

Standards of Conduct for:  
Non-Uniformed Bargaining  
Unit City Employees



**Department of Human Resource Management  
City of Rochester**



STANDARDS OF CONDUCT FOR  
NON-UNIFORMED BARGAINING UNIT CITY EMPLOYEES  
Revised **JULY 2017**

As a City of Rochester employee, it is your responsibility to provide the public with services of the highest quality. Every employee plays a role in the City's programs to serve the needs of the community.

As an employer, the City of Rochester will strive to offer you good working conditions, fair pay and opportunities for advancement. In return, employees are expected to be valuable and conscientious members of a team whose mission is to provide quality service.

The City of Rochester has established standards of conduct governing employees in the workplace. These standards are designed to maintain a proper work atmosphere for the mutual benefit of the City and its employees, and to insure a high quality of service for the public. This manual contains work standards of general applicability which may be supplemented by standards established by individual departments.

All City of Rochester employees are also subject to the provisions of the City Code of Ethics. The Code of Ethics is distributed to new employees during the New Employee Orientation Program. Copies are available on the Employee Portal or from the Department of Human Resource Management, City Hall.

In the event that any rules contained in these Standards of Conduct are in conflict with the employee's respective Labor Agreement, the Labor Agreement shall prevail.



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**I. RESPONSIBILITY OF SUPERVISORS AND DEPARTMENT HEADS**

When employees violate City rules, either written herein or implied, it is the responsibility of the supervisor or department head to take appropriate action as indicated by the type, degree and frequency of the offense.

**II. DISCIPLINARY ACTION**

The City has the right to discipline employees for just cause. For most offenses, a system of progressive discipline will be used.

When progressive discipline is used, employees are warned in writing or given disciplinary suspensions, demotions or fines, not to exceed the contractual amount for related offenses, before being given the penalty of discharge (See respective labor agreement).

In cases of more serious offenses, the City is not bound to use progressive discipline. Some offenses are regarded as so serious that no specific warning or prior disciplinary action is needed before suspension or discharge. Employees should be aware that serious offenses will lead to suspension, demotion, fines, or discharge.

**III. GENERAL EMPLOYMENT RULES**

The following sections contain general employment policies. Included are practices and actions that violate City employment rules and are therefore prohibited. This list is not intended to be complete; any form of misconduct, whether or not it is covered by this list, may result in appropriate disciplinary action.

**A. Discipline and Conduct on the Job**

Participation in any of these activities may result in disciplinary action, including discharge.

1. Refusal to obey the order of a supervisor or any other representative of management.

2. Dishonesty to supervisors.
3. Rudeness toward any member of the public.
4. Use of profane, obscene or abusive language on the job.
5. Fighting on City property or threats of physical violence to others.
6. Deliberate or negligent destruction or abuse of City or private property.
7. Disorderly conduct or horseplay that is dangerous or disruptive to others.
8. Carrying weapons on City property or during work hours.
9. Sleeping or loafing during work hours.
10. Personal work on City time.
11. Faulty work after attention has been called to same.
12. Stealing private or City property.
13. Gambling on City property.
14. Unauthorized possession or consumption of alcoholic beverages on City property or during work hours.
15. At work while under the influence of alcohol or non-prescribed controlled substances (drugs).
16. Possession, consumption or solicitation of illegal drugs on City property or during work hours.
17. Solicitation or distribution of non-work related written or printed material during worktime without authorization.
18. Solicitation for any non work-related goods and services during worktime without authorization.

