

Ohio Department of Mental Health and Addiction Services

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Document Title:	Code of Conduct and General Work Rules
Applicability Statement:	MHAS Employees Except for those in initial probationary period and those in the unclassified service
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A. Purpose.

The purpose of this policy is to set guidelines and outline suggested disciplinary action for all employees in the Department of Mental Health and Addiction Services (MHAS), (except those in the unclassified service, and employees in their initial probationary period).

B. Definitions.

1. "Acceptable behavior" means those actions, demonstrations, and language which are supportive of a positive work atmosphere, promote courteous communication, and build teamwork among co-workers.
2. "Demotion" means the reduction in pay and position of non-bargaining unit employees for violation of section 124.34 of the Ohio Revised Code (O.R.C.).
3. "Disruptive behavior" means those actions, demonstrations, and language that interfere with work productivity or the working atmosphere in any setting. Disruptive behavior may create risks to safety in the workplace and may inhibit other employees' ability to do their jobs in a safe manner. Disruptive behavior may be intentional or unintentional and subject to disciplinary action in accordance with this policy.
4. "Fine" means monetary deduction from the employee's pay. It is in accordance with and calculated per the guidelines established by the Department of Administrative Services and promulgated by the Office of Collective Bargaining.
5. "Inappropriate behavior" means those actions, demonstrations, and language that are contrary to generally accepted procedures, rules, regulations, guidelines, customs, or professional codes of conduct. Inappropriate behavior may create risks to safety in the workplace and may inhibit other employees' ability to perform their job in a safe manner. Inappropriate behavior may be intentional or unintentional and subject to disciplinary action in accordance with this policy.

6. "Leave reduction" means reduction in the employee's accrued personal leave, vacation, or compensatory leave banks of hours, or a combination of any of these banks. Leave reduction may be used in lieu of suspension for any violation covered by this policy, but can only be done in accordance with the applicable language of the collective bargaining agreement for bargaining unit employees, or the O.R.C. for exempt employees.
7. "Reduction in pay step" means the reduction in pay, but not position of non-bargaining unit employees for violation of section 124.34 of the O.R.C.
8. "Removal" means the involuntary termination of employment with MHAS.
9. "Suspension" means the loss of a scheduled work day without pay.
10. "Working suspension" means a suspension where the employee is required to report to work as scheduled and is paid for hours worked. It has the same effect as a suspension for purposes of progressive discipline and is used in lieu of suspension for any violation covered by this policy.
11. "Written reprimand" means a memorandum to the employee with a copy to the personnel file recording and documenting the nature of the written admonishment. The memorandum should include the date and nature of the violation as well as the proper course of behavior and future consequences if the behavior is not corrected.

C. General.

1. Disciplining an employee who violates work rules, policies, or directives of MHAS or the Revised Code is necessary if order and efficiency are to prevail in the work place. The objective of imposing discipline is to correct undesirable behavior that adversely affects the mission of MHAS to include, but not limited to, health and safety, efficiency, morale of employees and/or the therapeutic needs of the patients and clients served by the department.
2. It is of equal importance that disciplinary actions shall be for just cause and shall be administered fairly and consistently throughout the department within the guidelines set herein. The suggested discipline outlined shall also be commensurate with the offense taking into account the severity of the violation, mitigating circumstances, as well as previous discipline. MHAS is dedicated to the policy of corrective, progressive discipline. Disciplinary action should be imposed with the intent of giving the employee the opportunity to correct his/her behavior so long as the discipline is commensurate with the offense. If the behavior is not corrected, discipline should become increasingly more severe up to and including removal. Certain offenses warrant severe discipline to include removal on the first offense.
3. The infractions included in this policy are not intended to be all inclusive. It is likely that there are many other types of infractions that may occur. The infractions listed are intended to be representative examples of activities that will warrant immediate corrective action. Informal counseling and work instruction are not considered

disciplinary action and are used to direct the work force as well as inform employees of MHAS work rules.

