

CHAPTER 3
EMPLOYEE CONDUCT

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CHAPTER 3

EMPLOYEE CONDUCT

3.0 CODE OF CONDUCT FOR LOUDOUN COUNTY EMPLOYEES

As a basic condition of employment, all employees have an obligation to conduct their official duties in a manner that serves the public interest, upholds the public trust and protects the County's resources. To this end, all employees have a responsibility to:

- 1) Perform their duties to the very best of their abilities, and in a manner that is efficient, cost-effective, and meets the needs of the public.
- 2) Demonstrate integrity, honesty, and ethical behavior in the conduct of all County business.
- 3) Ensure that their personal interests do not come into conflict with their official duties, resulting in a real conflict of interest or the appearance of a conflict of interest when dealing with vendors, customers, and other individuals doing business or seeking to do business with the County.
- 4) Ensure that all County resources, including County funds, equipment, vehicles and other property, are used in strict compliance with County policies and solely for the benefit of the County.
- 5) Conduct all dealings with the public, County employees, and other organizations in a manner that presents a courteous, professional, and service-oriented image of Loudoun County government.
- 6) Treat the public and other County employees fairly and equitably, without regard to race, color, religion, sex, national origin, age, disability, political affiliation, sexual orientation, gender identity, or other non-merit factors¹unrelated to the impartial conduct of County business.
- 7) Avoid any behavior that could fall under the definitions of misconduct in the Disciplinary sections of the Human Resources Handbook.

Managers and supervisors set an example for other employees and have a responsibility to ensure that their activities and decisions pertaining to community services, personnel actions, and the management of public funds are consistent with County policies and practices.

¹ Revised January 5, 2010

3.1 DRUG-FREE WORKPLACE²

In an effort to provide a drug-free workplace and to comply with Federal and State regulations, the County prohibits employee consumption of alcohol and the use, distribution, manufacture or possession of illegal controlled substances in the workplace (any County worksite or work location) or during working hours. Violation of this policy may result in immediate dismissal.

- (A) To promote employee awareness, the County through the Employee Assistance Program (EAP) provides an ongoing “Drug-Free Workplace” program which includes employee training. The training provides information on:
- Dangers of drug abuse in the workplace
 - County policy for maintaining a drug-free workplace
 - Signs and symptoms of alcohol and drug abuse
 - Treatment approaches to chemical dependency
 - Economic costs of alcohol and drug abuse to the workplace
 - Penalties which may be imposed for violation of the County’s Drug-Free Workplace Policy
 - Available alcohol and drug counseling, rehabilitation, and the Employee Assistance Program (EAP).
- (B) As a condition of employment with Loudoun County, employees agree to abide by the terms of this policy and agree to notify their supervisor if convicted of any criminal drug statute for a violation occurring in the workplace no later than five (5) calendar days after such conviction.
- (C) If an employee is convicted of a drug or alcohol related misdemeanor or felony, the County, in accordance with Federal regulations, will take appropriate personnel action up to and including termination or requiring satisfactory participation in a drug abuse assistance or rehabilitation program. Action taken by the County will occur within thirty (30) calendar days of the employee’s notice to the County.
- (D) If an employee is convicted under a criminal drug law for violations occurring in the workplace, the County will notify the applicable contracting Federal agency from which it is receiving grant funds of this fact within ten (10) calendar days of receiving notice of the conviction from the employee.

² Revised April 1, 2008

(E) Required Actions for Suspicion of Use of Controlled Substances or Alcohol

1. If you suspect an employee of being under the influence of controlled substances or alcohol at work, report the situation to your supervisor.
2. Supervisors should contact your HR Analyst for guidance regarding the determination of reasonable suspicion and notify your department's liaison in County Administration.
3. If two or more supervisory employees have reasonable cause to believe an employee is under the influence of alcohol or a controlled substance at work, the Department Head or designee will follow these steps (please also refer to administrative guideline HR-29):
 - a. Question the employee (with another supervisor or witness present who has observed the behavior in question) about the reasonable suspicion and evaluate the situation.
 - b. Arrange for transport of the employee to the designated Occupational Health Facility under contract for alcohol and controlled substance testing at the County's expense. If there is any question as to whether the behavior may be due to a serious medical condition, or if the employee is exhibiting threatening behavior, the supervisor should call 911 for assistance.
 - c. Ensure the employee is safely transported to their residence once testing is completed.
 - d. If positive test results occur, initiate a level of disciplinary action that is appropriate in consultation with Human Resources. This step should be taken after positive results of the test.
 - e. Refer the employee to the Employee Assistance Program (EAP). This step should be taken only after a positive test is confirmed. EAP participation is voluntary on the part of the employee.

