



# **STANDARDS OF CONDUCT AND DISCIPLINARY PROCESS**

**JUNE 27, 2018**

MD DJS STANDARDS OF CONDUCT AND DISCIPLINARY PROCESS  
JUNE 2018

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## Authority

1. MD. CODE ANN., HUM. SERVS. § 9-203
2. MD. CODE ANN., HUM. SERVS. § 9-207(e)

## Directives & Policies Rescinded

1. Compliance with State Personnel and Pensions, Articles §§ 7-501 et seq. - Standards for Personnel Evaluations, 01.03.36 (November 30, 2000).
2. Timely Reporting of Unexpected Absences, 03.20 (revised) (August 11, 1993).
3. Emergency Leave, 01.03.20 (01.03.27) (February 6, 1991).
4. Sick Leave Policy (Reporting Procedures), HR-406-13 (January 28, 2013).
5. Lateness, HR-407-12 (June 29, 2012).
6. Compensatory Time, 01.03.11 (April 1, 1992).
7. Random or Reasonable Suspicion Checks of Child Abuse or Neglect, HR-01-10 (July 7, 2010).
8. Department of Juvenile Services, Professional Presentation in the Workplace Guidelines, (September 22, 1997).
9. Employee Lunch Breaks (Directive, March 1, 2014).
10. Sign In/Sign Out, 01.03.25 (October 1, 1994).
11. Prohibition against Providing Lodging for Youth, OPS-906-14 (May 27, 2014).
12. Staff Interaction with Youth/Families, 20.01 (November 23, 1992).

## I. Definitions

The following terms have the meanings indicated in these Standards of Conduct (“Standards”).

“Abuse of drugs or alcohol” means the use of an illegal drug; the intentional misuse of an over-the-counter drug if the misuse impairs the job performance of the State employee; the intentional use of any prescription drug in a manner inconsistent with its medically prescribed use or under circumstances where its use is not permitted, if it impairs the job performance of a State employee; and the use of alcohol, if it impairs the job performance of the State employee.

“Appointing authority” means the Secretary and Deputy Secretaries of Juvenile Services and such other officials as specifically designated by the Secretary and registered with the Department of Budget and Management.

“AWOL” means absent without leave. This includes, but is not limited to, a youth leaving a secure or non-secure residential or nonresidential program without permission, youth curfew violations, and an employee’s failure to contact the immediate supervisor to report his or her own absence.

“Breath alcohol concentration (BAC)” means the grams of alcohol concentration per 210 liters of breath.

“Chemical test” means the test of an individual’s breath to determine alcohol concentration.

“Contraband” means any item, material, substance, or other thing that is not authorized for employee or youth possession by a Regional Director, Superintendent, or director of a juvenile facility or is brought into a juvenile facility in a manner prohibited by the Regional Director, Superintendent, or director of the juvenile facility.

“Controlled dangerous substance (CDS)” means a drug as defined in § 5-101 of the Criminal Law Article of the Annotated Code of Maryland, including, but not limited to marijuana or cannabis, cocaine, opiates, phencyclidine (PCP), and amphetamines.

“Day” or “days” mean a calendar day or calendar days unless specifically provided otherwise.

“Department” means the Department of Juvenile Services.

“Electronic search” means a search conducted with an electronic device, *e.g.*, hand scanner, metal detector, or wand.

“Employee” means any person (excluding a youth) receiving direct or indirect compensation for services performed for the Department.

“Escape” means the voluntary departure of a youth from his or her place of confinement or custody.

“Exempt employee” means an employee who is not eligible for cash overtime payment under the Federal Fair Labor Standards Act (FLSA), 29 U.S.C. § 201, *et seq.*

“Found guilty” means a plea of guilt, including an *Alford* plea, probation before judgment, *nolo contendere*, or a determination of guilt in a court of law.

“Frisk search” means a search involving the patting down of an individual’s outer clothing.