4. In general, it is the philosophy of the department to offer and encourage the use of the Employee Assistance Program (EAP), where appropriate, at the earliest possible time. EAP is not considered disciplinary action.
5. Only acceptable behaviors will be tolerated. Inappropriate and disruptive behaviors may result in disciplinary action.
6. It shall be understood by all employees that they are expected, as a term and condition of employment, to cooperate fully with an administrative investigation.

D. Responsibilities.

1. Supervisors are responsible for the appropriate and consistent application of the work rules, policies, procedures, and directives of MHAS and/or laws of the State of Ohio. Supervisors also are responsible for initiating the request for disciplinary action as soon as they are aware of a potential situation.
2. All staff are responsible for adhering to MHAS policies as well as policies and procedures of any other agency within which they report.
3. The following disciplinary action(s) shall be reviewed by MHAS Division of Human Resources prior to implementing the discipline: suspensions, demotions, reductions, and removals.

E. Personal conduct.

1. MHAS has a reasonable expectation that all employees shall demonstrate acceptable behavior so that their activities both on and off duty shall not adversely affect their ability to perform their duties as public employees.
2. MHAS employees are public employees and as such, have no rights of privacy to state-issued property, work product, or electronic files.
3. MHAS employees shall recognize the limitations of their authority as a condition of their employment and at no time use the power of their position for personal gain or benefit. Refer also to MHAS Ethics Policy, LEG-04.
4. Employees shall not engage in disruptive or inappropriate behavior. Below are some illustrative examples of behaviors that the department shall not tolerate. These are examples and are not intended to be all inclusive.
 - a. Attendance: MHAS is a twenty-four hour, seven-day per week operation with a mission that is dependent upon employees reporting for work as scheduled. The

abuse and misuse of leave may compromise the quality of patient care and result in excessive costs to the employer such as overtime to cover for absent employees.

- b. The use, possession, conveyance, or unauthorized distribution of illegal drugs, narcotics, or controlled substances shall be prohibited at all times. The use of alcoholic beverages while on duty or being under the influence of alcohol or drugs while on duty shall be prohibited. Suspicious behavior while on duty may result in drug and/or alcohol testing in accordance with MHAS Drug-Free Workplace policy, HR-01.
 - c. Employees shall not show partiality toward or become physically, emotionally, or financially involved with a patient under supervision of the department, or families of same, or establish a pattern of social fraternization with same. Any exception for family relationship or personal situation must have the express written authorization from the CEO or his/her designee.
 - i. An employee shall not receive, offer, or give anything of value to any patient or any individual currently or previously under the supervision of the department, or a member of his/her family, or to any person known to be associated with him/her. This includes any item, favor, or service which is not expressly authorized in the performance of the employee's duties or which appears to conflict with the employee's duties.
 - ii. An employee shall not visit any patient while such an individual is under the care and control of the department unless such visit is given prior approval by the employee's CEO.
 - d. An employee shall not engage in physical violence, abuse, exploitation, sexual activity, or intimidation of any patient and/or their families.
 - e. Any clinical or physical intervention with an individual in the care or custody of MHAS shall be in accordance with federal and state regulations and departmental policy and procedure.
 - f. Employees shall be prohibited from retaliating against other employees or patients for reporting allegations of sexual activity/assault or patient abuse/neglect.
5. The department shall not tolerate the use of offensive or abusive language by any employee. Employees shall conduct themselves in a respectful, professional manner in the presence of any individual under the care of the department, other staff members, visitors, and members of the general public.
- F. Responsiveness.
1. All employees shall follow local policies, procedures, and work rules which dictate when response is necessary.

2. Failure to appropriately respond to situations that jeopardize the safety and security of the hospital or site, or the lives of other staff members and patients, shall result in discipline.
3. Inattention to duty in an MHAS environment can result in escapes, assaults, and other incidents. Employees shall remain fully alert and attentive at all times while on duty and follow all orders and directives given by supervisors. Promptly responding to such orders is imperative to the safety and security of the site/hospital.

