



# Conduct and Performance Policy

**Effective Date:** June 1992

**BOC Amended:** 12/1996; 4/2006; 10/2015; 1/2020; 9/2021

<b><u>Policy Owner</u></b>	Board of Commissioners
<b><u>Policy Approver(s)</u></b>	Chief Human Resources Officer
<b><u>Related Policies</u></b>	Drug-Free Workplace Policy Gifts & Gratuities Policy (IS) Information Technology Policy No Harassment & No Discrimination Policy Sick Leave Policy
<b><u>Related Standards</u></b>	(IS) Technology Acceptable Use Standards (IS) Technology User Account Standards (IS) Technology Infrastructure Security Standards (IS) Network Security Standards
<b><u>Storage Location</u></b>	iCobb
<b><u>Last Review Date</u></b>	September 2023
<b><u>Next Review Date</u></b>	September 2025
<b><u>Review Cycle</u></b>	Every 2 years

## 1. PURPOSE

To provide employees with a statement of requirements related to their responsibilities and the performance of their duties and requirements relative to employees managing their personal conduct and actions in accordance with County expectations.

## 2. SCOPE

Board of Commissioners' Employees

## 3. GOVERNING LAWS, REGULATIONS & STANDARDS

<b>Guidance</b>	<b>Section</b>
Georgia Computer Systems Protection Act	O.C.G.A. 16-9-90, et seq.
Georgia Open Records Act	O.C.G.A. 50-18-70, et seq.
And all other applicable laws and regulations	

## 4. PROCEDURES

Employees are required to perform their duties in compliance with specified expectations set forth in County policies, rules, and regulations and consistent with the official operation of their agencies and departments and the public interest.

Employees are accountable for the proper performance of their assigned duties and for compliance with the policies, rules, and regulations of the County in managing their conduct. Guidelines and policies fostering respectful and civil conduct also apply to online and electronic interactions. Failure to adhere to the applicable standards will be cause for intervention and/or disciplinary action, up to and including termination.



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The following conduct and performance requirements are provided to ensure that employees have clear guidelines as to acceptable and unacceptable behavior.

## A. General Conduct

Employees are required to conduct themselves at all times, both on and off duty, in a manner that reflects most favorably on the County. In this regard, employees must:

1. Perform their assigned duties at or above satisfactory levels;
2. Maintain a satisfactory record of attendance;
3. Be aware of and comply with requirements for workplace behavior and appearance, whether set forth in this policy or elsewhere;
4. Refrain from engaging in any action or becoming involved in any matters that interfere with or detract from the performance of their duties; and
5. Accept responsibility for their actions. Employees shall not shift the burden or responsibility for any action or omission related to the performance of their duties.

## B. Compliance with Rules

Employees are required to comply with all County policies, rules and directives, whether stated in departmental policy statements, and/or conveyed orally, in writing, or electronically, or any other form of communication by a supervisor or member of management. Employees are also required to comply with all applicable County Code provisions and state and federal laws while engaged in the performance of their duties.

An employee will be considered to have engaged in unbecoming conduct for actions that violate laws, or that tend to bring the County into disrepute, that reflect discredit upon the person as a member of the County staff, or that tend to impair the operation or efficiency of the County or its employees. Such conduct or actions are prohibited whether presented in writing, verbally, physically, or electronically, such as defined in the *Information Technology Policy* and the related suite of IS security and technology standards. An employee's ignorance of applicable laws, policies, regulations, or rules will not justify any violations.

Since it is impossible to specify every instance that might result in a violation of policy or procedure, a standard of reasonableness will apply to determine whether specific conduct is unacceptable if such conduct is not specifically addressed in this policy or in other applicable rules, policies, or laws.

