

POLICY 3.241

4-A I recommend the Board approve the proposed new Policy 3.241, to be entitled "Employee Code of Conduct." [CONTACT ALAN ARONSON, ESQ., 434-8500; or MARCIA ANDREWS, 434-8953]

Development

PROPOSED NEW POLICY 3.241

EMPLOYEE CODE OF CONDUCT

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2
3 1. INTENT
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5 The School District of Palm Beach County is committed to excellence in education.
6 It is the intent of this code to establish standards for employee conduct that will
7 promote a positive work environment that supports the achievement of the Board's
8 mission, protects District property, and safeguards the health and safety of the
9 District's employees and students.

10
11 All employees shall conduct themselves in a manner consistent with the following, as
12 applicable:
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- 14 a. Federal, State and Local Law;
15 b. State Administrative Code Rules;
16 c. School Board Policies;
17 d. Administrative Directives and bulletins;
18 e. Appropriate employee contracts/ agreements; and
19 f. Orders from supervisors which do not pose an immediate serious hazard to
20 health and safety or a violation of established law.
21

22 2. APPLICABILITY
23

24 The General Work Rules and Personal Conduct Rules contained herein are
25 illustrative of current statutes, School Board policies, and appropriate employee
26 contracts/ agreements and are not exclusive. When a matter is not specifically
27 addressed by the rules, employees are to be guided by principles of reasonableness
28 and socially acceptable conduct. The rules are to be enforced fairly and equitably
29 for all employees in conjunction with Board Policies, Administrative Directives,
30 Bulletins and appropriate employee contracts/ agreements. Nothing contained
31 herein shall be construed or interpreted as contrary to federal or Florida law. The
32 Superintendent/Designee, Chief Auditor and the Chief Counsel to the School Board
33 may recommend that any employee reporting to them be disciplined for cause.
34 Depending on the circumstances, an employee under investigation for allegedly
35 violating any of the above may be placed on administrative leave with pay pending
36 the outcome of the investigation.
37

38 3. GENERAL WORK RULES39
40 a. All employees shall conduct themselves in a manner consistent with the following
41 General Work Rules:42
43 i. Perform your job properly.

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- 45 1.
- Follow instructions, orders, and directives received from supervisors.
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- 46 2.
- Observe all posted and published laws, rules, regulations, directives,
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- 47
- bulletins and policies, including those for acceptable use of electronic
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- 48
- media.
-
- 49 3.
- Complete all required or assigned training programs.
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- 50 4.
- Correct all documented performance deficiencies.
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- 51 5.
- Maintain current licenses and certifications, as required for your
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- 52
- position. Notify the District immediately of an expiration, suspension,
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- 53
- or revocation of a license or certificate.
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- 54 6.
- Work efficiently and effectively.
-
- 55 7.
- Treat others in the work environment, especially students, with respect
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- 56
- and civility.
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- 57 8.
- Wear suitable clothing for your work. Wear uniforms, protective
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- clothing or equipment if prescribed for your position.
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- 59 9.
- Use only the equipment or materials you are assigned or specifically
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- 60
- authorized to use, and use them properly.
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- 61 10.
- Maintain a sanitary work area.
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- 62 11.
- Wear seat belts when driving or riding in a District-owned or leased
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- vehicle or a personal vehicle while in the scope of employment.
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- 64 12.
- Provide true and accurate information to the District in all matters.
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- 65 13.
- Cooperate fully in all District investigations, except when refusal is
-
- 66
- the result of proper assertion of your legal rights.

67
68 ii. Maintain a satisfactory attendance record.

