

POLICY 3.241

- 5-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

1. INTENT

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

All employees shall conduct themselves in a manner consistent with the following, as applicable:

- a. Federal, State and Local Law;
- b. State Administrative Code Rules;
- c. School Board Policies;
- d. Administrative Directives and bulletins;
- e. Appropriate employee contracts/ agreements; and
- f. Orders from supervisors which do not pose an immediate serious hazard to health and safety or a violation of established law.

2. APPLICABILITY

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

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.
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- 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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- position. Notify the District immediately of an expiration, suspension,
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- or revocation of a license or certificate.
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- 54 6.
- Work efficiently and effectively.
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- 55 7.
- Treat others in the work environment with respect and civility.
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- 56 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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- 58 9.
- Use only the equipment or materials you are assigned or specifically
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- authorized to use, and use them properly.
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- 60 10.
- Maintain a sanitary work area.
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- 61 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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- 63 12.
- Provide true and accurate information to the District in all matters.
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- 64 13.
- Cooperate fully in all District investigations, except when refusal is
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- the result of proper assertion of your legal rights.

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67 ii. Maintain a satisfactory attendance record.

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- 69 1.
- Report to work on time on all assigned duty days.
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- 70 2.
- Promptly notify your immediate supervisor, in accordance with
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- prescribed procedures, when you expect to be late or absent.
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- 72 3.
- Three (3) consecutive days of failing to report to work and failing to call in
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- or failing to obtain pre-authorized leave constitutes voluntary job
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- abandonment and will result in termination from your position, absent
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- extenuating circumstances.
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- 76 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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- 78 5.
- Remain at work until your work hours end unless you are authorized
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- to leave early.

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

122 destruction, or depriving the owner of the use of District property or
123 property belonging to an employee, student, vendor, volunteer, Board
124 member, parent, or visitor;

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

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

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

- 226
 227 a. Employees shall in all actions, consider the welfare of the District and its
 228 employees, students, parents, vendors, board members, and members of the
 229 community, and not bring disrepute upon the School District. Following careful
 230 consideration of all the facts, violations of the personal conduct rules may subject
 231 an employee to disciplinary action, up to and including termination of
 232 employment. Each sustained violation of a personal conduct rule must be
 233 evaluated according to its own circumstances to determine appropriate action.
 234 All acts of criminal misconduct occurring while the employee is acting within the
 235 course and scope of his or her employment, will be subject to criminal
 236 investigation.
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 238 b. Employees shall be courteous and helpful to fellow employees, students,
 239 parents, vendors, Board members, and members of the community.
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 241 c. Employees may engage in outside interests provided that such activities:
 242
 243 i. Are legal and not inconsistent with the interests of the District;
 244 ii. Could not, by reason of association, have a derogatory effect on the
 245 District;
 246 iii. Would not negatively impact assigned work hours or adversely affect
 247 the employee's job performance;

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

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