

 <p style="text-align: center;">STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES</p> <p style="text-align: center;">Policy and Procedure</p>		POLICY AND PROCEDURE NUMBER 02.01.020	PAGE 1 of 8
		EFFECTIVE DATE September 25, 2017	
SUBJECT Employee Conduct		SUPERSEDES 02.01.020	DATED June 5, 2017
CHAPTER Administration	SECTION General Administration	APPROVED BY Signature on File	

PURPOSE

This formalizes the policy and procedure (P&P) of the department affirming our commitment to a productive, professional, and respectful work environment. As public employees, we have a responsibility to all Alaskans to maintain the public's trust. The following rules and standards express in general terms the conduct expected of department employees.

This list is not all-inclusive. In addition to generally accepted principles of employment (e.g., employees shall not steal from their employer, etc.), the State of Alaska and each Department of Transportation & Public Facilities (DOT&PF) worksite may have specific policies and procedures. Violations of these principles may result in corrective or disciplinary action, up to and including dismissal from public service.

Nothing in this policy is meant to conflict with collective bargaining agreement provisions. In the event a conflict occurs between this policy and procedure and the collective bargaining agreement, the collective bargaining agreement is prevailing.

POLICY

It is the policy of the DOT&PF that all employees conduct themselves in a manner that fosters a professional, respectful, and inclusive work environment. Employees are expected to demonstrate behaviors that reflect positively on the department and the State of Alaska, and embrace our Core Values: Integrity, Excellence, and Respect.

PROCEDURE

A. General Provisions

1. DOT&PF, as an employer and service provider, complies with all federal civil rights laws, Alaska Statute (AS) 18.80, Alaska Human Rights Law, and AS 39.52, Executive Branch Ethics Act. All department employees are to abide by the State of Alaska policy on Anti-Discrimination and Equal Employment Opportunity. Employees, supervisors, clients, customers, contractors, and the public shall be treated appropriately and professionally at all times regardless of their age, sex, race, religion, color, national origin, physical or mental disability, marital status,

changes in marital status, pregnancy, parenthood, genetic information, or political affiliation.

2. All department employees are expected to demonstrate good judgement and competence, and achieve and maintain a high degree of proficiency in the performance of their duties. Failure to achieve or maintain a mid-acceptable or higher performance level may result in the denial or withdrawal of a merit increase or denial of a pay increment.
3. Employees shall avoid behaviors and actions that may compromise their integrity or trustworthiness, or otherwise reflect poorly on the department or the state. The following list is not all-inclusive, but lists general behavior and conduct that is prohibited:
 - a. Unlawful discrimination, workplace harassment, or creating a hostile work environment.
 - b. Failing to immediately report discrimination, workplace harassment, accidents, incidents, safety concerns, damage or theft of state property, work-related injury, fire, or other emergency.
 - c. Engaging in offensive, lewd, or sexually explicit behaviors on state property and/or while using state resources.
 - d. Engaging in acts of dishonesty, fraud, theft, or sabotage.
 - e. Stealing and/or misappropriation of cash, cash equivalents, or state property.
 - f. Failing to comply with Information Security Policies (ISP) related to the business use of office technology (see ISP-172, Business Use/Acceptable Use).
 - g. Refusing to cooperate; providing false, incomplete or misleading information; failing to be forthright; or interfering with a department investigation.
 - h. Providing false or misleading information on employment documents or other records belonging or relating to the department, or during the course of an investigation.
 - i. Inappropriate behavior that is disrespectful, insults, intimidates, degrades, humiliates, isolates, or is otherwise considered unreasonable and inappropriate for the workplace.
 - j. Inappropriate use of state time, equipment, resources, or supplies.
 - k. Using inappropriate language or epithets that a reasonable person would find disrespectful or offensive.
 - l. Intimidating, threatening physical harm, or engaging in workplace violence.

B. Workplace Violence

The department takes seriously everyone's safety in the workplace, and we are committed to promoting and fostering a safe workplace.

Workplace violence is defined as a behavior or series of behaviors that constitute actual or potential physical assault, threats of physical harm or similar actions attempted or actual destruction of property done in an attempt to harass or intimidate a state employee, visitor, guest, client, contractor, or a member of the public.