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- 70 1.
- Report to work on time on all assigned duty days.
-
- 71 2.
- Promptly notify your immediate supervisor, in accordance with
-
- 72
- prescribed procedures, when you expect to be late or absent.
-
- 73 3.
- Three (3) consecutive days of failing to report to work and failing to call in
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- 74
- or failing to obtain pre-authorized leave constitutes voluntary job
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- 75
- abandonment and will result in termination from your position, absent
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- 76
- extenuating circumstances.
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- 77 4.
- Remain in your assigned work area during your scheduled work hours
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- unless you are authorized to leave the area.
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- 79 5.
- Remain at work until your work hours end unless you are authorized

- 80 to leave early.
- 81 6. Report on and off duty in accordance with established procedures and
- 82 for yourself only.
- 83
- 84 iii. Work safely.
- 85
- 86 1. Observe posted or published safety rules.
- 87 2. Use safety equipment if required.
- 88 3. Report immediately any dangerous, unsafe, or hazardous condition to
- 89 your supervisor.
- 90 4. Report immediately any accident, injury, or damage to yourself or
- 91 another to your supervisor.
- 92
- 93 iv. If you resign from your position, do so in good standing. Submit a written
- 94 notice of intent to resign at least two (2) weeks prior to the effective date of
- 95 the resignation.
- 96
- 97 b. Following careful consideration of all the facts, inappropriate conduct may subject
- 98 an employee to disciplinary action, up to and including termination of
- 99 employment. Each sustained violation of a work rule must be evaluated
- 100 according to its own circumstances to determine appropriate action. All acts of
- 101 criminal misconduct occurring while the employee is acting within the course and
- 102 scope of his or her employment, will be subject to criminal investigation.
- 103
- 104 i. All employees shall avoid any conduct that would do the following:
- 105
- 106 1. Be detrimental to the District, its employees, the students, or the
- 107 community;
- 108 2. Adversely affect their job performance;
- 109 3. Disrupt the general peace and welfare of District functions or
- 110 activities; or
- 111 4. Have the appearance of impropriety.
- 112
- 113 ii. The following actions are prohibited:
- 114
- 115 1. Any offense involving moral turpitude as defined by Fla. Adm. Code
- 116 Rule 6B-4.009(6);
- 117
- 118 2. Theft or misuse of property or money, whether belonging to the
- 119 District, an employee, student, vendor, or volunteer;
- 120
- 121

- 122 3. Willful conduct or gross negligence which results in damage,
123 destruction, or depriving the owner of the use of District property or
124 property belonging to an employee, student, vendor, volunteer, Board
125 member, parent, or visitor;
126
- 127 4. Illegal use of alcoholic beverages or controlled substances, including
128 the following:
129 A. The possession, sale or distribution of alcoholic beverages or illegal
130 substances on the job, on District property or at any District-sponsored
131 activity;
132 B. The use of a narcotic or controlled substance on the job. An exception
133 is the use of a narcotic or controlled substance as specifically
134 prescribed by a doctor;
135 C. Working under the influence of alcohol or any illegal substance on the
136 job;
137
- 138 5. Inciting or participating in any conduct on the job, on District property or at
139 any District-sponsored activity which may impermissibly disrupt the work
140 environment or endanger employees, students, vendors or volunteers,
141 including the following:
142
143 A. Pushing, shoving, fighting, assaulting, battering, or intimidating
144 anyone;
145 B. Unauthorized possession, display, or use of firearms, fireworks,
146 explosives or other weapons;
147 C. Threatening any employee's, student's, vendor's, volunteer's,
148 Board member's, parent's, or visitor's person, family or property;
149 D. Engaging in horseplay that has the effect of disrupting the work
150 environment or which causes or may cause bodily injury to any
151 person.
152
- 153 6. Committing an unlawful act on or off District property which negatively
154 impacts the District in any way or which negatively impacts the employee's
155 ability to do the job;
156
- 157 7. Intentional misrepresentation of facts or falsification of District records or
158 documents including, but not limited to the following:
159 A. Employment application;
160 B. Time/attendance/payroll records;
161 C. Production/operations records;
162 D. Expense reports/requests for reimbursement/requests for checks;
163 E. Purchase orders;