19. Knowingly and without authorization, registering time on another employee's attendance record or time card.
20. Falsification of work, attendance, personnel or other records.
21. Permitting an unauthorized employee to register time on your attendance record or time card.
22. Unauthorized use of City property, including vehicles, for private business or any personal gain.
23. Divulging confidential data or information relating to City business and operations to unauthorized personnel.
24. Allowing any other person to use one's identification card.
25. Refusing to produce one's identification card when required to do so by authorized personnel.
26. Entering City facilities without authorization or assisting unauthorized persons to enter any City facility.
27. Refusing to permit a guard to inspect any package, briefcase or purse when the employee is leaving the workplace and the guard has reason to believe or suspect that City property may be contained therein.
28. Removing from City premises any records or property belonging to the City or another employee without authorization.
29. Unauthorized posting or removal of notices, signs or writing in any form on bulletin boards or City property at any time.
30. Being absent from the worksite without the authorization of a supervisor.



31. Overstaying lunch or break periods.
32. Violating the City safety rules, policies or practices.
33. Failure to provide the City with correct home address and telephone number.

**B. Security of Office Buildings, Desks and Files**

All files containing confidential departmental records and documents should be kept locked before and after normal working hours to prevent theft and/or destruction.

Keys to desks and files should be accessible only to authorized personnel.

**C. Telephone Use/Answering Procedure**

Telephones should be answered promptly and courteously. Employees should identify themselves or the office.

Telephones should not be left unattended or unanswered.

When possible, answer any telephone inquiries immediately. Keep transfer of calls to a minimum. If a caller's question cannot be answered, obtain the name, address and telephone number of the caller; then attempt to find out who may be able to handle the question. Return the call and provide the information to the caller.

Telephones are provided by the City for the conduct of official business. Use of City telephones for personal calls should be strictly limited.

#### **D. Receiving Complaints from the Public**

When you receive a complaint or observe a problem regarding City services, it is important to bring this to the attention of the correct person in your department. If the complaint is outside of your department's jurisdiction, refer the complaint to the appropriate City office or person. If you are unsure of the appropriate office refer or transfer the complainant to the 3-1-1 Call Center.

If the complainant is calling from outside of the City's limit they may reach 3-1-1 by dialing 428-5990. The staff of the 3-1-1 Call Center will forward the complaint to the correct department for further evaluation. The 3-1-1 Call Center also serves as a central source of information about City services and programs.

The Service Office also serves as a central source of information about City services and programs.

#### **E. News Media Inquiries**

From time to time, reporters may call offices to verify information or to receive explanations about departmental activities. Employees should not answer the inquiry themselves, but should indicate that the call will have to be returned. The supervisor, and in most instances the department head, should be informed of the inquiry.

#### **F. Personnel Information**

All requests for personnel information about past or present employees must be referred to the Department of Human Resource Management, 428-7243. Personnel information is to be released only by employees authorized to do so.

#### **G. Authorization to Purchase Goods**

Employees may not purchase goods or services without authorization in anticipation of being reimbursed by the City. City purchasing procedures must be followed.

## **H. Employee Appearance**

Uniforms, insignias, or special protective clothing designated for specific jobs or work situations shall be worn as required. In keeping with the City's professional standards, employees should dress appropriately when conducting City business.

## **I. Conduct with the Public**

In keeping with the City Code of Ethics, Section C (6),

"No City officer or employee shall solicit any gift, nor shall any City officer or employee accept or receive any gift having a value of \$75 or more, regardless of the form of the gift, from any person who has an interest in any matter proposed or pending before any City Agency. The provisions of the subsection shall not apply to contributions solicited or received in accordance with the Election Law of the State of New York."

## **J. Moonlighting**

Employees of the City of Rochester are prohibited from engaging in outside employment, either by working for an employer other than the City, or by self-employment, if the hours of such employment conflict with the assigned hours of work for the City.

## **IV. EMPLOYMENT RULES REGARDING ATTENDANCE**

Employees must report to the work-site at the proper time. If for any reason employees cannot be present at work they must inform the supervisor, or if employees must leave work at any time, they must obtain their supervisor's permission. Failure to properly inform the supervisor about any absence from work and obtain approval will be regarded as unauthorized absence and will result in disciplinary action.

**A. Tardiness**

See employee's respective labor agreement.

