

# TOWN OF VULCAN

## Policy Manual

<u>POLICY NUMBER</u>			<u>TITLE OF POLICY</u>
<b>PE-03</b>			<b>Code of Conduct</b>
Approval	D/M/Y	Resolution #	
<b>Adopted</b>	<b>01/04/1992</b>		
<b>Amended</b>	<b>12/10/1999</b>	<b>99.269</b>	
<b>Amended</b>	<b>10.04.2017</b>	<b>17.138</b>	

### STATEMENT:

**The staff is one of a Municipalities most valuable assets. The ability of Council to employ competent motivated staff demonstrates Council’s desire to operate an efficient, progressive, financially responsible organization.**

**The “Code of Conduct” is provided for guidance of the municipal staff in dealing with the public, council and visitors on a day to day basis. The code is provided as a resource for positive, proactive interaction with the public**

#### **1. Purpose**

**1.1** This code is provided to assist employees in making decisions on standards of behavior related to their employment. The code addresses such things as employment outside of municipal service, dealing with relatives, misuse of information and personal conduct on the job. The code also addresses public statements by staff members, acceptance of gifts, among other topics.

#### **2. Outside Employment**

**2.1** It is not the intention of Council to attempt to ban outside employment but regulate what is acceptable practice, within the rights of employees, and meets the needs of the Town.

**2.2** Each employee that considers accepting outside employment must consider the following:

- (a) The outside employment is not acceptable if it interferes with the duties of the municipal employee. (Work schedule etc.)
- (b) The outside employment could be seen to influence or affect the way municipal duties are carried out or where the company appears to get an advantage by having a municipal employee on staff. (issuing of permits)
- (c) Employees should avoid outside employment which is the same or similar to his/her municipal employment where the company does business with the Town. *The perception of favored treatment by the Town is the key test in considering this policy.*

**2.3** Employees must not use municipal property for other than municipal purposes except where allowed by Council policy.

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### **3. Business Interests**

- 3.1 Employees who have an interest in a company, which does business with the Town, must advise the Administrator or Council of that interest. The interest in the business must be significant enough to assume the employee's judgement might be influenced in awarding contracts, providing permits, or other business transactions. (MGA sec. 170 pecuniary interest) Another appropriate employee must deal with decisions taken in dealing with companies that the employee has such an interest.
- 3.2 Decisions on approval of contracts, supply of services or goods in which an employee has a significant interest must be approved by Council.
- 3.3 All employees must avoid the appearance of favoritism or conflict.

### **4. Dealing with Relatives**

Definition of Relative: *Employee's immediate family, that is, spouse, common-law partner, parent, grandparent, grandchild, guardian, parent of current spouse, child or ward, brother, sister, niece, nephew, brother-in-law, sister-in-law, fiancé, or a related dependent of the employee.*

- 4.1 Awarding of contracts, approving business transactions or providing permits to an immediate relative or that relative's business is to be referred to another employee of the Town who has the proper authority or Council.
- 4.2 The employee's family or their businesses will not be prohibited from dealing with the Town but it must be at arm's length.
- 4.3 Municipal employees may not hire a member of their family to work for the Town.
- 4.4 If a member of a municipal employee's family wishes to pursue employment with the Town, their recruitment will be handled by another municipal employee.
- 4.5 Family members who work for the Town may not be in a direct reporting relationship.

### **5. Misuse of Information**

- 5.1 Municipal employees are entrusted with information and data, which is not generally available to the public. In general, sensitive or confidential information gained in the course of employment with the Town is to be treated in confidence. As such, municipal employees must handle confidential information in accordance with Alberta's Freedom of Information and Protection of Privacy Act.

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**5.2** In particular, information gained from the following sources is private and confidential:

- (a) Contents of in-camera meetings
- (b) Personnel matters including discipline and resignations.
- (c) Personnel files.
- (d) Negotiations to buy or sell municipal property
- (e) Any contract negotiations.
- (f) Information given in confidence.
- (g) Information gained in the regular performance of municipal duties. (Public works staff in private homes to clean sewers, etc.)

