



**WEST VIRGINIA DIVISION OF ADMINISTRATIVE SERVICES
AGENCY POLICY STATEMENT**

**SUBJECT: EMPLOYEE CODE OF CONDUCT AND
DISCIPLINARY PROCEDURES**

INDEX NUMBER: 229.00

EFFECTIVE DATE: 16 August 2021

PURPOSE: To establish and communicate the Division of Administrative Services (hereinafter referred to as “Division”) employee code of conduct and employee disciplinary procedures to all Division employees. This policy statement is not all-inclusive, and the Division has the authority and discretion to address any unacceptable behavior not specifically mentioned herein. This policy is meant to supplement DOP existing policies and guidance documents, and in cases where this policy is contrary to any DOP policy or guidance document, the DOP policy or guidance document will control.

REFERENCE: West Virginia Code §15A-2-1, §15A-2-2, and §15A-2-4, and the Administrative Rule of the Division of Personnel (DOP) 143CSR1.

RESPONSIBILITY: No additional written instructions on this subject are required.

CANCELLATION: Any previous written or verbal instruction on this subject.

APPLICABILITY: This policy statement applies to all employees of the Division.

DEFINITIONS: Definitions of terms relevant to employee discipline shall be those found in the Administrative Rule of the Division of Personnel (DOP) 143CSR1, and relevant DOP policies issued in support of said rule, all of which may be found at DOP’s website.

POLICY:

- I. The discipline of Division employees will be conducted in accordance with the law, rule, and policy governing the Division of Personnel, including the Administrative Rule of the Division of Personnel (DOP) 143CSR1 (hereinafter “DOP Rule”) and the Division’s Policy Statements.
 - A. Employees will be made aware of performance expectations. This communication may be accomplished through a variety of means, for example, the performance appraisal process, training (including on-the-job training), coaching, written policies, procedures, staff notices, job guides, or other written or oral instructions. Employees are required to meet performance expectations.

- B. The Division's Director, Deputy Directors, and Assistant Directors are responsible for ensuring the enforcement of the employee code of conduct and the issuance of employee disciplinary actions are consistent with the DOP Rule and Division Policy Statements.
- C. Deputy Directors and Assistant Directors have the authority to issue written reprimands.
- D. Prior approval must be obtained from the Director, or an appropriate individual as designated by the Director, before issuing an employee a notice of suspension without pay, demotion with prejudice, or dismissal from employment.
- E. A copy of all disciplinary notices will be placed in an employee's personnel file by the Assistant Director – Human Resources, or Designee, who will forward a copy to the Director of DOP, when necessary, as supporting documentation for a personnel transaction related to the disciplinary action.

II. The Division's expectations for employees include, but are not limited to:

- A. Complying in a timely manner to the reasonable and legal directives of their supervisor or manager and performing their duties and responsibilities.
- B. Meeting job performance expectations or requirements.
- C. Conducting themselves in compliance with applicable law, rule, policy, and procedure.
- D. Refraining from any act of misconduct.
- E. Conducting themselves in such a manner that their activities both on and off duty will not discredit either themselves, other employees, or the Division.
- F. Conducting themselves in a manner that creates and maintains respect for the Division and the State of West Virginia; and
- G. Avoiding any action which might result in, or create the appearance of, affecting adversely the confidence of the public in the integrity of the Division, or the State of West Virginia.

III. An employee who has grievance rights may have the right to appeal a disciplinary action through the West Virginia Employees Grievance Procedure (WV Code §6C-2-1 et seq.). The Grievance Board's website located at <https://pegb.wv.gov/Pages/default.aspx> is the best, readily available, online source to employees regarding the grievance procedure, definitions of terms, the levels contained in the procedure, grievance forms, and a wealth of other helpful information. In addition, employees may refer to Division Policy Statement 129.00 regarding employee grievances.