**B. Unreported Absences**

See employee's respective labor agreement.

**C. Unauthorized Absence**

1. Any absence from work without obtaining proper authorization shall be regarded as an unauthorized absence. An unauthorized absence may result in disciplinary action.
2. Absence for a reason for which paid leave may be granted (e.g. sick leave, personal leave) where the employee has insufficient time accrued for such leave shall be considered an unauthorized absence.
3. Employees who are absent from work without authorization for ten consecutive workdays shall be considered to have resigned their positions.

**D. Reporting Sick Leave**

Sick Leave is a benefit to be used by employees to provide income in the event the employee is ill or suffers an injury. It is also used to supplement workers compensation benefits.

Employees requesting a sick day must report their absence, nature of the illness, and their expected date of return to their supervisor or to a designated phone number by their scheduled starting time.

If employees do not provide an expected date of return when requesting sick leave, their sick leave request will be granted for one day only.

Employees who do not report back to work on their expected date of return or who were unable to state a return date must again notify their supervisor or a designated number to remain on sick leave.

Employees will be required to present a doctor's certificate to their supervisors upon returning to work after using three or more consecutive days of sick leave. Employees who fail to produce a doctor's certificate within five working days of returning to work will not be paid for the sick leave. The City shall have the right to substantiate the validity of an employee's claim to sickness.

Employees returning to work from an injury or illness of more than 30 days or from any Workers' Compensation illness or injury, must give their supervisor a physician's statement confirming their physical ability to return to all regular job duties.

Employees who fail to present physician's statements will not be permitted to resume work until such statements are submitted. The City may require employees to be examined by the City's physician. Such examination will be paid for by the City.

**E. Excessive Use of Sick Leave**

See employee's respective labor agreement.

**F. Abuse of Sick Leave**

Employees may be disciplined for abuse of sick leave in accordance with the employee's respective labor agreement. Abuse is defined as:

1. The use or claim for payment of sick leave when the employee is not suffering from an illness or injury that prevents him/her from performing his/her regularly assigned duties.
2. Any pattern of use of sick leave in conjunction with weekends, holidays or other approved paid leaves. In determining patterned use, the previous eighteen months attendance record may be reviewed.
3. Any instance where a paid leave request has been denied and the employee subsequently claims illness to use sick leave on the denied days.

4. Absence due to illness with proper medical documentation shall not be considered as abuse of sick leave.

**V. WORK SCHEDULING**

**A. Overtime**

All overtime work must be authorized. Overtime work is subject to attendance rules (See Part IV).

**B. Overtime and Lunch Periods**

Employees will not be entitled to overtime pay for working through lunch periods, unless they have worked through a lunch period at a supervisor's request.

**C. Stand-By Pay**

Employees who are instructed to stand by and cannot be contacted, or employees who fail to report for work after being contacted, will not be paid stand-by pay and will be subject to disciplinary action.

Employees on stand by for work must remain at home, or if they leave home, must notify their supervisor of their whereabouts during the time they are on stand-by.

**D. Holidays**

Employees must work the entire day preceding and following a holiday unless they are on authorized sick day, vacation day, or an authorized emergency personal leave day in order to be paid for the holiday.

**E. Vacations**

See employee's respective labor agreement

## **VI. GENERAL SAFETY RULES**

The City considers safety to be equal in importance to other management functions such as productivity, cost, morale and quality of service. Employees shall, wherever practicable, become action-oriented safety observers for unsafe acts.

### **A. Prevention**

1. All employees are expected to perform their job duties safely.
2. Employees shall not be allowed to pose a safety threat to themselves or to fellow employees.
3. Employees shall report to their supervisor immediately any unsafe conditions. A procedure for reporting potential health and safety violations, or conditions that may not meet standards established in the Public Employees Safety and Health Act (PESHA), is available for employees' use. Employees may obtain appropriate forms from their supervisor.
4. Employees who are issued safety equipment by the City are expected to maintain such equipment in good order and to wear the equipment on the job as directed. Failure to wear and maintain such safety equipment shall subject employees to disciplinary action.
5. Drivers of City vehicles shall obey all posted speed limits and traffic rules.
6. Any vehicle maintenance failure found before or during work shall be reported to the supervisor.