- 164 F. Workers' Compensation claims;
165 G. Requests for employee benefits or privileges;
166 H. Requests for leaves of absence.
167
- 168 8. Failure to perform the job properly, including but not limited to the
169 following:
170 A. Negligent work;
171 B. Insubordination, refusing to do assigned work, or refusing to follow any
172 reasonable and lawful direction made and given by a superior;
173 C. Willful or negligent violation of Board Policies, school or department
174 practices or rules, including established safety standards;
175 D. Absenteeism which results in hindering the regular operation of the
176 employee's unit, habitual lateness or early quits, with the exception of
177 absences approved under the Family Medical Leave Act;
178 E. Willful or negligent waste or misuse of District property, materials,
179 personnel, or assigned work time;
180 F. Antagonism toward management, other employees, students, vendors,
181 or volunteers so as to interfere with the proper coordination of work
182 efforts;
183 G. Loafing or sleeping during assigned work hours.
184 H. Failure to exercise reasonable care, diligence and attention.
185 I. Violate one's duty of loyalty to the District.
186
- 187 9. Improper behavior, including the following:
188
189 A. Using tobacco products in violation of District Policy 7.19;
190 B. Unauthorized solicitation, sale or distribution of goods, materials or
191 services;
192 C. Causing or participating in an unauthorized work stoppage or
193 slowdown;
194 D. Submission of false statements during a District investigation;
195 E. Causing or attempting to cause another person to withhold testimony
196 from any official investigation of official proceeding;
197 F. Failure to contribute to a work environment that fosters mutual respect
198 and civility, through either personal contact or via electronic media,
199 including but not limited to the following:
200 I. Engaging in rudeness or belligerence;
201 II. Using abusive, profane, indecent, obscene, or offensive
202 language or gestures;
203 III. Participating in or encouraging sexual or other unlawful
204 harassment of an employee, student, vendor, volunteer, Board
205 member, parent or visitor;

- 206 IV. Invading the privacy of an employee, student, vendor, volunteer,
207 Board member, parent or visitor through actions which were not
208 consented to by that person, including stalking;
- 209 V. Discriminating against an employee, student, vendor, or
210 volunteer on the basis of race, creed, color, religion, national
211 origin, age, gender, disability or marital status;
- 212 VI. Using epithets, symbols, derogatory remarks, threats, or telling
213 jokes to or about other people or groups of people, where such
214 remarks are based upon race, creed, color, religion, national
215 origin, age, gender, disability or marital status;
- 216 VII. Intimidating other employees so as to interfere with their work;
217
- 218 G. Participating in workplace sabotage or retaliation directed at any
219 person;
- 220 H. Using radios, televisions, telephones, video/computer games, or any
221 other form of entertainment during work hours without authorization;
- 222 I. Participation in the unlawful distribution of written or electronic material;
223
- 224 J. Unlawful gambling (whether on or off duty) that involves money or
225 property valued at more than \$1.00.

226 4. PERSONAL CONDUCT RULES

- 227
- 228 a. Employees shall in all actions, consider the welfare of the District and its
229 employees, students, parents, vendors, board members, and members of the
230 community, and not bring disrepute upon the School District. Following careful
231 consideration of all the facts, violations of the personal conduct rules may subject
232 an employee to disciplinary action, up to and including termination of
233 employment. Each sustained violation of a personal conduct rule must be
234 evaluated according to its own circumstances to determine appropriate action.
235 All acts of criminal misconduct occurring while the employee is acting within the
236 course and scope of his or her employment, will be subject to criminal
237 investigation.
- 238
- 239 b. Employees shall be courteous and helpful to fellow employees, students,
240 parents, vendors, Board members, and members of the community.
- 241
- 242 c. Employees may engage in outside interests provided that such activities:
243
- 244 i. Are legal and not inconsistent with the interests of the District;
245 ii. Could not, by reason of association, have a derogatory effect on the
246 District;
247 iii. Would not negatively impact assigned work hours or adversely affect