1. To help employees understand and report prohibited behaviors, below is a list of prohibited conduct. This list of behaviors below should not be considered all-inclusive, but merely a list of examples of the type of behaviors that are prohibited:
 - a. Intentionally or recklessly causing physical injury to another person.
 - b. Making verbal or written threats or comments of violence, whether directly or indirectly. This includes joking about workplace violence or threats.
 - c. Aggressive, hostile, or antagonizing behavior which includes, but is not limited to: posturing, name calling, horseplay, throwing objects, fighting, pushing, hitting, punching, slapping, poking, kicking, physical or sexual assault, practical jokes, invading another's personal body space, or other conduct that may reasonably endanger or cause fear to another person.
 - d. Provoking, enabling, or abetting another person to engage in prohibited behavior.
2. Employees who are required to carry firearms or ammunition in conjunction with the performance of their duties must have a completed firearm certification maintained in their personnel file.
3. Employees who apply for and obtain a court ordered protective or restraining order that lists state workplace locations as being protected areas must promptly provide a copy of the petition or order to their supervisor or Human Resource Office.
4. Employees are required to immediately report any and all acts of workplace violence or concerns to their supervisor, safety officer, and/or the Human Resource Office. Failure to immediately report such incidents may result in disciplinary action, up to and including dismissal.

C. Confidentiality

1. In the course of their work, employees may be responsible for handling confidential information. All confidential and sensitive information will be handled

in accordance with state policy and the Alaska Administrative Manual (AAM) 100.060, General Personnel System Information.

2. Employee personnel information to include medical information and records are confidential under AS 39.25.080, Personnel Records Confidential; Exceptions. Unauthorized use or release of such information is prohibited.
3. Misuse of confidential information may constitute a Class A misdemeanor under AS 11.56.860, Misuse of Confidential Information.

D. Use, Sale, and Disposal of State Property and Equipment

1. Unauthorized, willful or careless waste, damage, removal and destruction of state materials, property, equipment, or supplies is prohibited.
2. No employee may directly or indirectly purchase or agree with another person to purchase surplus supplies if the employee has been directly or indirectly involved in the disposal, maintenance, or preparation for sale of the surplus supplies.
3. No employee may take or remove state property or equipment for personal use which has been identified for disposal or surplus. This includes equipment or property that has been identified as "junk," "garbage," "scrap," "damaged," "expired," "malfunctioned," "inoperable," "broken," etc. The commissioner, or designee, is the only authority who may approve such action.
4. Employees should immediately notify their supervisor upon suspicion or receipt of a report of unauthorized removal of state property, funds, or equipment by other another state employee. Supervisors will then notify their director and the human resource manager.

E. Time & Attendance/Overtime/Leave

1. Employees are expected to report to duty at the assigned time and location, ready and fit for work.
2. Employees are required to accurately record their actual hours worked and leave usage on the appropriate timesheet and leave slip.
3. Personal/Annual/Sick Leave - use of personal/annual and/or sick leave shall be in accordance with the applicable collective bargaining agreement and AAM 280, Leave Accounting. Employees are expected to manage their leave appropriately and in accordance with supervisory expectations.
4. All leave requests in excess of four work weeks require approval by the Deputy Commissioner. Exceptions to this include leave taken in conjunction with an approved absence under family medical leave, or other similar provision.

5. Except in an emergency, employees are not authorized to work overtime without prior written approval. In general, the request and approval must document the need for the overtime, the maximum overtime authorized, and when the overtime is to be worked. The period of overtime approved may not exceed one month.

F. Supervision

1. Employees shall comply and obey all regulations, P&Ps, operational memoranda, orders, and directives. Employees shall not aid, abet, or incite another employee to violate these guidelines.
2. Employees shall promptly obey directives and instructions given by their supervisors unless doing so would require them to commit or abet an unlawful act or there is a real and imminent danger to life and limb. Failure to obey an order lawfully issued by a supervisor, or the use of abusive language toward a supervisor may be deemed an act of insubordination. Employees are expected to respectfully discuss matters or concerns with their supervisor to ensure mutual understanding and carry out supervisory directives.
3. Supervisors shall not use abusive or obscene language toward a subordinate nor shall subordinates use abusive or obscene language toward a supervisor.

G. Illegal/Illicit Drugs, Alcohol, or Controlled Substances

1. All employees are expected to report to duty free from the influence of alcohol, drugs, or other impediments (including over-the-counter or prescription controlled substances) that may serve to diminish their performance. They are expected to remain free of any substances that may diminish their work performance and/or alertness through their shift. Consumption of alcohol, marijuana, or illegal/illicit drugs during breaks is prohibited.
2. Any level of intoxication or the use or possession of any kind of alcoholic beverage at work or on state property is prohibited. Employees exhibiting signs or symptoms of being under the influence of alcohol may be offered the opportunity to undergo drug and/or alcohol testing.
3. Use and/or possession of any illegal, illicit, or non-prescriptive controlled substance or paraphernalia for the use of such substance on the job or on department property is prohibited. Although marijuana is now legal under Alaska Law, it remains illegal under Federal Law (Drug Free Workplace Act of 1988; Sec. 5152-5160, P.L. 100-690). As such, marijuana and associated paraphernalia is also prohibited. Employees exhibiting signs or symptoms of being impaired or under the influence of any illegal, illicit, or controlled substance may be offered the opportunity to undergo drug and/or alcohol testing.

