

SECTION: GENERAL ADMINISTRATION

SUBJECT: CONDUCT AND DISCIPLINARY
ACTION

Original Resolution No.: 06-02-20

Code of Ethics/conduct Policy

The purpose of the County of Warner's Code of Ethics/Conduct is to assist employees maintain standards of behavior related to their employment so that the employee neither uses nor appears to use his or her position to gain a personal benefit which is not available to other persons. The County of Warner's operations should be conducted with efficiency, impartiality and integrity at all times. Failure to adhere to these rules will be cause for disciplinary action.

Guidelines

1. **Confidentiality**

An employee shall not, without prior authority, disclose or make known any matter, confidential in nature, to unauthorized persons either directly or indirectly which becomes knowledge by reason of their employment. Information gained in the course of employment with the County, may be sensitive and confidential, and therefore must not be disclosed. Public statements to the media is the responsibility of Council. Council may direct the County Administrator to release information from time to time as situations of interest arise.

2. **Outside Employment**

Outside employment may or may not have a conflict with employee's duties while working for the County. Outside employment should not interfere with the duties of the person as a municipal employee. Employment duties must not overlap. An employee should avoid outside employment which could be seen to influence or affect the way municipal duties are carried out, appear to be in conflict with municipal business, or where there may appear to be an advantage from municipal employment. If there is any question relating to taking outside employment, the department head or the CAO should be consulted.

3. **Conflict of Interest**

An employee shall not have a financial interest in, or be directly or indirectly employed or engaged in, any business where a conflict of interest may exist.

4. **Nepotism**

A County Nepotism Policy 120.31 has been approved and shall be referred to in matters dealing with this issue.

5. **Acceptance of Gifts**

An employee shall not accept a gift, favour or service from any individual, organization or corporation other than the normal exchange of gifts between persons doing business together; token exchanged as part of protocol; or the normal presentation of gifts to persons participating in public functions. Employees cannot accept payment, in any form, for doing anything that they are paid to do as an employee.

6. Employees may use their employment position with the County to obtain special advantages from dealing with a business to purchase items at a municipal discount for personal use as follows:
 - a. No employee may charge any item for personal use to the County.
 - b. A County employee may indicate to the retail outlet they are an employee of the County and may be eligible for a purchase discount based on the retail outlet's policy. However, the employee shall immediately pay for the product or service received to the retail outlet.
 - c. The employee, with the approval of Management, with or without conditions, may request the County purchasing agent to order special products for personal use, however the employee is responsible to immediately pay for the product upon delivery. The employee shall also sign a statement indicating that if payment is not received or completed for any reason, the purchase price, along with any associated costs, shall be deducted from the individual's payroll check. Generally the amount of the products will not exceed the employee's regular paycheck amount.
7. **Negligence**

Negligence in the performance of duties shall include blatant disregard and violation of County policies as set out in the County's Policy Manuals and the Safety Policy Manual. Negligence shall also include reckless or dangerous use of County vehicles and equipment and may include activities such as speeding.
8. **Misconduct**

Misconduct shall include discourteous service, reckless and careless behavior (horseplay) or other dangerous activities on County property, gambling while on duty, hostile behavior toward the public, staff or management. Communications with any persons while employed by the County and fulfilling their duties, shall be respectful and professional.
9. **Insubordination**

Insubordination shall include refusal to carry out proper orders or instructions given by a supervisor. If an employee feels the situation is unsafe and it is against health and safety regulations, the employee may refuse to carry out the orders or instructions as requested.
10. **Misuse of Leave and Unsatisfactory Attendance**

Misuse of leave shall include abuse of sick leave and family illness. Unsatisfactory attendance shall include unexplained absence and chronic or continual lateness.
11. **Theft, Dishonesty and Criminal Offences**

Theft shall include taking County or other employees' property, be it money, stock, equipment or supplies. Dishonesty shall also include falsifying records for any reason. All employees are expected to obey and observe the laws of the federal, provincial and local governments. Breaking any law may contravene a condition of employment and disciplinary action may be taken by the County.
12. **Alcohol and Substance Abuse**

Consumption of intoxicating drugs or alcohol is not allowed prior to reporting for duty, while on duty or when absent from County premises or work sites during working hours, such as during meal break or leave to attend to other County business.