G. Illegal activities.

1. Illegal conduct on the part of any employee, whether on or off duty, in addition to being unlawful, reflects upon the integrity of the department and betrays the public's trust and confidence.
2. In the event any employee is arrested for, charged with, or convicted of any felony or degreed misdemeanor (except for minor traffic citations), or is required to be a criminal defendant in any court action, that employee shall immediately notify the Director or his/her designee.
3. Usage of leave balance to defend such actions shall not be used unless approved by the Director.
4. In the event the department pursues disciplinary action against an employee for such conduct, a reasonable nexus (tie) to job performance shall be established, except with regard to the conviction of a felony as outlined by O.R.C. 124.34.

H. Progressive discipline.

The purpose of "MHAS Work Rules Infractions" (Attachment A) is to provide consistency regarding the application and progression of disciplinary action. However, this does not preclude the employer's use of discretion when considering the facts and circumstances of each incident. The following are steps in progressive discipline:

1. Written Reprimand
2. One day Suspension/Fine
3. Three days Suspension/Fine
4. Five days Suspension/Fine
5. Demotion or Reduction in pay step
6. Removal



Lori Criss, Director
Department of Mental Health and Addiction Services

May 19, 2020

Date

Attachment A
MHAS Work Rule Infractions

Offense Infraction Levels

LEVEL ONE (Minor Infractions):

- Rule 1.1 **Leave Form Issues**
Failure to complete the standard Time Off Request form within specified time.
- Rule 1.2 **Call-Off Procedures**
Failure to notify a supervisor of absence or follow call-off procedures
- Rule 1.3 **Tardy**
Failure to report for duty as scheduled – 30 minutes or less
- Rule 1.4 **Failure to provide appropriate documentation for an absence, when required.**
- Rule 1.5 **Displaying unauthorized, non-work related material**
Posting or distributing literature not authorized by the Director or designee.
- Rule 1.6 **Unauthorized Solicitations**
Soliciting or collecting contributions for any purpose without prior authorization of the Director or designee.
- Rule 1.7 **Entering grounds without permission**
Entering any MHAS facility or site, other than during the employee's scheduled work hours, without permission from the Director or designee.
- Rule 1.8 **Poor housekeeping**
Creating or contributing to poor housekeeping and unsanitary conditions, including but not limited to, littering the building or grounds.
- Rule 1.9 **Misuse of sick leave**
The use of sick leave for reasons other than its intended use.
- Rule 1.10 **Out of work area without authorization (non-direct position)**
Being out of the assigned work area without authorization.
- Rule 1.11 **Failure to adhere to Traffic Regulations or DAS and MHAS Policies regarding use of/driving state vehicles or transportation**
- Rule 1.12 **Sixteen hours or less of unauthorized leave**
Failure to return from an approved leave or unauthorized absence of sixteen hours or less; an employee may still have leave balances available, but the absence is unauthorized because not requested according to leave policy.

- Rule 1.13 **Excessive absenteeism/Sick leave pattern abuse**
Excessive absenteeism, abuse of sick leave, or pattern abuse of leave.
- Rule 1.14 **Displaying offensive material**
Displaying material that is degrading or objectionable to MHAS.
- Rule 1.15 **Unauthorized Overtime**
Working overtime without approval from supervisory staff.
- Rule 1.16 **Unprofessional Communication**
Communication, either written, verbal, or non-verbal, that fails to adhere to the level of professionalism expected of all employees of MHAS.
- Rule 1.17 **Failure to work mandatory overtime**
Failure to work specific hours or shifts, as required.
- Rule 1.18 **Lateness**
Failure to report for duty as scheduled – 31 minutes or more.