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“Impaired” means the state or condition that renders an employee unable to properly carry out the duties of his or her classification. An impaired condition may result from the consumption of alcoholic beverages, the use of CDS, or the improper use of prescription drugs.

“Lateness” means arriving at the work area after the time an employee is required to be on duty as provided in these Standards.

“Lawful order” means any order or instruction, either oral or written, that an employee should reasonably believe to be in keeping with the performance of his or her duties.

“Non-exempt employees” means employees who are eligible for cash overtime payment under the FLSA.

“Probation before judgment (PBJ)” means the staying of the entry of judgment and the placing of the defendant on probation after a finding of guilt.

“Reasonable suspicion” means:

For drug testing, the existence of facts that give an appointing authority or designee reasonable and specific grounds to suspect that a drug test of an employee will produce evidence of illegal use of drugs.

For strip searches, the existence of facts that give an appointing authority or designee reasonable and specific grounds to suspect that an employee has unauthorized articles or contraband in his or her possession.

“Residential facility” means a Department licensed or operated detention, committed, or treatment program.

“Secretary” means the Secretary of Juvenile Services unless specifically provided otherwise.

“Sensitive class or position” means a classification or position that has been designated sensitive by an employee’s appointing authority (see appendix).

“Sexual contact” means (1) an intentional touching of the victim’s or actor’s genital, anal, or other intimate area for sexual arousal or gratification, or for the abuse of either party; (2) all forms of sexual abuse and harassment against any youth in Department custody or in the custody of licensed or contracted residential programs; and (3) any other meaning defined in law or Department policy.

“Shift personnel” means facility employees who are scheduled to provide services 7 days a week and utilize alternate holiday schedules, including Youth Recreation Specialists and dietary staff.

“Strip search” means a search during which an individual is required to remove his or her clothing. Strip searches are visual; the individual being searched is not touched by the person conducting the search.

“Unscheduled leave” means leave not requested in advance.

“Work place” means any place where an employee is performing work for the State of Maryland.

“Youth” means an individual under the age of 21 years of age who is under the jurisdiction of the Juvenile Court.

## **II. Standards of Conduct and Performance**

### **A. Overview**

1. These Standards do not constitute an express or implied employment contract. The legal employment obligations of the employee and the Department are set forth in the relevant provisions of the State Personnel and Pensions (SPP) Article of the Annotated Code of Maryland.
2. The Secretary of Juvenile Services promulgates and adopts these Standards to provide for the appropriate conduct of employees and discipline when necessary. These Standards may be altered, amended, or abrogated by the Secretary as needed. (Annotated Code of Maryland, Human Services § 9-203.)
3. To the extent that these Standards are inconsistent or in conflict with any provision of the SPP, the regulations of the Department of Budget and Management, or an executive order, those provisions shall prevail. The rules and regulations of the Maryland Correctional Training Commission, found at Md. Code Regs. 12.10.01, *et seq.*, and Department policy and procedures shall govern in matters regarding the minimum qualifications and training requirements of Department employees whose employment responsibility is the investigation, custody, control, or supervision of youth who are committed, detained, awaiting placement, adjudicated delinquent, or are otherwise under the supervision of the Department of Juvenile Services.
4. Any employee who does not understand the content of these Standards has the responsibility to seek clarification from a supervisor. Absent any such inquiry, the Department presumes that all employees understand the scope and ramification of each enumerated standard herein.

### **B. Personal Conduct**

1. Each employee shall conduct him or herself at all times, both on and off duty, in such a manner as to reflect most favorably on the Department. Any breach of the peace, neglect of duty, misconduct, or any conduct on the part of any employee of the Department, either within or outside of his or her place of employment, which tends to undermine the good order, efficiency, or discipline of the Department, or which reflects discredit upon the Department or any employee thereof, or which is prejudicial to the efficiency and discipline of the Department, even though these offenses may not be specifically enumerated or stated, shall be considered conduct unbecoming an employee of the Department, and subject the employee to disciplinary action.
2. Employees shall maintain a professional working relationship with superiors, subordinates, and coworkers. Employees may not supervise or be supervised by relatives, people who have acted or do act as relatives, or other employees with whom they are romantically involved.
3. Employees may not threaten, strike, or assault any youth, other member of the Department, or the public. An employee who assists, abets, instigates, or invites any such altercation shall be held responsible and subject to discipline along with those employees actually involved.