**5.3** Employees are not to use information gained in the course of their duties for personal gain or advantage.

## **6. Public Statements**

**6.1** Good relations with the public and media are important to the effective operation of the municipality.

**6.2** Unless otherwise delegated, the Mayor or the Administrator and/or Town Foreman, where appropriate, will speak for the Municipality.

## **7. Acceptance of Gifts**

**7.1** Employees cannot accept payment or gratuities for work that they are paid to do by the Municipality.

**7.2** Employees may not accept a gift, favor, or service related to his or her duties except the normal hospitality associated with doing business, protocol, or exchange of gifts and mementos at public ceremonies.

**7.3** There must not be any appearance that goodwill is, or has been, purchased through gifts.

**7.4** Under normal circumstances acceptance of gifts is inappropriate.

**7.5** An employee is not to use their position to obtain special advantages when dealing with a business or other concern.

**7.6** An employee is not to purchase items for personal use in the name of the municipality in order to obtain a municipal discount.

**7.7** Employees are not to purchase materials from the municipality, which have been purchased for municipal purposes.

**7.8** Employees are not to use municipal equipment or property for their personal purposes except in accordance with Council policy.

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### **8. Safety**

- 8.1** The safety of the Community, its employees and property is paramount in the mind of the Town.
- 8.2** Everything that an employee does must be done with safety as his/her number one priority. At no time should safety be lost at the expense of time nor should productivity or the need to achieve the Town's goals supersede the need to achieve each safely.
- 8.3** All employees have the right to refuse to perform work, in accordance with the Alberta Occupational Health and Safety Act and Regulations (OH&S), where they believe that their personal safety is at risk, providing that there is sufficient reason to justify such action.
- 8.4** Where there is a dispute between the affected employee and his or her Supervisor, an officer of Alberta OH&S shall be called in for the final determination.
- 8.5** Every person employed by the Town is responsible to ensure that they utilize the Town facilities, equipment, etc., in both an operational and physically safe manner. No item is to be neglected, misused or carelessly operated in a way that will or could contribute to damage, personal injury or unsafe conditions, nor employees contribute to or participate in unsafe acts, including horseplay.
- 8.6** Town facilities, equipment, etc., may only be operated by qualified staff and/or management personnel.
- 8.7** The Town shall identify from time to time those individuals that are qualified and determine who should be trained to become qualified as it deems appropriate.

### **9. Drug and Alcohol Use**

- 9.1** The Town of Vulcan is committed to providing a drug free, healthy and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their work.
- 9.2** While on Town premises and while conducting business-related activities off of Town premises, no employee may use, possess, distribute, or be under the influence of alcohol or illegal drugs.
- 9.3** The legal use of prescribed drugs is permitted at work only if it does not impair the employee's ability to perform their work effectively and in a safe manner.
- 9.4** Employees found to be under the influence of alcohol or illegal drugs while on Town premises or while conducting business-related activities may result in progressive discipline up to and including dismissal.

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- 9.5** When representing the Town at social functions outside of regular working hours, the consumption of alcohol in appropriate circumstances may be acceptable, when consumed in a responsible manner.

### **10. Harassment**

- 10.1** The Alberta Provincial Human Rights Code prohibits sexual harassment in the workplace. The Code states generally that:

Every person has a right to be free from,

- (a) A sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome; or,
- (b) A reprisal or threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person; or,
- (c) Unwelcome conduct of a sexual nature that detrimentally affects the work environment or leads to adverse job-related consequences for the victims of the harassment.

- 10.2** The Town of Vulcan recognizes the detrimental effect that any harassment or intimidation can have on employee morale and the work environment.

- 10.3** The Town is committed to providing an environment that is free from any harassment occurring from unwelcome physical or verbal conduct that belittles, threatens, disturbs, or causes personal humiliation and/or embarrassment.

- 10.4** Any employee who finds themselves being subjected to such or being taunted, tempted, or pressured are advised to contact their Supervisor, or in extreme circumstances the Chief Administrative Officer, immediately.