3.2 SMOKING IN COUNTY BUILDINGS AND VEHICLES

Smoking in County buildings and vehicles is generally prohibited. However, the County Administrator may designate a smoking area inside or outside of County facilities under control of the Board of Supervisors. In designating smoking areas, consideration is given to ensure that there is adequate ventilation and that smoking does not create an occupational safety or health hazard. The following areas may not be designated as

smoking areas: 1) Confined and/or public general areas such as libraries, garages, medical facilities, cashier waiting lines, elevators, copy areas, private offices, work areas, restrooms, stairwells, public entrances or exits; 2) Canteens, conference and meeting rooms; 3) Computer/word processing rooms, supply areas, storage areas or central locations for records or files; and 4) County vehicles and buses. Employees who violate this policy may be subject to disciplinary action.

3.3 EMPLOYEE APPEARANCE & DRESS³

Employees are representatives of Loudoun County Government. Employees' appearance and dress should be safe, presentable and consistent with job responsibilities. All individual departmental appearance and dress guidelines must be reviewed by Human Resources and approved by the County Administrator or designee prior to becoming effective. The County Administrator has the authority to remove or amend any departmental appearance and dress guidelines at any time.

3.4 PUBLIC RELATIONS

As an employee, you represent the County to the public. When dealing with the public either in person, by telephone or in writing, you are expected to be patient and courteous. As a general rule, you should be as helpful as you can, answer questions and provide information promptly and to the best of your ability.

3.4.01 Procedure: Responding to Citizens Request for Information

(A) All requests for information whether in writing, in person, or by telephone are equally important, and must be treated as such. For requests that are complex in nature and may possibly require additional research and/or discussion, ask the citizen to put his or her request in writing.

(B) Under the Virginia Freedom of Information Act (FOIA), all official records (with certain exceptions set forth in the Act) are open for public inspection. Under the Act, working papers are not subject to public inspection.

(1) The County honors all Freedom of Information Act requests within the time specified by law. Such requests must be coordinated through the County Administrator and the County Attorney's Office. While some materials are provided free of charge, the County may require reimbursement for copying costs and search time.

(2) Within the context of FOIA, most personnel information about a specific employee is not subject to disclosure, except to that employee.

³ Revised July 18, 2006

3.4.02 Procedure: Managing Angry Customers

From time to time, you may come into contact with a customer who is agitated or extremely angry. The overlying principle in such situations is to use common sense, and if necessary, you should respond in the following manner:

Responding to Verbal Abuse (but not physically threatening):

- (1) Keep calm and listen carefully to what is being said or communicated. If you do not understand, ask a second employee (who may also serve as a witness) to help you.
- (2) If you are not able to resolve the situation, inform the customer that your supervisor will be contacted to discuss the issue and to resolve the problem as soon as possible.
- (3) If you are still unsuccessful and the customer is still verbally abusive, the highest level of supervisor (preferably your Department Head) should, on behalf of County Administration, ask the citizen to leave the property.
- (4) If this is not successful, call 911 to obtain law enforcement assistance and inform the County Administrator immediately.

Responding to Physically Threatening Abuse:

- (1) When faced with a physically threatening situation, you should follow the guidance above to the extent possible taking into consideration the degree of the threat and the time needed to seek additional assistance. In assessing the degree of threat, you must consider both County policy and the risk of danger to yourself or other people present.
- (2) If you see that your or another person's life or physical well-being is in eminent danger, call 911 to obtain law enforcement assistance and inform the County Administrator immediately.

3.5 POLITICAL ACTIVITY

Employees have every right to vote as they choose, to express their opinion, and to join political organizations. County employees have the right to not be forced to take a political position as a condition of employment due to particular job duties. Nothing contained in this policy shall be interpreted to apply to duly elected or appointed constitutional officers.