LEVEL TWO (Serious Infractions):

- Rule 2.1 **Out of work area without authorization (direct care position)**
Being out of the assigned work area without authorization.
- Rule 2.2 **Use or conveyance of tobacco products**
Possessing tobacco products, e.g., cigarettes, cigars, tobacco, snuff, etc., while in an area where such products are prohibited. Smoking in any area designated by MHAS as a smoke-free environment.
- Rule 2.3 **Failure to report**
Failure to immediately report any personal arrest, criminal charge, or plea/conviction. This applies for all felony and degreed misdemeanor (M1, M2, M3, M4) charges.
- Failure to immediately report any known personal/professional investigations conducted by a licensing board/agency.
- Failure to immediately report any known status change of any license held by the employee.
- Rule 2.4 **Inattention to/not alert on duty**
Failure to remain alert and/or attentive, or appearing to be in/or taking on a posture of rest during work hours.
- Rule 2.5 **More than 16 hours but no more than 24 hours of unauthorized leave**
Failure to return from approved leave or unapproved absence of more than 16 hours but no more than 24 hours; an employee may still have leave balances available, but the absence is unauthorized because not requested according to leave

policy.

- Rule 2.6 **Failure to maintain control of equipment, tools, and communication devices**
Failure to maintain control of equipment, all classes of tools, keys, identification badges, communication devices, assets, and other related equipment.
- Rule 2.7 **Reporting to work under the influence of alcohol or consuming alcohol while on duty/state property.**
An employee whose Blood Alcohol Level tests at or above .02% but below .04%. A test result which indicates .04% blood alcohol level will be considered a positive test and Rule 5.5 Drug Tests applies.

LEVEL THREE (Major Infractions):

- Rule 3.1 **Insubordination**
Failure to follow a direct order or command properly given by a superior.
- Rule 3.2 **Sleeping/giving the appearance of sleeping while on duty**
- Rule 3.3 **Dishonesty**
Being dishonest while on duty or engaged in state business, including but not limited to, deliberately withholding information, giving false or inaccurate information verbally or in writing, to a supervisor or appropriate authority, i.e., administrative investigations, State Highway Patrol, State Auditor, etc.
- Rule 3.4 **Failure to cooperate**
Interfering with an investigation, including, but not limited to, coaching, threatening, or attempting to intimidate or alter the statements of a witness (employees, patient or the general public) and/or withholding information or knowledge concerning a possible rule infraction or law violation.
- Rule 3.5 **Unauthorized correspondences with patient**
Corresponding with or accepting correspondence from a client under MHAS supervision or patient's family, except as part of the employee's job responsibility for official work purposes, unless authorized to do so by the Director or his/her designee.
- Rule 3.6 **Failure to report and document physical intervention**
Failing to report physical intervention.
- Rule 3.7 **Providing a fraudulent physician/health care provider statement/verification**
- Rule 3.8 **Misuse of information**
Obtaining, possessing, disclosing, releasing, or misusing information – including unauthorized video and audio recordings - regarding patients, employees or the general public, or other state documents which the employee and/or the receiver are not authorized to possess.

Rule 3.9 **Conveying or possessing alcohol or illegal drugs on state (owned or operated) property including state vehicles**

Rule 3.10 **Falsification of documents**

Falsifying or altering an official document, chart or record.

Knowingly punching/swiping or electronically recording the time record of another employee or having one's time record altered by another employee without employer's authorization.

Rule 3.11 **Operating a state vehicle without a valid license.**

Rule 3.12 **Unauthorized contact with patient/family**

Having contact with or visiting a patient or patient's family, except as defined in Rule 3.5, and except as authorized by the CEO/the Department as part of the employee's job responsibility.

Engaging in any unauthorized personal or business relationship(s) with any individual currently or formerly under the supervision of the department, or friends or family of same.

Residing with any individual currently or previously under the supervision of the department without express authorization of the Director or his/her designee.

Aiding and abetting any unauthorized relationships.

Rule 3.13 **Staff to staff sexual contact/conduct**

Consensual sexual conduct or contact between staff members and/or volunteers/visitors on state property and/or state time.

