Group II level offenses</li> </ul> <p>In lieu of discharge, the agency may:</p> <ul style="list-style-type: none"> <li>• Suspend without pay for up to 30 work days; and/or</li> <li>• Demote or transfer the employee with a minimum of 5% salary reductions</li> </ul>
Group III	<p>Group III Level Offenses generally include acts of misconduct, violations of policy, or performance that is of a most serious nature and significantly impacts agency operations. Examples may include: Absence of three or more consecutive work days without approval; safety/health infractions that endangers the employee and/or others; unethical or illegal conduct; significant neglect of duty, disruption of workplace, or other serious violations of policy, procedures or laws.</p>	<p>First Offense: Discharge. In lieu of discharge, the agency may;</p> <ul style="list-style-type: none"> <li>• Suspend without pay for up to 30 workdays; and/or</li> <li>• Demote or transfer with disciplinary salary action of at least 5%.</li> </ul>	4 Years	<p>If the employee is not discharged upon the issuance of the Group III Level of Offense, the employee should be advised that any subsequent Written Notice occurring during the active life of the Group III may result in discharge.</p>

Refer to the Disciplinary Suspension section in Policy 1.60 for additional information pertaining to suspensions for Exempt employees

## GLOSSARY OF OFFENSES and TERMS USED IN DISCIPLINARY ACTIONS

Descriptions of offenses as provided are not absolutes or all inclusive. These general descriptions are intended to provide guidance in establishing standards or structure specific to typical workplace offenses or conduct matters that may require action in accordance with Policy 1.60, Standards of Conduct.

Type of Offense	General Description
Absent without Supervisor's Authorization or Approval also known as Absent without Leave (AWOL)	State employees are expected to report to work as scheduled and seek approval from their supervisors prior to initiating any changes to their established work schedule, including the use of leave and late or early arrivals and departures. State employees must follow the established workplace procedures for requesting approval to use leave. Supervisors are encouraged to approve leave requests provided there is no adverse impact on operational business needs. In accordance with the general leave provisions established in DHRM Policy 4.30, if an agency does not approve requested leave but the employee still takes the requested time off from work, the employee may be subject to the absence being designated as unauthorized; and the employee will not be paid for the time that was not worked. For emergency circumstances that may not provide for an advanced leave request, the employee must notify the supervisor (or designee) as quickly as possible prior to the start of the work day. The agency should consider (among other things) the circumstances necessitating the leave and whether the employee could have anticipated the need for the time off. Unauthorized absences involving three or more consecutive work days is normally grounds for discharge barring mitigating factors particularly if the employee fails to advise or notify the supervisor of the need for the absence. An unauthorized absence may also include leaving the workplace without prior authorization or notification to supervisor/manager.
Conflict of Interest	Includes but is not limited to a personal, family, business or other interest that compromises or appears to compromise an employee's ability to act in the best interest of the Agency or the Commonwealth of Virginia. Conflict of interests may occur in transactions and decisions related to finance, procurement; legislation that furthers personal business interests; secondary employment to include an employee's personal business; accepting gifts or gratuities from businesses or members of the public for services provided through performance of official duties; and others as identified in <a href="#">§ 2.2-3100</a> - .et al.
Discrimination, Disparate Treatment or Hostile Work Environment	Behaviors, conduct or decisions that are founded upon unjustified distinctions between people based on the protected groups, classes, or other categories to which they belong or are perceived to belong. Legally protected classes or categories include race, ethnicity, national origin, age, pregnancy, disability, religion, veterans, gender, gender expression or sexual orientation/identification. Disparate treatment involves intentional actions, decisions or conduct directed towards a member(s) of a legally protected class that results in negative outcomes such as hiring practices, . Hostile work environment is unwelcomed or offensive behaviors that denigrate, alienate, intimidate or