Participation in political activities is permitted unless:

1. Such activities take place during assigned working hours, or
2. Involvement adversely affects the employee's ability to do his/her job or adversely affects the employee's department.

3.6 OUTSIDE EMPLOYMENT⁴

Outside employment is defined as any paid work performed as an employee or contractor of an organization or entity other than Loudoun County Government. Outside employment includes, but is not limited to: jobs with organizations or entities other than Loudoun County Government, work resulting from ownership of a business, sole proprietorship, L.L.C., or employment with a business which contracts with the County.

Employees may not accept outside employment if the employment will conflict with the employee's ability to do his/her job in an effective and efficient manner. Before accepting outside employment, the employee must receive the approval of the Department Head. Only employees who hold regular full or part time positions or full time temporary positions are required to receive written approval from their department head before accepting outside employment.

Employees may engage in vendor agreements with the County in accordance with County guidelines.

3.7 GIFTS AND GRATUITIES

All County employees are subject to the provisions of the State and Local Governments Conflict of Interests Act which prohibits a County employee from accepting any money, loan, gift, favor, service, or business or professional opportunity that reasonably could influence performance of the employee's job duties. This policy does not necessarily prohibit an employee from accepting low-value articles which are distributed generally or from obtaining loans from regular lending institutions.

3.8 VEHICLE SAFETY AND DRIVING⁵

This policy applies to County employees who operate County vehicles on a regular or occasional basis and/or transport others on County business or who drive private vehicles on County business. This policy provides guidelines for the County and its employees in an effort to protect the safety of County employees and citizens.

⁴ Revised October 21, 2008
⁵ Revised April 1, 2008

Definition of Terms:

County vehicle: Any motorized mode of transportation including but not limited to cars, vans, trucks, buses, motorcycles, heavy equipment vehicles, etc. For purposes of this policy only, this includes any vehicle owned by a recognized Loudoun County Volunteer Fire/Rescue Company used and/or driven by employees of the Department of Fire, Rescue and Emergency Management.

"Occasional Drivers": Refers to employees who from time to time operate County vehicles or who drive private vehicles on County business. An Occasional Driver typically drives a County vehicle twelve (12) or less times per calendar year. Operation of a County vehicle is not considered an essential job function for this group (managers should consult with Human Resources regarding essential job functions).

"Regular Drivers": Refers to employees who, in the performance of their essential job functions, operate County vehicles or drive private vehicles on County business. Performance plans for these positions describe specific driving responsibilities.

Transport others on County business: Refers to employees who, in the performance of their essential job functions, drive individuals who conduct business with the County or take part in services provided by the County, in vehicles provided by the County, or in privately-owned vehicles. Performance plans for these positions describe specific driving responsibilities.

The following provisions (A. through H.) apply to all employees who are Occasional Drivers, Regular Drivers and/or transport others on County business:

- A. Prior to driving a County vehicle or a privately owned vehicle on County business, all employees must provide their immediate supervisor with a copy of their current, valid driver's license.

- B. All employees who drive a County vehicle or who drive privately owned vehicles on an occasional or regular basis and/or transport others on County business must report any conviction for a moving violation, whether on or off the job *and/or any action that affects the status of a valid driver's license* within three (3) business days of the conviction or other action to their immediate supervisor. Failure to report such information may result in disciplinary action.

One of the following actions must occur if an employee is convicted of a single six (6) point driving violation, accumulates six (6) or more demerit points on their driving record within a twelve (12) month period, or if any action is taken that affects the status of a valid driver's license :

- (1) He/she is immediately reassigned to a non-driving position, or
- (2) He/she is immediately relieved of job duties that require driving, or
- (3) He/she is terminated if neither of the first two options is feasible.

Two key factors shall be assessed in making the determination as to the action that will occur: (1) the business needs of the department and (2) the extent to which driving is a significant part of the effected employee's job duties. To be significant, driving shall be required on a daily or weekly basis in the employee's performance plan for the position. (See F below regarding restoration of driving privileges.)

- C. All employees who drive a County vehicle or who drive private vehicles on County business on an occasional or regular basis and/or transport others on County business who are charged with Driving Under the Influence (DUI) must immediately report such a charge to their supervisor and are immediately relieved of job duties that require driving. All County driving privileges are suspended until disposition of the charge. The employee is retained in his/her position and performs non-driving duties until a decision is rendered regarding the charge of Driving Under the Influence.