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4. An employee acting in his or her official capacity may not use any coarse, profane, or insolent language, or take action towards other employees, youth, or members of the public that is abusive or otherwise considered offensive to contemporary community standards.
5. Any employee of the Department, who being present at or having knowledge of any grossly insubordinate or rebellious activity within the Department, shall use his or her utmost effort to suppress such action. Any employee having knowledge that such action is to take place shall give information to his or her appointing authority or designee without delay.
6. Management respects labor groups' right to confidentiality during the course of regular business meetings. An employee is not required to disclose to his or her supervisor issues that have been discussed at such meetings. An employee may not engage in any concerted work stoppage and/or sick-out or job action.
7. Employees shall report a known violation of these Standards to their appointing authority or designee. In the event the appointing authority is the alleged violator, the employee shall report the suspected violation to the next higher authority in the chain of command.
8. Reporting a violation of these Standards is not cause for discipline, retaliation, or adverse employment action.
9. Employees of the Department may not purchase, possess, or drink alcoholic beverages while on duty or while off duty in a uniform issued by the Department or a partially identifiable uniform issued by the Department. Employees may not bring or permit to be brought any alcoholic beverage onto State property or into any State building or vehicle. An appointing authority or his or her designee may make exceptions for religious or training purposes.
10. Employees may not illegally possess or use any controlled dangerous substance or controlled paraphernalia while off duty or on duty unless in the performance of official duties.
11. An employee who reports to work or who, while working, is suspected of being under the influence of alcohol or an illegal controlled dangerous substance shall be immediately examined in accordance with procedures outlined in these Standards. This examination may include the use of personnel trained in the use of the appropriate chemical tests. Refusal to submit to such an examination shall be considered insubordination and may be offered as evidence against the employee in any disciplinary proceedings. Reasonable suspicion is required prior to any action taken by a supervisor.
12. Upon being legally prescribed a controlled dangerous substance that may affect the employee's ability to perform his or her essential job functions and duties, an employee shall provide the local Office of Human Resources (OHR) with written medical certification that the employee is fit for duty.
13. An employee may not violate any State, federal, or local law. An employee who is arrested or criminally charged shall notify or cause to be notified his or her immediate



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supervisor on the employee's next scheduled workday, but in no case later than five (5) days following the employee's arrest or receipt of criminal summons. Upon adjudication of the criminal case, the employee shall notify or cause to be notified, in writing, his or her immediate supervisor, of the court's disposition on the employee's next scheduled workday, but in no case later than five (5) days following such action. Upon receiving notification, the immediate supervisor shall notify the appointing authority that an employee has been arrested, criminally charged, or adjudicated in a criminal case.

14. An employee may not engage in any act of child abuse or neglect of children in the employee's care or custody. An employee shall report to his or her immediate supervisor, within five (5) days of:

- a. The removal of a youth in an employee's custody as a result of an investigation by the Department of Social Services/Child Protective Services;
- b. Criminal charges brought against the employee; or
- c. An indicated finding of child abuse or neglect.

Upon receiving such notification, the immediate supervisor shall notify the appointing authority. Employees are subject to random checks for child abuse and neglect.

15. Any employee who receives a complaint, subpoena, or summons in a judicial proceeding outside the scope of his or her ordinary duties, but related to the business of the Department, shall provide a copy of the documentation received to the employee's immediate supervisor on his or her next scheduled workday, but in no case later than five (5) days following receipt of such documentation. Upon receiving this documentation, the immediate supervisor shall notify and provide the documentation to the appointing authority.

16. An employee receiving an order directing the Department to "show cause" shall immediately forward the order to his or her supervisor or the next available supervisor in the chain of command to prepare the appropriate response.