## C. Conflict of Interest

All employees are required to conduct County business in an ethical manner and to avoid any real or apparent conflicts of interest. In this regard, employees must:

1. Avoid any direct or indirect interest, financial or otherwise, that is in conflict with the proper discharge of the employee's duties;
2. Adhere to the *Gifts & Gratuities Policy*; and



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3. Adhere to the following standards of conduct:

- (a) No employee shall use and/or attempt to use his/her official position or any resource within his/her trust or perform his/her official duties to secure a special privilege, benefit or exemption for him/herself or others;
- (b) No employee shall disclose or use privileged information or information not available to members of the general public and gained by reason of the employee's official position for personal gain or advantage or to provide any other person or entity with an actual or potential advantage. If the employee discovers that s/he has an outside financial interest that could be affected by County plans and/or activities, the employee must immediately report the situation to his/her supervisor;
- (c) No employee shall have or hold any employment or contractual relationship with any business entity or agency which is subject to the regulation of, or doing business with, the County and which creates an actual or apparent conflict of interest between the employee's private interests and the performance of his/her public duties or which might impede the full and faithful discharge of the employee's public duties.

**D. Secondary Employment**

Prior to engaging in outside employment, including consulting or other self-employment, employees must obtain prior written approval each year from his/her supervisor and division manager to engage in and/or to continue such employment. It is not the intent of this section to prevent any employee from accepting other employment or from following any pursuit which does not create an actual or potential conflict of interest and/or which does not interfere with the employee's ability to fully and faithfully discharge his/her duties. Secondary Employment request forms can be located on iCobb.

**E. Performance of Duties**

Employees are required to properly perform their duties and fulfill the responsibilities of their positions. As such, employees are required to:

- 1. Report for duty as assigned;
- 2. Remain alert and capable of performing their assigned duties;
- 3. Remain at their assigned work or duty locations, unless otherwise authorized;
- 4. Perform their assigned duties so as to satisfy the work standards established for the employee's position; and

An employee's performance will be considered unsatisfactory if the employee does not satisfy the objectives and expectations for his/her position (e.g., for excessive or unexcused absences/tardies; for being unable or unwilling to perform assigned tasks; for failing to take appropriate action; for refusing to adhere to County or departmental codes of conduct; for failing to meet requirements established for a position).

**F. Accurate, Truthful, Timely Reporting**

Employees are required to submit all necessary reports on time and in accordance with established standard operating procedures. Reports submitted are to be truthful and complete, and no employee shall



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knowingly enter or cause to be entered on any record any inaccurate, false, or improper information.

## **G. Reports of Sickness or Injury**

Employees are expected to report to their supervisor any accident, injury, or illness to themselves or others that would, in the employee's judgment, affect the performance of duty.

Employees shall not feign illness or injury, falsely report themselves or anyone else to be ill or injured, deceive or attempt to deceive any official of the County about the condition of their health, or otherwise abuse sick leave as defined in the *Sick Leave Policy*.

## **H. Use of County Property**

Employees shall use County property only for its intended purpose, in an appropriate and safe manner, and in the furtherance of official activities. Electronic communication equipment such as computers, telephones, and cell phones should be used pursuant to the County's *Information Technology Policy* and the related suite of IS security and technology standards.

Employees must demonstrate proper care for County property and equipment, maintain it in proper working order and ensure that it is not damaged, abused, wasted, lost, or misappropriated.

Employees may not, directly or indirectly, possess, use or allow County property to be used for any purpose other than official activities.

In operating official County vehicles, employees are expected to exercise care and to comply with all laws of the State of Georgia and the Safety Handbook.

## **I. On-the-Job Business Activities & Distribution of Materials**

Employees are expected to dedicate their efforts during working hours to their employment duties for the County. As such, employees may not engage in any business for profit other than their regular duties during working time. Distribution of advertising or other business-related material, as well as business solicitations by employees, are prohibited actions.