### **11. Consequences of Non-Compliance**

- 11.1** It is the intention of this code to ensure that no discipline or imposition of penalties is ever required

- 11.2** Any breach of this policy will be treated as misconduct.

- 11.3** The Town will take corrective action in response to any infraction or transgression of this policy. The Town of Vulcan shall confront inappropriate behaviour and substandard performance and take justified action to correct such behaviour and performance while respecting the provisions of Collective Agreements. Non-unionized staff has a right of appeal to Council for any discipline imposed by Administration.

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**11.4** Misconduct will be reviewed and may result in progressive disciplinary action being taken against the municipal employee.

**Note:** *While the progressive discipline acts as a guideline for normal circumstances, at the discretion of the Chief Administrative Officer or Supervisor and dependant on the severity and frequency of any misconduct and/or negligence, any of the steps and/or procedures may be omitted if it is deemed more immediate action is required.*

*While progressive discipline is designed to escalate the strength of the signal to the employee of inappropriate behaviour/conduct to ensure compliance, any or all steps of progressive discipline may be bypassed based on past employee performance or severity of infraction.*

**11.5** The steps in the Progressive Discipline process are as follows:

- (a) **Written Warning** - Written warnings are ordinarily given by the immediate Supervisor for poor conduct or unsatisfactory job performance. Areas where improvements are deemed necessary are defined, a plan of action is developed wherein such improvements can be realistically achieved and notice is served that failure to improve will result in additional progressive discipline. A formal meeting will be held to review the identified deficiency, outline an action plan, and indicate that failure to improve will result in additional progressive discipline. Both the Supervisor and employee must sign this document and it will become part of the employee's record.
- (b) **Suspension**- if a written warning is not successful or the situation warrants more immediate action the employee shall receive a suspension. Disciplinary suspension is the temporary removal and withholding of pay of an employee for a specified period to bring about improvement in performance or behaviour. In the meeting it is stated that failure to improve will result in additional discipline. Suspension may be with pay if an investigation into an incident is still ongoing. Once the investigation has been completed, the Supervisor may suspend the individual without pay or move to the final step of the progressive disciplinary process.
- (c) **Dismissal** - Dismissal is the final step of the progressive disciplinary process and is normally reserved for the most serious and/or persistent offenses. This is the end of the employment relationship as a result of the employee's failure to correct the identified behaviour in a significant and meaningful manner and/or the behaviour warrants dismissal. An incident of sufficient seriousness may warrant immediate dismissal. If an employee is dismissed, the Town reserves the right to dismiss forthwith without notice or payment in lieu of notice.

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### **12. Gross Misconduct**

- 12.1** Only for situations constituting gross (serious) misconduct will an employee be dismissed for the first breach of discipline without prior warnings.
- 12.2** A dismissal for gross misconduct is without notice or pay in lieu of notice.
- 12.3** The following list is neither exclusive nor exhaustive and other acts may be considered an act of gross misconduct:
- (a) Theft of Town's, another employee's or customer's property
  - (b) Refusal to comply with a legitimate instruction given by a Supervisor
  - (c) A physical or verbal attack on another employee or customer
  - (d) Serious breach of Health and Safety Policy and Procedures
  - (e) Deliberate entry of a false expense claim to obtain reimbursement of expenses not actually incurred, or any other fraudulent action against the Town of Vulcan.
  - (f) Offensive behaviour in the presence of customers or staff
  - (g) Sexual or racial harassment
  - (h) Making false claims at the time of hiring

*The Municipality has the right to expect ethical conduct from all staff members as a condition of employment. In return, all employees can also expect ethical treatment from their supervisor, administration and Council as a condition of employment. Council recognizes that employees of the Municipality occupy a unique place in the community in which they are abnormally visible and open to comment and possible criticism. It is also recognized that employees have little opportunity to defend themselves in a public way but can look to Council through the Code of Conduct for guidance in avoiding being placed in a position to be criticized.*

**- END OF POLICY-**