### **B. Safety Incident Reporting Procedures**

Employees shall report immediately to their supervisor any unsafe condition or safety-related incident regardless of whether injury to an employee or damage to City owned equipment has occurred.

Supervisors and managers are responsible for making an investigation of all safety related incidents and for submitting an immediate written account of same to the Employee Safety Office, 107 Bridgeview Drive, on forms provided for this purpose. A subcommittee of the Management Safety Council monitors compliance with this policy.

**1. Reporting Accidents Involving Personal Injury to Employee**

- a. Injured employees shall, whenever physically possible, report any accident experienced on the job to their supervisor immediately.
- b. Supervisors and managers are responsible for compiling a written account of the accident which shall be forwarded to the Employee Safety Office, 107 Bridgeview Drive, on forms provided for this purpose. These written reports shall be attached to a New York State Workers' Compensation form C-2.
- c. Employees absent from work due to a compensable injury or illness shall keep their supervisor informed of the anticipated duration of the absence.

**2. Motor Vehicle Accidents**

a. Reporting Accidents

Employees, other than those in the Police and Fire Departments, involved in motor vehicle accidents with City equipment, shall immediately contact their supervisor and the Police.<sup>1</sup> Upon notification, the supervisor shall insure that the accident is thoroughly investigated and that the results of the investigation are recorded in a written report on forms provided for this purpose.<sup>2</sup> The written reports shall be forwarded to the Employee Safety Office, 107 Bridgeview Drive, within two working days of the accident.



b. Determining Cause and Preventability

- (1) Motor vehicle accidents shall be reviewed for cause and preventability by the Accident Review Panel. The results of the accident review, in every case, will be forwarded to the appropriate department head.
- (2) Preventable motor vehicle accidents shall be defined as follows:

A motor vehicle accident wherein the driver failed to do everything reasonably possible to prevent the accident.

Penalties for involvement in preventable motor vehicle accidents involving City equipment shall be as follows:

- (a) First Offense: A written reprimand. Employees will be required to participate in and satisfactorily complete the National Safety Council Defensive Driver Course given by the Training and Safety Unit.
- (b) Second Offense: A suspension without pay of one day. Employees may be required to be re-trained on the equipment they were operating at the time of the accident at the discretion of the Department Head or their designee.
- (c) Third Offense: A suspension without pay of more than that of the second offense up to a maximum of five days.
- (d) Fourth Offense: Further disciplinary action which may include termination.

In addition to the penalties outlined above, penalties for the second, third and fourth offense may also include demotion.

(3) Failure to report a motor vehicle accident involving a City vehicle, as outlined in paragraph 1.a. above, regardless of preventability, shall constitute a separate offense and shall subject the employee to the same progressive discipline system as defined in paragraph ¶ 2.

(4) Accidents involving the use of alcohol, gross employee negligence, accidents resulting in damage in excess of \$20,000 or criminal misconduct will result in disciplinary action which may include demotion or termination, regardless of the employee's prior offense levels.

If a period of twelve (12) months expires from the date of an offense, as defined herein, without the commission of an additional offense, the employee shall move back to the next lower level of offense. Each additional continuous twelve (12) month period without a preventable motor vehicle accident shall move the employee back an additional level.

<sup>1</sup> Employees in the Police and Fire Departments are subject to separate departmental procedures for reporting motor vehicle accidents and for accident review.

<sup>2</sup> For accidents involving City property only, an "Inter-Departmental" accident report form will be used. The Supervisor's report will be recorded on a Supervisor's Report Form. All of these forms are available from the Employee Safety Office, 107 Bridgeview Drive.