4. Alaska Marine Highway System (AMHS) employees must also adhere to the AMHS Drug & Alcohol Policy.
5. All Commercial Driver License (CDL) holders must also adhere to the department's CDL Drug & Alcohol policy (08.02.011).

H. Illegal or Unethical Conduct/Conflicts of Interest

1. All employees will avoid any conduct, on or off duty, which compromises their integrity and betrays the trust, faith, and confidence of the public, the department, and the State of Alaska. Employees who violate state or federal law or regulation may be subject to disciplinary action up to and including dismissal if there is a clear nexus between the offense and the employee's duties, or the violation impairs the employee's ability to perform their duties.
2. In accordance with 2 AAC 07.416, Effects of Violations of Federal or State Law, an employee who receives a citation requiring a court appearance or who is arrested, charged, or convicted of a misdemeanor or felony must report the citation, arrest, charge, or conviction to their division director by close of business the following work day.
3. All employees are expected to obey all federal, state, and local laws. Neither the absence of a criminal complaint or conviction, nor the dismissal of or acquittal on a criminal charge, shall preclude internal administrative investigation and discipline regarding allegations of illegal conduct on or off duty.
4. All employees shall avoid situations that create an appearance, or give rise to a financial or personal conflict of interest, and shall abide by the provisions of the Public Employee's Code of Ethics and the Executive Branch Ethics Act.
5. All employees shall not engage in any other employment during scheduled work hours, nor shall any state resources be used in furtherance of off-duty employment (paid or unpaid), volunteer, or business activities. Time off for volunteer activities (emergency search and rescue, volunteer fire service, etc.) is subject to normal leave provisions. Employees must disclose any outside employment or volunteer activity on the appropriate Ethics Disclosure form.
6. All employees shall promptly report violations (or suspected violations) of the Executive Branch Ethics Act to their Designated Ethics Supervisor or Human Resource Office. Employees shall promptly report any knowledge of criminal activity or unethical action on the part of other employees while on duty or on state property.

I. Relationships between Supervisors, Subordinates, and Peers

1. All employees will abide by AAM 100.050 regarding the prohibition of Nepotism.
2. Dating, romancing, sexual relations, or engaging in joint business relationships between supervisors and subordinates when the subordinates are within the direct supervisory chain of command of the supervisor is prohibited. If such a relationship exists or develops, the employees involved shall report it to their section chief or manager to discuss arrangements that must be made (e.g., supervisory reassignments) to comply with the policy. It is understood that a transfer of one or both parties may be the result of such relationship and that such action shall not be considered an act of discipline.
3. Relationships between supervisors and subordinates of a business nature (e.g., roommates or landlord/tenant) should be reported to management and an assessment made in terms of compliance with state policy.
4. Dating, romancing, sexual relationships, engaging in joint businesses or the ending of such relationships with a co-worker shall not interfere with the performance of an employee's duties nor create a hostile workplace for others.
5. Supervisors shall not give, accept or solicit gifts, money, or favors to or from peers or employees under their supervision. Gifts of minor monetary value (e.g., holidays, birthday presents, etc.) or collections for flowers/gifts on occasions of grief or celebration are not considered contrary to the spirit of this policy. At no time shall such gifts be purchased with state funds unless otherwise provided for under the Alaska Administrative Manual.

J. Responsibilities

1. Directors and supervisors shall ensure annual dissemination, posting, training, and enforcement of this policy.
2. All new employees to the department will review this policy as part of the new employee information packet and orientation.

AUTHORITY

Constitution of the State of Alaska, Article I Section 3, Civil Rights
Constitution of the State of Alaska, Article XII Section 6, Merit System
AS 18.80.220, Unlawful Employment Practices
AS 18.80.255, Unlawful Government Practices
AS 39.25, State Personnel Act
AS 39.28.010-39.28.200, Equal Employment Opportunity Program
2 AAC 07, Personnel Rules
6 AAC 65.010-990, Compliance with the ADA

AAM 100. General Personnel System Information
AO 75, Equal Employment Opportunity
AO 81, Sexual Harassment and other Discriminatory Harassment
AO 129, Americans with Disabilities Act
AO 195, Diversity in the Workplace

IMPLEMENTATION RESPONSIBILITY

Deputy Commissioners, regional and division directors, system directors, supervisors and managers.

DISTRIBUTION

All department employees via the DOT&PF website.