Once there is a disposition of the charge, then a determination regarding driving privileges will be made in accordance with this policy.

If the employee is convicted of DUI or if there is an affirmative finding of DUI by any public agency that has authority to impact driving records or the status of a valid driver's license, then one of three actions must occur as stated in B above in reference to a single six (6) point driving violation, accumulation of six (6) or more demerit points within a twelve (12) month period, and/or any action that affects the status of a valid driver's license.

- D. All employees convicted of *or* having an affirmative finding of Driving Under the Influence (DUI) by any public agency that has the authority to impact driving records or the status of a valid driver's license may be permanently prohibited from operating a County vehicle and/or transporting others on County business, and may be subject to further disciplinary action.
- E. In the event it is unclear if a driving violation is equivalent to a single six (6) point violation or accumulation of six (6) demerits points as assigned by the Commonwealth of Virginia's Department of Motor Vehicles, then the immediate supervisor must consult with Human Resources. The Human Resources Manager shall make such determination in consultation with the Department Head or his/her designee.

- F. All employees who have been reassigned to a non-driving position or relieved of their driving responsibilities as provided under B & C above and who can successfully reduce the number of demerit points accumulated within a twelve (12) month period on their driving record to fewer than six (6) points may have their driving privileges restored.

Any employee who is convicted or who receives an affirmative finding of DUI, if not terminated, will be removed from all driving duties for a period of not less than twelve (12) months, regardless of points balance or the status of their driver's license.

The final determination regarding whether an employee may have his/her driving privileges restored will be made by the Department Head in consultation with Human Resources.

The restoration of driving privileges shall be based on the employee's driving record and the total demerit points on the employee's driving record.

- G. All employees involved in an accident while driving a County vehicle, driving a private vehicle on County business, and/or transporting others on County business must report the accident to their immediate supervisor who will be responsible for reporting the accident to the Comptroller's Office and Human Resources. In addition employees may be required, at the Department Head's discretion, to attend and successfully complete a driver safety course.
- H. Failure to comply with any provision of this policy will be grounds for disciplinary action up to and including termination of employment.

The following provision (I.) applies only to those employees who are Regular Drivers and/or transport others on County business:

- I. Employees with a current valid driver's license from a jurisdiction other than Virginia, Maryland, West Virginia, Pennsylvania and the District of Columbia must provide a transcript of their driving record from the issuing jurisdiction to their immediate supervisor at the time of the annual driving record check conducted by Human Resources. For jurisdictions that charge for transcripts, the County will reimburse employees for such costs if provided with an appropriate receipt showing payment was made.

The annual driving record check conducted by Human Resources covers employees who are Regular Drivers and/or transport others on County business. Human Resources will obtain driving records for covered employees directly from Virginia, Maryland, West Virginia, Pennsylvania, and the District of Columbia.

(Occasional Drivers may be requested to provide a transcript of their driving record on an annual basis, at the Department Head's discretion. The County will reimburse employees for the cost of the transcript if requested with an appropriate receipt showing payment was made.)

The following provision (J.) applies only to job applicants for positions which are considered Regular Drivers and/or transport others on County business:

- J. Applicants are to submit a transcript of their driving record(s) to the hiring manager for the past twelve (12) month period after a conditional offer of employment is made. Applicants are subject to the same driving record standards as those listed above for employees. The County will not hire an applicant into a position requiring regular or occasional driving if they are not eligible to drive according to these standards at the time of hire.

3.9 BLOODBORNE PATHOGENS PROCEDURE

The County has established procedures to advise and protect its employees regarding "Blood or Other Potentially Infectious Materials" (BOPIM) and to ensure compliance with Federal and State standards.

- A. The County has designated employees' positions as one of two categories which correspond to the expected level of exposure to BOPIM.

Category A: Includes positions whose exposure to BOPIM is an expected function of job duties. This group includes, but is not limited to, positions working in the public safety and public health fields and residential facilities. Employees in "Category A" positions will be provided by the County free Hepatitis B vaccinations according to the appropriate departmental Exposure Control Plan (ECP). In accordance with Federal regulations, the employee may opt to sign a declination form which states that the employee was offered and refused the free vaccination. Should the employee request the vaccination at a later time, the County will offer the vaccination free of charge.