13. Political Activities

Participation in a political office should not be curtailed by way of employment with the County. However, those employees that are considering running for office shall become familiar with the Municipal Government Act and the rules regarding such activities. Items that Council and the employee need to take into consideration when contemplating political office include:

- a. the continuing ability of the employee to carry out the responsibilities of the political position to be occupied.
- b. the effect of political activity on public confidence in the employee's performance of the official duties of the position
- c. the potential that significantly less time would be available to the employee to devote to their municipal employment duties.
- d. the employee resigning his employment position with the County,
- d. Council granting leave with or without pay to serve in elected office,
- e. potential conflicts between the interests of your municipality and the interests of the elected body the employee is involved in.

DISCIPLINARY MEASURES

If an employee's actions result in a breach or violation of the code of ethics policy, the conditions of employment has also been violated, therefore disciplinary action is required. All disciplinary measures regarding this policy shall be enforced in conformance with the following guidelines.

14. Authority to Discipline

The authority to initiate disciplinary actions shall be limited to Management. This authority shall be delegated as follows:

(a) Suspension

Management has the authority to suspend an employee within their department as per conditions set out in this policy. This authority shall be delegated to the following individuals: County Administrator, Public Works Superintendent, Bylaw Officer, Agricultural Fieldman and any others appointed by County Council.

The County Administrator has the authority to suspend a member of Management/Department Head as per conditions set out in this policy.

County Council has the authority to suspend the County Administrator as per conditions set out in this policy and Section 206 of the Municipal Government Act.

(b) Dismissal

Management has the authority to recommend dismissal of an employee as per the conditions set out in this policy. This authority shall be delegated to the County Administrator.

The County Administrator has the authority to recommend dismissal of Management/Department Head as per the conditions set out in this policy. This authority shall be delegated to County Council.

County Council has the authority to dismiss the County Administrator as per conditions set out in this policy and Section 206 of the Municipal Government Act.

15. Disciplinary Actions

Disciplinary actions shall be enforced as per the following guidelines:

(a) First Warning

Management shall present a written warning, in the form of a letter to the employee. This letter will be placed in the employee's personnel file.

(b) Second Warning

Management shall suspend the employee from work for two days without pay. This action shall be initiated by presenting the employee with a letter of explanation. A copy of this letter shall be placed in the employee's personnel file.

(c) Third Warning

The employee shall be dismissed from his/her employment with the County. This action shall be initiated by presenting the employee with a letter of explanation. A copy of this letter shall be placed in the employee's personnel file.

(d) Exceptions from Standard Warning Guidelines:

- i. In the event that an employee violates Clause 11, Theft, Dishonesty and Criminal Offences, then the standard warning guidelines listed above shall not be used. Management shall notify the County Administrator immediately of such violations. The County Administrator shall immediately suspend, without pay, the employee from his/her employment with the County indefinitely. Dismissal shall be conducted upon receiving legal advice. This action shall be initiated by presenting the employee with a letter of explanation, a copy of which shall be placed in the employee's personnel file.
- ii. In the event that an employee violates Clause 12, Alcohol and Substance Abuse, then the standard warning guidelines listed above shall not be used. Management shall follow the guidelines as outlined in the Alcohol and Substance Abuse Policy.

16. Appeal Procedure

Appeals shall be dealt with according to the following guidelines:

(a) Written/Verbal Warnings or Suspensions

An appeal from an employee regarding warnings or suspensions shall be directed to the County Administrator. The County Administrator shall then interview the employee and the Department Head and decide whether or not to uphold the disciplinary action. This decision shall be documented and presented to both the employee and the Department Head, with a copy of this document placed in the employee's personnel file.

(b) Dismissal

An appeal from an employee for a dismissal shall be directed to the County Council, who shall hold a private hearing with all parties involved and shall decide whether or not to uphold the disciplinary action. Council's decision in this matter shall be final.