**C. Contraband**

Employees may not possess or convey contraband, or attempt to possess or convey contraband, in secured areas of a facility unless in the performance of official duties. All facilities shall maintain and make available to employees the Facility Operating Procedures that include lists of contraband.

**D. Parking and Securing Personal Vehicles**

An employee who drives a personal or state-owned vehicle to work and parks it on State-owned or leased property shall make certain that the vehicle is locked and secured. At no time may a vehicle be left unattended on the property with the motor running or with keys accessible.

**E. Employee Contacts with the Public and News Media**

Employees shall communicate with the public and news media in accordance with the Department's current policy governing communications with the public and media.

**F. Registering and Updating Personal Contact Information**

1. An employee shall provide to the State via the State Department of Budget and Management's automated employee personnel system (i.e., Workday) a current address and phone number where he or she may be contacted.
2. An employee shall report a legal name change to the Office of Human Resources.
3. An employee shall report changes in the above on his or her next scheduled workday after the changes occur.

**G. Secondary/Outside Employment**

1. Except as provided in the Human Services Article § 9-207(c), a full-time State employee may secure secondary or outside employment provided that the employee obtains approval from his or her appointing authority prior to assuming such employment.
2. Approval by the appointing authority is subject to the following:
  - a. The hours of the secondary employment may not conflict with the employee's duty hours or responsibilities in State service.
  - b. The secondary employment does not interfere in any manner with the satisfactory performance of the employee's duties in State service.
  - c. The secondary employment does not create a conflict of interest.
  - d. If necessary, approval is received by the Maryland State Ethics Commission.

**H. State Property and Vehicles**

1. Each employee is responsible for properly maintaining State property and is expected to exercise reasonable care in preserving the property and any confidential information contained therein.
2. Unauthorized personal use of State property is prohibited.
3. Employees may not remove or knowingly allow the removal of State property not being used for employment or Department business from any office or facility except in accordance with the Department's policy governing property management and accountability.
4. The express permission of the Regional Director, Superintendent, Unit Director, or their respective designee is required where the movement of property is not covered in the appropriate State or departmental policy. This includes all property within the facility or workplace or on the grounds, regardless of its value or current state of use.

5. Use of State vehicles shall be subject to the appropriate State and Department policies and procedures and applicable motor vehicle laws. The Department monitors the speed of State vehicles equipped with GPS devices. Drivers who exceed the posted speed limit are subject to appropriate disciplinary action. Facility rules and procedures may be developed for the secure use of vehicles at residential facilities.

## **I. Performance of Duties**

An employee of the Department is responsible for his or her own actions and for the proper performance of his or her duties. In carrying out the functions and objectives of the Department, each employee shall perform all duties in a manner that will maintain the highest standards of efficiency. Examples of unsatisfactory performance include, but are not limited to, lack of knowledge (despite having received training or policy), failure to perform assigned tasks, failure to conform to standards established for the employee's classification or position, or failure to take appropriate action to ensure compliance with Department policy, procedure, or regulations.

## **J. Supervisory Authority**

1. Notwithstanding any contradictory order from a supervisor, every employee shall adhere to Department policies, procedures, and regulations. Should an employee be directed to violate Department policies, procedures, or regulations, that employee shall follow the chain of command to report and resolve the issue.
2. Each employee shall acknowledge the authority of a supervisor and promptly obey all lawful orders of a superior or other person designated to supervise. An employee may not violate a lawful order.
3. Each employee shall in all cases follow the established chain of command unless otherwise directed by competent authority.
4. An employee, without adequate justification, may not issue an order that is contrary to a previous order, either oral or written, that was issued by a superior. An employee to whom conflicting orders are issued shall immediately notify his or her direct supervisor of the conflict. If the conflict is not resolved, the employee shall obey the most recent lawful order of a superior.
5. Each employee shall cooperate with all departmental investigations and shall answer all questions truthfully and to the full extent of his or her knowledge.

