



**STATE OF MONTANA  
DEPARTMENT OF PUBLIC HEALTH & HUMAN SERVICES  
DEPARTMENT WIDE POLICY**

DPHHS Policy No.: 5.1.011	Subject: Employee Conduct Policy
Formerly HR Policy #200 “Guidelines for Employee Conduct”  /s/ Richard H. Opper, Director, DPHHS	Pages: 5
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## EMPLOYEE CONDUCT POLICY

### I. POLICY

It is the goal of the Department of Public Health and Human Services (“DPHHS”) to maintain a safe, respectful, and productive environment within the workplace to maximize services to the public.

### II. PURPOSE

The purpose of this policy is to establish and clarify DPHHS’ guidelines related to employee standards of conduct in the workplace and outside the workplace when the conduct impacts the employee’s ability to perform the essential functions of the job and/or creates the appearance of impropriety that violates public trust and conflicts with DPHHS’ overall mission.

### III. DEFINITIONS

Employee – A person hired to work in any position within DPHHS. It includes, but is not limited to, permanent, temporary, short-term, and student interns.

Mission Statement of DPHHS – The mission of DPHHS is to improve and protect the health, well-being, and self-reliance of all Montanans.

Off-the-Job Conduct – An employee’s off-duty, off-worksites premises behavior and actions.

Public Trust – The holding of public employment is a public trust created by the confidence that the public places in the integrity of public employees. Public trust is an assurance that public employees will carry out their assigned job duties for the benefit of the people of the state. A violation of public trust includes conduct in the workplace and outside the workplace that negatively impacts the employee’s ability to perform the

essential functions of the job, is inappropriate, and/or creates the appearance of impropriety.

On-the-Job Conduct – Patterns of actions and interactions of employees on DPHHS' premises that directly or indirectly affect DPHHS' effectiveness; employee's response to any assigned duty, responsibility, expectation, obligation or behavior required by the employer or the position.

#### IV. RESPONSIBILITIES

- A. All employees will be responsible for adhering to the employee standards of conduct and performance outlined in this policy. Employees should be familiar with all statutory obligations relating to employment.
- B. Supervisors will ensure employees under their supervision are in compliance with this policy.

#### V. EMPLOYEE STANDARDS OF CONDUCT AND PERFORMANCE

An employee may be subject to discipline up to possible termination of employment with DPHHS for misconduct which may include, but is not limited to, the following examples:

- A. **Neglect or Failure to Properly Perform Essential Job Functions and Responsibilities.** Employees are expected to produce work that consistently meets or exceeds expectations and maintain the qualifications, certification, licensure and/or training required of the job.
- B. **Excessive Absenteeism or Tardiness.** Employees are expected to be reliable and dependable; observe established work hours and scheduled appointments; utilize leave and related employee benefits in the manner for which intended; obtain permission prior to being off work, and schedule leave in a manner that minimizes work disruption.
- C. **Abuse, Mistreatment or Neglect of any Facility Resident, Patient, or Client.** Employees are expected to follow the facility's policies regarding abuse, mistreatment or neglect of facility residents, patients, or clients.
- D. **Willful, Intended or Threatened Injury to another Person; Disrespect, Aggressive or Abusive Behavior.** Employees shall maintain a courteous, productive, respectful and otherwise acceptable working relationship with coworkers, peers, supervisors, and the general public. Employees shall resolve work-related issues and disputes in a professional manner and through established business practices.
- E. **Insubordination.** Employees are expected to follow verbal or written instructions of their direct supervisor and of persons with duly delegated authority. Employees should resolve any differences with management in a constructive manner.

- F. **Willful Violation of Laws, Contracts, Policies, Directives or other Regulations of DPHHS.** Employees shall comply with all state and DPHHS' policies and procedures, laws, and regulations that include but are not limited to:
1. Abiding by criminal and civil laws and DPHHS' policies that include but are not limited to: Drug Free Workplace, Nondiscrimination, Sexual Harassment, Internet, Intranet and Email Acceptable Use, and Workplace Threats and Violence.
  2. Following safe work procedures to ensure a safe and healthy work environment.
  3. Reporting circumstances or concerns that may affect safety and satisfactory work performance to their supervisor, including any inappropriate (fraudulent, illegal, unethical) activities of other employees.
  4. Following required dress codes.
  5. Following established directives and/or policies related to smoking on DPHHS' premises.
- G. **Sleeping on the Job.** Employees are expected to provide the level of effort necessary to perform the essential functions of the job and to stay focused on job-related activities during work hours.
- H. **Breach of Confidential Information.** Employees are expected to maintain confidentiality according to applicable laws and DPHHS' policies.
- I. **Inappropriate Conduct in Violation of Public Trust.** Employees shall conduct themselves, on and off the job, in a manner that will not violate public trust. Employees shall not commit any act or omission that violates public trust. Examples of employee conduct associated with public trust include, but are not limited to, the following:
1. Employees shall maintain high standards of honesty, integrity and impartiality. Employees shall place the interests of the public ahead of personal interests. Employees shall not use, or attempt to use, their official position for personal gain or confidential information for personal advantage.
  2. Employees shall refrain from conduct which, though not illegal or generally inappropriate for a state employee, is inappropriate for a person in the employee's particular position.
  3. Employees shall protect state property from loss or abuse and shall use state time, property, equipment, facilities, and personnel only in a manner that

benefits DPHHS. Unauthorized use of state time, equipment, or facilities for private business or personal use is prohibited.

4. Employees shall not loan, duplicate, or inappropriately use keys or security passes of DPHHS.
5. Employees shall not generate abusive, harassing, disrespectful, or inappropriate notes, emails, phone calls, or text messages that breach public trust and conflict with the overall mission of DPHHS.

**J. Misconduct - Willful or wanton disregard of the rights of the employer.**

Misconduct includes but is not limited to:

1. Dishonesty related to employment.
2. Deliberate falsification of company records such as timesheets, patient records, travel expenses, omission of pertinent data, or giving false testimony.
3. Theft, deliberate deception, or lying.
4. False statements made as part of a job application process, such as deliberate falsification of the individual's criminal history, work record, education, licensure, or achievement.
5. Willful damage, unlawful use, or neglect of the property of DPHHS or of a service population.
6. Carelessness or negligence that causes or is likely to cause serious bodily harm to employee, client or customer.
7. Deliberate violations or disregard of established employer standards or of standards of behavior that the employer has the right to expect of an employee.

**K. Misuse of Mood or Mind-Altering Substances.** Being under the influence and/or impaired by alcohol and/or illegal drugs or impaired by prescription medication on DPHHS' premises is prohibited. Employee's misuse of alcohol, prescription medications, or the use of illegal drugs that adversely impacts DPHHS' operations or violates public trust will not be tolerated.

**L. Conviction of Any Felony or Misdemeanor.** An employee's conviction of any felony or misdemeanor, including a plea of nolo contendere (no contest) that adversely impacts DPHHS' operations or violates public trust must be reported to his or her supervisor.

- M. **Inappropriate Communications.** Employees are prohibited from viewing, downloading, and/or transmitting electronically or viewing hard copies of inappropriate images or pornography using DPHHS' equipment and/or state time.

## **VI. STATUTORY AUTHORITY**

Certain ethics and conduct expectancies are described in law. Specific attention should be directed to §§ 2-2-104, 2-2-105, and 2-2-121, MCA for rules of conduct required by law of employees. The definition of misconduct can be found at § 39-51-201(19) (a).

This policy shall be followed unless stated policy conflicts with negotiated labor contracts which shall take precedence.