Rule 3.14 **Failure to adhere to professional standards and/or licensing requirements, and/or Agency training requirements.**

Failure to maintain and/or keep current any certification, license, training – including Agency trainings, testing, etc., that is required to perform job duties and/or maintain professional standards.

Failure to meet or maintain minimum qualifications of a position.

Failure to report any status changes to license.

Rule 3.15 **Possession of a weapon(s) on state property**

Possession of weapon(s) or facsimile thereof while on state property, in a state vehicle, or while conducting state business.

Rule 3.16 **Unlawful participation in work stoppage**

Participating in or encouraging others to participate in an illegal strike, slow down,

sick out, or other form of job action or work interruption, concerted or otherwise; or interfering with the activities of those employees who do not participate in the illegal work interruption.

Rule 3.17 Removal and/or destruction of documents

Destroying or removing any official document used in conducting the business of the state, including but not limited to, travel vouchers, daily activity sheets, monthly work sheets, timekeeping records, request for leave forms, employment applications, claim forms, accident reports, and various logs, without authorization.

Rule 3.18 Engaging in personal work

Engaging in personal work or business while on duty or using State equipment for personal gain.

Rule 3.19 Interfering with, or failing to permit an official search of person or property.

Rule 3.20 Bringing discredit to MHAS

Any act that brings discredit to the department, including off-duty occurrences.

Rule 3.21 Failure to enforce rules

Failure to properly supervise or enforce policies, procedures, and work rules.

Rule 3.22 Failure to account for money/assets

Failure to properly account for any money or assets the employee received on behalf of the patient or MHAS.

Rule 3.23 More than 24 hours but less than 40 hours of unauthorized leave

Failure to return from an approved leave or unapproved absence of more than 24 hours but no more than 40 hours; an employee may still have leave balances available, but the absence is unauthorized because not requested according to leave policy.

LEVEL FOUR (Discretionary Infractions):

Rule 4.1 Failure to follow policies and procedures, or instruction

Specifically: policy and/or procedures, or instruction

Rule 4.2 Creating a disturbance

Creating a disturbance or disrupting the work environment.

Rule 4.3 Inappropriate communication/correspondence with a member of the public or staff.

Use of obscene, abusive, or insulting language or gestures towards a member of the public or staff.

Rule 4.4 Non-therapeutic intervention

Non-therapeutic intervention inconsistent with department or hospital training.

Rule 4.5 Engaging in political activity

Engaging in political activities specifically prohibited by section 124.57 of the O.R.C. and rule 123:1-46-02 of the O.A.C.

Rule 4.6 Ethics

Any violation of Executive Order 2007-01S, Ohio Ethics Law, O.R.C., and MHAS policy including, but not limited to, accepting gifts, gratuities, or other special favors, or misusing the employee's position for personal gain.

Rule 4.7 Destruction, damage, theft of property or equipment

Destroying, damaging, concealing, removing and/or stealing the property of the State, other employees, patients, or visitors.

Rule 4.8 Discrimination

Any act violating the department's zero tolerance of ethnic intimidation or acts of discrimination on the basis of race, color, age, gender, religion, national origin, disability, sexual orientation, or veteran status.

Rule 4.9 Harassment

Any act violating the department's zero tolerance for harassment toward the general public, a patient, or employees, whether it be a written, verbal, or physical act. (Including sexual harassment).

Rule 4.10 Violation of safety rules

Failure to obey safety rules, policies, and procedures, including, but not limited to, failing to properly report any work related accident or injury, as well as failing to participate in required safety activities, programs and drills.

Rule 4.11 Restricted items and/or contraband

Bringing into the hospital or state owned and operated property, using or distributing restricted items and/or contraband, including but not limited to, items prohibited by policies. A threshold amount is not required for an item to qualify as contraband.