	abuse/bully an individual (colleague, customers, and other stakeholders) such that performance or services received are negatively impacted.
Disruptive Behavior/Disruption in the Workplace	Characterized by behaviors that interrupts or interferes with the normal flow and function of work, business operations and communications. Verbally or written disruptive behaviors may include (but are not limited to) abusive communications that serve to challenge or resist managerial/supervisory authority; gas-lighting colleagues or leaders through gossip, insults, rudeness and criticisms serving to berate, intimidate or denigrate; or non-verbal behaviors that include (but are not limited to) physical aggression, lewd gestures, throwing of objects or violence directed towards inanimate objects, sabotaging of computer software, emails or secured data, etc. Such acts may rise to the level of illegal harassment based upon the focus upon individuals or groups in categories protected by Federal or State EEO laws and considered as a violation of the Civility Policy.
Excessive Absenteeism or Tardiness	Excessive absenteeism or tardiness is often determined by the Agency's business operational needs. Agencies whose business operations involve residential or public safety, patient care or public-facing services to citizens and the community will be held to a higher standard of attendance and timeliness. Failure to provide a medical document supporting an unplanned absence for illness/injury may also be cause for concern. Excessive absenteeism involves a number of absences considered unreasonable and/or that fall above what the agency would consider as a "normal" level of absenteeism. The operational business needs and the circumstances will often prescribe whether an absence is considered excessive. For example, an employee may need to use five consecutive workdays for recovery from the flu. On the other hand, another employee may take five separate unplanned absences over the course of a month. The second scenario lends itself to excessive, particularly if the employee has not communicated a need for and approved for intermittent Family Medical Leave for a chronic and episodic serious medical condition.
Failure to follow supervisor's instructions/directives	This offense focuses on the ability of agency managers and supervisors to direct work and the workforce. Management must demonstrate the employee was given proper, reasonable and lawful instructions and the employee improperly failed to follow the instructions or perform the assigned work regardless of whether the failure to act was intentional or unintentional. Generally speaking, an Agency is entitled to have all instructions followed, unless following the instruction would place the employee or client in imminent danger, cause irreparable harm or violate laws, policy or protocols.
Falsification (Modified language in 31 CFR § 0.211 - Falsification of official records)	Intentionally or with willful disregard make false or misleading statements, orally or in writing, in connection with any matter of official interest. Matters of official interest include, but are not limited to, the following: Official reports and any other official information upon which the Agency, the Commonwealth of Virginia or the public may act or rely; transactions with the public, government agencies or other government employees; application forms and other forms that serve as a basis for any personnel action; vouchers; procurement activities; time and

	attendance records, including leave records; work reports of any nature or accounts of any kind; affidavits; record of or data concerning any matter relating to or connected with an employee's duties; personnel records; and reports of any moneys or securities received, held or paid to, for or on behalf of the Commonwealth of Virginia.
Fraud	Includes but is not limited to investigative findings of willful omissions, alterations or reporting of false information, destruction of evidence to impede an investigation; forgery of signatures; embezzlement and/or misuse of funds or state property to include the use of electronic data for personal gain; identity theft; intentional misuse of agency letterhead; etc. Such acts may violate federal or state laws and result in criminal charges.
Insubordination	Involves intentional defiance of supervisory authority; refusal to obey a reasonable and lawful order/directive, instruction or job duty as assigned by a manager or supervisor authorized to issue such directives. Management must demonstrate three criteria to prove insubordination: a) a supervisor or manager in the organization made a direct request/instruction; and b) the employee received and understood such directive(s); and c) the employee <i>refused</i> to comply with the requests through their verbal/written refusals or non-compliance. Refusals may not necessarily be directed to supervisors or managers and may be communicated via social media or to co-workers, customers or other stakeholders. NOTE: Privately and respectfully disagreeing with supervision/managers is a healthy difference of opinion and may benefit the organization. Furthermore, an employee's refusal to sign requested documents such as a policy receipt is not considered to be insubordination.
Misconduct (willful)	Misconduct results when the employee's actions are determined to be avoidable and the employee failed to exercise reasonable care or judgment resulting in a negative impact or the potential for negatively impacting the Agency's business operations and services, workplace or customer relations, or credibility. The employee has demonstrated the necessary knowledge, skills and abilities and received training, information and resources to perform the duties but did not do so. The employee is capable of proper behaviors and actions but does not comport with reasonable expectations. Conduct may be prescribed by agency, state or federal policies, rules, or laws/regulations. Deliberate or intentional actions may be considered as willful misconduct such as falsifying information or dishonesty.
Neglect of Duty	Intentional or negligent actions in attending to or failing to perform job duties. Neglect of duty may also incorporate negligence when an employee fails to abide by their duty of care to customers, patients, residents, students or other stakeholders as expected of a reasonable employee in the position. It is not material whether the neglect is willful, through malice, ignorance or oversight, when such neglect is grave and the frequency of it is such as to endanger or threaten the public's safety and well-being. Involves facts or factual occurrences resulting in negligence specific to conduct or omission of duty in violation of a standard of care which is clear in its requirements and known to the employee.