## **J. Employee Relations**

Employees are expected to be courteous to the public and employees. In demonstrating courtesy, employees are expected to be tactful, to control their tempers, and to exercise patience and discretion. In performing their duties, employees are expected to refrain from abusive, threatening, harassing, violent, intimidating, crude, vulgar, profane, or insolent language, gestures, or actions. As well, employees are expected to refrain from expressing prejudice toward any person(s) or any group(s) based upon sex (to include gender identity and sexual orientation), race, national origin, age, religion, politics, lifestyle, or any personal characteristics.

## **K. Supervisory Responsibilities**

Supervisors must ensure that the performance and conduct of employees under their authority complies with the County's *Conduct and Performance Policy*. In managing employee performance and conduct, supervisors have a responsibility to address conduct and activity that violates the County's requirements and expectations in a fair and consistent manner.

## **L. Compliance with Supervisory Directives**

Employees are expected to comply with directions and/or any lawful order of a supervisor or member of



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management. Such directions or lawful orders may be relayed from a supervisor through an employee of the same or lesser position.

Employees are not expected to follow any direction or order which would require them to commit an illegal act. If an employee is in doubt as to the legality of an order, the employee should request that his/her supervisor clarify the order or confer with higher authority.

If an employee receives direction which s/he believes conflicts with a prior rule or directive, the employee should respectfully inform the issuing supervisor of the perceived conflict. In general, if the supervisor does not alter or retract the direction given, then the employee should obey the direction and will not be held responsible for failure to obey the rule or directive. Under such circumstances, the supervisor shall be responsible for the appropriateness of the employee's actions.

## **M. Customer Service**

When individuals apply for assistance or seek advice, whether by telephone or in person, employees are expected to obtain pertinent information in an official and courteous manner and to properly act upon requests in a timely and fair manner.

Employees are expected to courteously and promptly accept any complaint made against any employee or about County policy, procedure, or actions. Employees may attempt to resolve complaints, but should not attempt to dissuade any individual from making a complaint.

## **N. Privileged or Confidential Information**

Employees who deal with plans, programs, and other information of significant interest may only release information that they have authority and responsibility to release to persons authorized to receive such information.

Department/Agency Heads, Division Managers, other supervisors, and department representatives who are entrusted with confidential employee information must hold that information in the strictest confidence. Unless the information needs to be conveyed for a business purpose, the information should not be discussed or shared with other employees.

## **O. External Communications**

Employees must refrain from publicly criticizing or ridiculing the County, its policies, or other employees by speech, writing, any form of social media (including but not limited to all forms of electronic communication) or other expression, where such speech, writing, electronic posting, or other expression is defamatory, obscene, unlawful, undermines the effectiveness of the County, interferes with the maintenance of discipline, or is made with reckless disregard to its truth or falsity.

Unless employees have received advance permission from an appropriate level supervisor, they are expected to refrain from addressing public gatherings, appearing on radio or television, preparing articles for publication, acting as correspondents for newspapers or periodicals, or releasing or divulging County information while holding themselves out as having an official capacity in such matters.

## **P. Use of Medication**

In accordance with the County's *Drug-Free Workplace Policy*, employees who are taking prescribed medication should not misuse or abuse such medication.



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Employees must notify their supervisors if they report for work while taking prescribed medication that could affect their ability to safely and efficiently perform their jobs. [Please refer to the Drug-Free Workplace Policy for more information.]

## **Q. Complaints & Grievances**

Employees should bring forward complaints and/or grievances regarding working conditions, employee relations, and policy concerns (other than those related to the *No Harassment & No Discrimination Policy*) to the attention of their management.

Employees should bring grievances related to harassment and discrimination to the attention of management as described in the *No Harassment and No Discrimination Policy*. Management must then report such complaints to Human Resources for review and investigation.

## **R. Cooperation in Investigations**

Employees must cooperate fully and answer truthfully all questions related to the scope of employment and operations of the County in any investigation.

In connection with investigations, employees must disclose pertinent information, including medical or financial information, upon request.