- 248 the employee's job performance;
249 iv. Would not interfere with the job performance of other employees;
250 v. Would not create conflicts of interest; and
251 vi. Would not result in the unlawful exchange of inside information.
252
253 d. Participation in volunteer or charitable work is encouraged; however, if the nature
254 or extent of participation in these activities significantly impacts on the time
255 required to perform the employees' duties, prior written approval must be
256 obtained from the employees' supervisor with a copy to the Superintendent/
257 designee.
258
259 e. Employees shall avoid any situation where their personal interests might conflict
260 with or adversely affect the best interests of the District. The following acts by
261 any employee may be deemed by the District as serious misconduct and may
262 subject the employee to disciplinary action, up to and including termination of
263 employment:
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265 i. The direct or indirect acceptance of gifts, bribes, gratuities, kickbacks,
266 services, loans, or other payments from any person or organization which
267 does or seeks to do business with the District;
268 ii. The payment of any bribe, gratuity, kickback, or excessive or disguised
269 commission or fee to any representative of a supplier;
270 iii. Providing managerial or consultation services or serving as a director to any
271 outside concern that does business with the District, except with the
272 Superintendent's prior knowledge and written approval.
273 iv. The representation of the District in any transaction with another
274 organization where the employee has a substantial personal interest;
275 v. Disclosure or use of District's confidential or inside information for personal
276 gain;
277 vi. Making any District contribution or agreement to contribute any District
278 money, property or services at District expense to any political candidate,
279 party, organization, committee, or individual. Employees may personally
280 participate in and contribute to political organizations or campaigns, but they
281 must do so on their own time, with their own funds, and in their own name;
282 vii. The use of District funds or property to bribe, influence, or attempt to bribe
283 or influence any decision or action by any governmental official, associate,
284 or agency;
285 viii. Ownership or material interest in any organization doing business with the
286 District;
287 ix. The unauthorized use of District property or assigned work time for personal
288 business or profit;
289 x. Collecting confidential information for personal use;

- 290 xi. Disclosing confidential information to unauthorized persons;
- 291 xii. Failure to inform the District of illegal or improper actions by employees,
- 292 including violations of the General Work Rules and Personal Conduct Rules.
- 293
- 294 f. Employees shall not make false or slanderous statements about the Board or its
- 295 employees. Employees shall not libel the Board or its employees.
- 296
- 297 g. Disclosure of any conflict of interest, or breach of these expectations, and
- 298 requests for exceptions to this policy shall promptly be made in writing to the
- 299 employee's supervisor. Following a review with the Superintendent of designee,
- 300 the supervisor shall respond to the employee in writing with a copy to the
- 301 Superintendent/designee.
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303 5. COLLECTIVE BARGAINING AGREEMENTS

304 If this policy conflicts with the provisions of a collective bargaining agreement, the

305 provisions of the collective bargaining agreement shall prevail.

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<u>STATUTORY AUTHORITY:</u>	<u>§§ 230.22(1), (2); 230.23(22); 230.23005(11);</u>
	<u>231.001; 231.36, Fla. Stat.</u>
<u>LAWS IMPLEMENTED:</u>	<u>§§ 230.23(5)(f); 231.36(4), (6), Fla. Stat.</u>
<u>STATE BOARD OF EDUCATION</u>	<u>r. 6B-1.001, F.A.C.</u>
<u>RULE SUPPLEMENTED/</u>	
<u>INTERPRETED:</u>	
<u>HISTORY:</u>	<u>_____ / _____ /2002</u>

309

Legal Signoff:

From: Office of Chief Counsel

Re: Proposed New Policy 3.241, entitled "Employee Code of Conduct."

This proposed Policy has been reviewed and is legally sufficient to be brought to the Board for development.

Alan M. Aronson, Esq.

Date