

Standards of Conduct

320.1 PURPOSE AND SCOPE

Best Practice **MODIFIED**

This policy establishes standards of conduct that are consistent with the values and mission of the California Department of State Hospitals (DSH), the Office of Protective Services (OPS) and are expected of all its employees. The standards contained in this Policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this Policy, employees are subject to all other provisions contained in this Policy Manual, as well as any additional guidance on conduct that may be disseminated by the DSH or an employee's supervisors.

320.2 POLICY

Best Practice **MODIFIED**

The continued employment or appointment of every member of the California Department of State Hospitals shall be based on conduct that conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this Policy, whether the failure occurs when an employee is on-duty or off-duty, may be cause for disciplinary action.

320.3 DIRECTIVES AND ORDERS

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Employees shall comply with lawful directives and orders from any OPS supervisor or person in a position of governmental authority, absent a reasonable and bona fide justification.

320.4 CONDUCT WHICH MAY RESULT IN DISCIPLINE

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The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of the OPS. This list is not intended to cover every possible type of misconduct and does not preclude the disciplinary action for specific action or inaction that is detrimental to efficient DSH or OPS service:

320.4.1 ATTENDANCE

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- (a) Leaving a job during scheduled work hours without reasonable excuse and prior permission and approval.
- (b) Unexcused or unauthorized absence or tardiness on scheduled day(s) of work.
- (c) Failure to report to work or to the place of assignment at the time specified and to be fully prepared to perform duties without reasonable excuse.
- (d) Failure to notify your immediate supervisor and the DSH Human Resources within 72 hours of any change in the address of residence, home phone number, or marital status.

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- (a) Unauthorized or unlawful fighting, threatening or attempting to inflict bodily injury on another.
- (b) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Hospital Police Chief of such action.
- (c) Using DSH resources in association with any portion of an independent civil action when to do so would be outside of the scope of your employment. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.
- (d) Engaging in horseplay or other behaviors resulting in injury or property damage or the reasonable possibility thereof.
- (e) Unauthorized possession of, loss of or damage to property of the DSH or the property of others, or endangering it through unreasonable carelessness or maliciousness or intentional acts.
- (f) Failure of any employee to promptly and fully report activities on their own part or the part of any other employee where such activities may result in criminal prosecution or discipline under this Policy.
- (g) Failure of any employee to promptly and fully report activities that have resulted in the employee being officially contacted by any other law enforcement agency.
- (h) Using or disclosing one's status as an employee with the DSH in any way that could reasonably be perceived as an attempt to gain influence or authority for a non-DSH business or activity.
- (i) The use of any information, photograph, video or other recording obtained or accessed as a result of employment with the DSH for personal or financial gain or without the express authorization of the Hospital Police Chief or a designee may result in discipline under this policy, (e.g., Pen. Code § 647.9 and Pen. Code § 1524).
- (j) Discourteous, disrespectful or discriminatory treatment of any member of the public or any employee of the DSH.
- (k) The solicitation of a personal or sexual relationship while on-duty or off- duty, using one's official capacity or position while on duty to engage in an unwelcome or unwanted relation.
- (l) Engaging in on-duty sexual relations including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

320.4.3 DISCRIMINATION

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- (a) Discriminate against any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition.

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320.4.4 INTOXICANTS

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- (a) Reporting for work or being at work following the use of any intoxicants (e.g. alcoholic beverages). As referenced in the Drug and Alcohol-Free Workplace, General Guideline section.
- (b) Unauthorized possession, use of, or attempting to bring intoxicants to the work site
- (c) Unauthorized possession, use of, or attempting to transport intoxicants in a department vehicle.
- (d) Reporting for work or being at work following the use of a "controlled substance" or any illegal drug.
- (e) Unauthorized possession, use of, or attempting to bring a controlled substance or other illegal drug to any work site.
- (f) Unauthorized possession, use of, or attempting to transport a controlled substance or other illegal drug in a department vehicle.
- (g) Reporting for work or being at work following the use of a legally prescribed drug, where such use may impair the employee's ability to perform assigned duties.

