

7141 SUSPENSION AND/OR REMOVAL OR TERMINATION

7141.1 It is the aim of the Authority to make clear its expectations for performance and conduct of its employees and to address situations in which expectations are not met through a corrective action plan before formal discipline is imposed. However, when such an approach does not achieve the desired result or when violations are serious or repeated, immediate disciplinary removal action may be required and will be imposed. The Executive Director may place an employee on immediate suspension. The following shall illustrate, but not limit, causes for immediate suspension or removal:

- (a) Gross negligence or willful neglect of duty.
- (b) Theft, destruction, or gross neglect in the use of Authority property or materials, or of property or materials of any other person or tenant organization while the employee is on duty or on Authority property.
- (c) Being under the influence or impaired by alcohol while on duty or performing Housing Authority business or while on Authority property, or in an Authority vehicle.
- (d) Bringing a weapon into or on a work location or Authority property without the permission of the Executive Director. This provision does not apply to employees whose positions require carrying firearms.
- (e) Conduct while on duty which violates common decency and morality (including, but not limited to, dishonesty, theft, sexual misconduct, drunkenness) of the community; less than professional involvement with tenants.
- (f) Engaging in sabotage or a slowdown of work production.
- (g) Insubordination or refusing to comply with the orders of an authorized supervisor or refusing to do assigned work.
- (h) Lying to supervisors or falsifying records including, but not limited to, official duties, work duties, time and attendance records, discipline, original application for employment, or any documents supplementing the original application.
- (i) Threatening, fighting with, intimidating, abusing or coercing other employees, residents or officials of the Authority or provoking such actions by others.
- (j) Using, selling, purchasing, transferring, or possessing an illegal drug or having an illegal drug in one's system while on Authority property or while performing Authority business. Also using a legally obtained drug (e.g., prescription drugs) while performing Authority business or while on Authority property if such use

adversely affects the safety of co-workers or members of the public, the employee's job performance, or the safe and efficient operation of the Authority or as defined in the Drug-Free Workplace Act.

- (k) Absence from work when the employee has requested permission to be absent and the request has been denied.
- (l) Accepting gratuities, favors, gifts or special consideration for the performance of his/her official duties. Employees may not accept pay, either in money or in kind, from a resident for any reason. Likewise, all gifts donated by vendors must be used for specific Authority activities and are not to be kept by any individual employee.
- (m) Using official position or authority for personal profit or advantage, including kickbacks.
- (n) Divulging confidential information from privileged official records to unauthorized individuals.
- (o) Conviction of a crime which impacts on the individual's ability or fitness to perform the duties and responsibilities of the job or has an adverse affect on the Authority should the employee continue such employment. Conviction shall include a plea of nolo contendere or acceptance of a deferred sentence.
- (p) Failure to observe safety regulations which jeopardizes the safety of other persons or results in major damage or destruction of property.
- (q) Failure to return to work at the end of a period of approved leave, including leave of absence.
- (r) Sexual harassment which affects a term or condition of employment or which is the basis of an employment decision affecting the employee or prospective employee, or sexual harassment of a tenant, and as further described in § 7143 of this chapter.
- (s) Intimidation, coercion, discrimination or reprisal:
 - (1) Against the parties, representative of the parties, or their witnesses as a result of being designated as a party, a representative or a witness at an arbitration or hearing; or
 - (2) Against participants in a departmental or Authority investigation or disciplinary procedure or grievance.
- (t) Discrimination as defined in the D.C. Human Rights Act of 1977 (D.C. Law 2-38)

to include, but not be limited to, race, age, creed, color, language, sex, socio-economical/cultural background, political affiliation, marital status, national origin, religion, sexual orientation or, disability.

- (u) Divulging confidential information about an Authority resident or participant, without the approval of that resident or participant, except as required in the performance of assigned duties or by law.
- (v) Continued absence after exhaustion of all accrued leave.
- (w) Uninsurability under the Authority's insurance policy, if driving is a job requirement.
- (x) Failure to report to his or her supervisor any Driving Under the Influence (DUI) or Driving While Ability is Impaired (DWAI) charge occurring on or off the job which results in the loss of a driver's license or the restriction of driving privileges, if the employee is required to drive as part of his or her job.
- (y) Failure to report to his or her supervisor any conviction under a criminal drug statute for violations occurring on or off the Authority premises, or while conducting Authority business.
- (z) Failure to comply with the Fleet Management Policy and Procedures Manual.
- (aa) Inability to perform duties assigned which includes, but is not limited to, being charged with a felony or any other offense involving moral turpitude, when such action or offense adversely affects the employee's ability or fitness to perform duties assigned or has an adverse effect on the agency should the employee continue employment.
- (bb) Willful misconduct which includes, but is not limited to, willful violation of the personnel policy.
- (cc) Conviction of a crime which impacts on the individual's ability or fitness to perform the duties and responsibilities of the job or has an adverse affect on the Authority should the employee continue such employment. Conviction shall include a plea of nolo contendere or acceptance of a deferred sentence.

7141.2 Removal of collective bargaining unit employees must also be in accordance with the collective bargaining agreement.

7141.3 Temporary or special program employees may be terminated at any time for any reason except discrimination because of race, age, creed, color, language, sex, socio-economical/cultural background, political affiliation, marital status, national origin, religion,

sexual orientation or disability.

SOURCE: Notice of Final Rulemaking published at 42 DCR 6914, 6936 (December 8, 1995).