Category B: Includes positions whose exposure to BOPIM is not a usual function of job duties but can occur on occasion. This group includes various positions whose level of risk to exposure varies such as office workers, lifeguards, social workers and maintenance workers. According to the County's Exposure Control Plan (ECP) for all "Category B" positions, the County will provide free Hepatitis B vaccinations if a determination has been made by the Health Department that the employee has been exposed to BOPIM.

- B. The County Administrator will designate a County Infection Control Officer. This designee will coordinate the development of written Exposure Control Plans for all County departments.
- C. County employees will receive training according to specifications of the appropriate Exposure Control Plan.
- D. The County will ensure the proper disposal and cleaning of contaminated materials in accordance with the appropriate Exposure Control Plan.
- E. First aid kits will be maintained by department BOPIM liaisons at all designated work sites and in all County vehicles. First aid kits will be stocked with disposable gloves and masks.
- F. Department Heads will designate one or two employees to serve as liaisons to the County Infection Control Officer. The liaison(s) will be responsible for communicating the location of the first aid kit to all employees and for ensuring that first aid kits are adequately stocked. The liaison(s) must report incidents involving BOPIM in which first aid assistance was administered by an employee to the Health Department. The liaison(s) will receive training under these bloodborne pathogens standards to include procedures on reporting incidents.
- G. What Employees Should Do When Someone Needs First Aid Assistance (additional information for employees in Category A positions is provided in the appropriate departmental Exposure Control Plan):
If an employee or citizen appears to be or is seriously ill or injured, call 911 immediately. In all other situations, advise the person of the location of the first aid kit and instruct them to self administer aid.

You should administer aid to the injured person only if the injured person is unable to self administer first aid either as a result of age, injury, or is physically/mentally infirm and needs help prior to 911 response. Follow the instructions provided in the first aid kits and use disposable gloves/masks as required.

Should you administer first aid involving BOPIM, you must report the incident before the end of the work shift to the employee in your department or at your worksite who is designated as the BOPIM liaison. The designee will immediately report the incident to the Health Department who will determine what level of follow-up is required. If you are unable to contact your designated site or department liaison before the end of your work shift, you **must** directly contact the Health Department. Also contact the departmental liaison to re-stock the first aid kit.

Failure to report a first aid incident endangers your life and the lives of others. Intentional failure to report a first aid incident may lead to disciplinary action. The liaison to the County Infection Control Officer will determine the manner in which materials used in first aid incidents are disposed. If there are any questions regarding disposal, contact the County's Infection Control Officer.

If the County Infection Control Officer determines that the incident warrants, you will be offered free Hepatitis B vaccinations from the Health Department. The Public Health Physician will advise you on issues relative to the incident and all medical records will be maintained with confidentiality.

3.10 WORKPLACE VIOLENCE POLICY⁶

A. Workplace Violence

The purpose of this policy is to assist the County in maintaining a safe environment for all employees. The County is committed to promoting a workplace that is free of violence, threats, harassment, intimidation, bullying and other disruptive behavior. All employees are responsible for maintaining a safe work environment.

For purposes of this policy, “workplace violence” is defined as harmful acts that include, but are not limited to, assault, battery, disturbing the peace, verbal abuse, destruction of property, harassment in any form, stalking, threatening or obscene communications (electronic, written, nonverbal or verbal) or menacing behavior that could be reasonably perceived by observers as disruptive to normal work activities. In general, any act that would cause a reasonable person to feel threatened may constitute workplace violence under this policy.

All threats or incidents of workplace violence should be reported immediately to a supervisor. The supervisor should inform both the Department Head and Human Resources, who will work with County Administration to ensure the appropriate follow up on the matter.

A request for emergency assistance (911) should be made if there is an immediate threat of bodily harm.

⁶ Revised July 20, 2010

B. Weapons in the Workplace

As part of the County's commitment to a safe workplace and in accordance with the authority granted in Virginia Code §15.2-915, all County employees are prohibited from carrying a weapon at County worksites and in all County vehicles, unless they are a sworn law enforcement employee or a County issued weapon is authorized and necessary to carry out job duties.

For purposes of this policy, a weapon will include, but is not limited to, concealed or displayed firearms, explosives, or any device, implement or substance that could be used as a weapon in any manner to cause bodily harm.