## **S. Non-Interference**

Employees must refrain from interfering with any issue being handled by another County employee unless: (a) the employee is first contacted, and (b) the intervening person can show a reason that led him/her to believe beyond a reasonable doubt that a manifest injustice would result from inaction, or (c) the employee was directed to do so by a supervisor.

## **T. Other Specific Requirements**

Employees are required to adhere to the following standards of conduct:

1. Employees may not fight, engage in disorderly conduct, and/or engage in "horseplay" while on duty, on County property, in County vehicles, or in or around vehicles used for County purposes.
2. Employees may not gamble or conduct gambling activities while on duty, on County property, in County vehicles, or in or around other vehicles used for County purposes.
3. Employees may not commit any acts of theft, fraud, or embezzlement from the County, other employees, or any other individual, firm, business, organization, or governmental entity.
4. In accordance with the *Drug-Free Workplace Policy*, employees may not possess, distribute, purchase, or sell alcohol or illegal drugs while on duty or on County property, in County vehicles, or in or around other vehicles used for County purposes.
5. Employees must adhere to all safety standards, rules, instructions, and programs specific to the performance of their duties, including those that apply to the proper use of equipment, safety gear, and safety attire.
6. Employees must conduct themselves in accordance with requirements established in the *Cobb County Employee Safety Handbook*.



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7. Employees may not possess firearms or illegal weapons of any kind while on duty, on County property, in County vehicles, or in or around other vehicles used for County purposes, unless they are required to do so by the nature of their positions.
8. Employees must remain awake while on duty. If unable to do so, an employee must report to his/her supervisor, who shall determine the appropriate course of action.
9. Employees may not post unauthorized notices, deface walls or other work surfaces, or tamper with bulletin boards without prior authorization.
10. Employees may not distribute advertising materials, handbills, or other literature during work time or in work areas without prior authorization.

## U. Alleged Criminal Misconduct: Arrest Disclosure and Incarceration

1. Employees who are arrested for charge(s) at any level (felony, misdemeanor, etc.) are subject to this policy.
  - (a) Employees must report the arrest to their supervisor as soon as practical, but no later than three (3) calendar days/72 hours of arrest.
  - (b) Employees must submit a police report and all other documentation pertaining to the arrest and charges immediately upon receipt.
  - (c) Supervisors must notify their Agency Head, who will then notify the Human Resources Director, and must provide all applicable documentation pertaining to the arrest and/or incarceration for review.
  - (d) Employees in noncompliance with the above-stated requirements constitutes grounds for termination.
  - (e) Employees who misrepresent the circumstances of the arrest constitutes grounds for termination.
  - (f) Employees who are unavailable for work due to incarceration for any length of time will be subject to termination. Employees are prohibited from utilizing any accrued leave for the purpose of covering time away from work while incarcerated.
2. Employees who are being investigated, arrested, or indicted for a crime classified as a misdemeanor, may be placed on paid or unpaid administrative leave if the Department Head, in coordination with the Human Resources Director, finds that administrative leave is warranted.
3. In determining whether or not to place an employee accused of a misdemeanor on a paid administrative leave, the following criteria must be considered by the Department Head, in conjunction with the Human Resources Director:
  - (a) Nature of the alleged crime;
  - (b) Nature of the position held by the employee;
  - (c) Effect of the allegations on the public trust and confidence in County Government; and,





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(d) All other relevant circumstances.

## 5. NON-COMPLIANCE

Violations of this policy may be addressed by:

1. Disciplinary action up to and including termination of employment and or;
2. Criminal or other legal action based on applicable laws and contractual agreements.

## REVISION HISTORY

Version ID	Date of Change	Author	Rationale
	6-1992		Adopted
	12-1996		Revision
	4-2006		Revision
	10-2015		Revision
	1-2020		Revision
v.1.0-2020	1-2020	Human Resources	Reformat
v.1.1-2021	9-2021	Human Resources	Revision