For additional information see the Drug- and Alcohol-Free Workplace Policy

320.4.5 PERFORMANCE

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- (a) Sleeping during work hours or assignments.
- (b) Careless workmanship resulting in spoilage or waste of materials or work that is of an unacceptable or unprofessional nature.
- (c) Unsatisfactory work performance including, but not limited to, failure to perform, incompetence, inefficiency or delay in performing or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.
- (d) Concealing, attempting to conceal, removing or destroying defective or incompetent work product.
- (e) Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority.
- (f) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (g) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the DSH or subverts the good order, morale efficiency and discipline of the DSH or which would tend to discredit any member thereof.
- (h) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the DSH or the DSH employees thereof.

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- (i) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction or mutilation of any record, book, paper or document needed for the operations of DSH.
- (j) Wrongfully loaning, selling, giving away or appropriating any property of the DSH for the personal use of the employee or any unauthorized person.
- (k) The unauthorized use of any badge, uniform, identification card or other DSH equipment or property for personal gain or any other improper purpose.
- (l) The receipt or acceptance of a reward, fee or gift from any person for service connected to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).
- (m) Any knowing or negligent violation of the provisions of the OPS Policy Manual, operating procedures or other written directive of an authorized supervisor. The OPS shall make this manual available to all employees. Employees shall familiarize themselves with this manual and be responsible for compliance with each of the policies contained herein.
- (n) Work-related dishonesty, including attempted or actual theft of property or services of the DSH or the property or services of others, or the unauthorized removal or possession of property of DSH or the property of another person.
- (o) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/ employer relationship, whether on-duty or off-duty.
- (p) Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form, or other official document, report or form or during of any work-related investigation.
- (q) Failure to take reasonable action while on-duty or when required by law, statute, resolution or approved DSH practices or procedures.
- (r) Associating with or joining a criminal gang, organized crime or criminal syndicate when a DSH employee knew or reasonably should have known of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise.
- (s) Offer or acceptance of a bribe or gratuity.
- (t) Misappropriation or misuse of public funds.
- (u) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (v) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions: while on DSH premises; at any work site; while on-duty or while in uniform; or while using any the DSH equipment or system.
- (w) Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in or are continuing to engage in serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities.

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- (x) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on the DSH property or while in any way representing oneself as an employee of the DSH, except as authorized by the Hospital Police Chief, in writing.
- (y) Engaging in political activities during assigned working hours except as authorized by the Hospital Police Chief in writing.
- (z) Violating any misdemeanor or felony statute.
- (aa) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming an employee of the DSH or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the DSH or its employees.
- (ab) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.
- (ac) Failure to maintain required and current licenses (e.g. driver's license) and certifications (e.g., first aid).
- (ad) Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor, or other person in a position of authority, in connection with any investigation or in the reporting of any DSH-related business.

320.4.6 SAFETY

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- (a) Failure to observe posted rules, signs and written or oral safety instructions while on duty or within DSH facilities or to use required protective clothing or equipment.
- (b) Knowingly failing to report any on-the-job or work-related accident or injury within 24 hours.
- (c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.
- (d) Failure to maintain good physical condition enough to adequately and safely perform law enforcement duties.
- (e) Any personal action contributing to the involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.
- (f) Violating DSH safety standards or safe work practices.

320.4.7 SECURITY

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- (a) Unauthorized, intentional release of designated confidential information, materials, data, forms or reports

320.4.8 SUPERVISOR'S RESPONSIBILITY

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Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure of a supervisor to take appropriate action to ensure that employees adhere to the policies and procedures of the DSH and the OPS, and to assure the actions of all personnel comply with all laws
- (b) Failure of a supervisor to timely report known misconduct of an employee to his or her immediate supervisor or to document such misconduct appropriately or as required by policy of the DSH.
- (c) The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose

320.4.9 UNLAWFUL OR CONFLICTING ORDERS

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Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or DSH policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand or supersede the earlier order.

No employee is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the employee from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected employee shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the employee, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, employees who are presented with a lawful order that conflicts with a previous lawful order, DSH policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand or supersede the previous lawful order or directive, in which case the employee is obliged to comply. Employees who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason for taking the action.