Obscene or Disrespectful Language, Gestures,	Displaying disrespect towards agency managers/supervisors, colleagues, customers or other stakeholders via the use of vulgar, mocking or hostile language either verbally or in writing.
Policy Violation	Policies may include those promulgated by DHRM, the Agency, a Division/Program or applicable external authority that prescribe structure, rules or protocols for the workplace and employee performance of job duties. Fact-finding supports that a policy or procedural violation occurred either intentionally or unintentionally. Agency managers and supervisors must demonstrate that employees knew of the policy/procedure through means of interagency communications, direct communication between managers/supervisors and the employee, policy/procedure receipts, or through evidence that demonstrates the employee previously followed such policy/procedure.
Safety/Health Violations	Safety/Health violations include both the violation of safety policies created by an individual workplace and violations of the regulatory standards that are enforced within the Commonwealth of Virginia by the Virginia Occupational Safety and Health (VOSH).
Unacceptable Performance	Poor performance is the inability to complete job duties or complete duties that meet with the employer's expectations. Managers/supervisors must demonstrate that employees were provided the resources, training and sufficient opportunity to improve their job performance through feedback and supervisory guidance and oversight. Examples of unacceptable performance may include but are not limited to frequent mistakes; incomplete or poor quality of work products; inability or refusal to follow instructions provided; inability to cope with a reasonable volume of work to a satisfactory standard; demonstrating poor interpersonal skills; lack of commitment and drive; poor prioritizing and management of time/schedule; work avoidance through excessive visiting with other staff, personal phone calls or Internet use for personal purposes; customer/citizen dissatisfaction with service; waste of materials or resources
Unauthorized Use or Misuse of State Property/Equipment	Involves using state equipment or property to satisfy a personal need. This may involve misuse of a state vehicle, credit card, computer, printer/copier, tools, office supplies and data owned by the Commonwealth of Virginia. Misuse may also include failure to operate equipment according to established instructions/procedures that may result in a preventable accident or equipment/property damage.
Unethical or Illegal Conduct and Criminal Conviction	Unethical or illegal conduct may include but is not limited to theft, identify theft, falsification of public documents or data records owned and stored by the Commonwealth, intentional misrepresentation of facts, interfering with a formal investigation or administrative fact-finding review, promulgation of threats/intimidation or retaliation against a witness to an investigation or administrative fact-finding review, conflict of interests, etc. Criminal convictions are

	of such a nature to impact the individual's continued qualifications for the position, or may be impactful to the agency's ability to perform and provide services to citizens and other stakeholders.
Violence or Threats of Violence	Workplace violence is any physical action, verbal or written threat of physical violence, harassment, intimidation, or other threatening disruptive behavior directed towards colleagues, supervisors/managers, contractors/vendors, customers/public, or other Agency stakeholders either at or outside of the workplace. It ranges from threats and verbal aggression to physical assaults and even homicide. Destruction of or acts of violence towards state property and equipment and verbal or written threats of violence (direct or indirect) are also acts of violence.

Managers/supervisors shall partner with their Human Resources team in determining the offense(s) and the level of offense appropriate to the seriousness of the situation.