Rule 4.12 Violation of O.R.C. 124.34

Including, but not limited to such offenses as incompetence, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of such section or the rules of the Director of Administrative Services, failure of good behavior, or any other acts of misfeasance, malfeasance or nonfeasance in office.

Rule 4.13 Failure to immediately report a violation of any departmental work rule, policy, or procedure

Rule 4.14 Actions that could potentially harm an employee, patient, or a member of the general public.

Rule 4.15 Any act or omission not otherwise set forth herein which constitutes a threat to

the safety and security of the facility, staff, any individual under the supervision of the department, or a member of the general public.

Rule 4.16 **Failure to adhere to HIPAA regulations and guidelines.**

Rule 4.17 **Horseplay or practical jokes**

Engaging in “horseplay” or practical jokes with other staff, patients, or the general public while on state property/time.

Rule 4.18 **Failure to perform work assignments/duties**

Failure to perform assigned duties in a specified amount of time, or failure to adequately perform the duties of the position.

Engaging in “horseplay” or practical jokes with other staff, patients, or the general public while on state property/time.

Rule 4.19 **Misappropriating/missing funds**

Misappropriating or misusing state funds or other funds with which the employee has been entrusted.

Rule 4.20 **Inappropriate Behavior**

LEVEL FIVE (Automatic Removal):

Rule 5.1 **Assisting or enabling a patient to escape**

Rule 5.2 **Physical assault**

Fighting with, striking, or physically assaulting another employee or member of the general public while on duty or on state property.

Rule 5.3 **Sexual conduct or contact with patient or family member**

Engaging in sexual contact/activity with a patient under the care of MHAS, or family member or allowing the patient to engage in sexual contact/activity with another staff or patient.

Rule 5.4 **Abuse, exploitation, or intimidation of any patient under the supervision of the department**

Rule 5.5 **Drug Tests**

Applicable to random and reasonable suspicion process and rebuttal presumption testing per HB 223 of the 125th General Assembly and O.R.C. section 4123.54.

Random positive test result (as determined by medical review officer) or positive reasonable suspicion drug test (alcohol or drugs).

Impeding the test process, either random or reasonable suspicion including an employee who does not immediately report to the collection site.

Tampering with a specimen or drug test, including but not limited to, the introduction of any foreign substance or specimen from another individual in place of the employee's specimen.

Rule 5.6 **Job abandonment**

Absent three or more consecutive workdays without appropriately calling off and/or notifying the work site.

Rule 5.7 **Conviction of a felony**

Rule 5.8 **More than forty (40) hours of unauthorized leave**

Failure to return from an approved leave or unapproved absence of more than forty hours.

Rule 5.9 **Inability to report due to any type of court proceeding**

Inability to report to work due to an action from any court or imprisonment for more than 40 hours.

Attachment B
MHAS Work Rule Infractions
Discipline Grid

Discipline Grid:

Steps for progressive discipline are as outlined below in the discipline grid. Progressive discipline shall be based on the prior discipline received and the level of the current infraction(s).

Prior Discipline	Level 1 (Minor Infractions)	Level 2 (Serious Infractions)	Level 3 (Major Infractions)	Level 4 (Discretionary Infractions)	Level 5 (Automatic Removal)
None	Written Reprimand	1 Day Suspension/ Fine	5 Days Suspension/ Fine to Removal	Written to Removal	Removal
Written Reprimand	1 Day Suspension/ Fine	3 Days Suspension/ Fine	5 Days Suspension/ Fine to Removal	Written to Removal	Removal
1 Day Suspension/ Fine	3 Days Suspension/ Fine	5 Days Suspension/ Fine to Removal	Removal	Written to Removal	Removal
3 Days Suspension/ Fine	5 Days Suspension/ Fine to Removal	Removal	Removal	Written to Removal	Removal
5 Days Suspension/ Fine	Removal	Removal	Removal	Written to Removal	Removal
Demotion (exempt)	Removal	Removal	Removal	Written to Removal	Removal