## **K. Escapes and AWOLs**

1. An employee shall take all reasonable means to prevent youth escapes and AWOLs. An employee having information about a planned, attempted, or completed escape or AWOL shall immediately report the information orally to his or her immediate supervisor and submit a written report no later than the end of the employee's shift. Such information shall be reported even if there is doubt regarding its validity.
2. Any employee aiding or assisting in the escape, AWOL, or attempted escape of any youth detained or under the custody of any facility of the Department shall be subject to immediate termination and to criminal prosecution.

**L. Breach of Security**

An employee may not take any action, or fail to take any action, when the action or failure to act causes a breach of security or a potential breach of security by jeopardizing:

1. The physical security or integrity of a residential facility or any part or area of a residential facility; or
2. The safety or security of any employee, youth, visitor, or member of the public.

**M. Control of Keys, Tools, Drugs, and Toxic and Dangerous Materials**

Employees shall at all times, and pursuant to established policy and standard operating procedures, maintain custody and control over, and prevent youth from gaining access to:

1. Keys;
2. Tools;
3. Drugs;
4. Toxic and dangerous materials; and
5. Any other item(s) established in policies and standard operating procedures.

**N. Safety and Fire Prevention and Control**

Employees shall become familiar with and comply with applicable safety and fire prevention and control procedures, emergency response procedures, and continuity of operations plans. Employees shall be constantly alert to detect and immediately correct or report unsafe conditions or fire hazards.

**O. Emergency Duty**

During emergencies or where there is critical need, all essential employees shall be subject to twenty-four hour call to duty.

**P. Changing Post or Assignments**

An employee may not leave his or her assigned post or exchange assigned duties unless properly and officially relieved, or authority has been granted by the immediate supervisor or designee.

**Q. Reports and False Statements**

1. Reports submitted by employees shall be clear, concise, factual, and accurate.
2. Employees may not, under any circumstances, make a false oral or written statement or misrepresent a material fact with the intent to mislead any person or tribunal. This prohibition includes being a party to or assisting in the creation of a false statement or misrepresentation of material fact.

**R. Acceptance of Rewards or Gifts from Any Person or Entity Engaged or Attempting to Engage in Business with the Department**

1. Employees may not directly or indirectly be involved as a party of interest in any contract, purchase or sale made by the Department, or pursuant to its authority.
2. Employees may not accept any reward or gift, or any promise of any reward or gift, directly or indirectly, from any person or entity interested in any contract, purchase, or sale made by the Department.
3. Employees may not, except as permitted by applicable law or regulation, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.
4. Employees shall make a report through the chain of command to the appointing authority of all known instances of the acceptance of rewards or gifts.
5. Employees are subject to the provisions of the State Ethics Law. Any violation of the State Ethics laws, regulations, or opinions adopted or promulgated pursuant thereto by the State Ethics Commission may result in disciplinary action.

**S. Report for Duty**

1. An employee shall report to work or complete assigned duties at the prescribed time to ensure safe and efficient operations. An employee who will be late or absent shall contact his or her supervisor as established in these Standards.
2. An employee may not feign personal or family illness or provide false documentation in support of any illness in an attempt to avoid his or her duties and responsibilities.

**T. Use of State Telecommunications Equipment**

1. Employees shall use State-issued cellular phones in accordance with the applicable Department policies and procedures.
2. Employees shall use State telecommunications equipment other than cellular telephones for business-related purposes by:
  - a. Limiting personal telephone calls to emergency and important matters only;
  - b. Avoiding unnecessary calls;
  - c. Minimizing call lengths; and
  - d. Using State-issued information technology equipment in accordance with applicable Department and State information-technology policies and procedures.

**U. Inviting Guests to Regional Offices and Residential Facilities**

1. Employees may not allow guests or visitors access to non-public areas of any Department regional field office or residential facility without the prior approval of the Regional Director, Facility Administrator, or designee.
2. Facility tours shall be conducted in accordance with the Department's current policy governing communications with the public and media.

**V. Attitude Toward and Treatment of Youth**

1. Employees shall be fair, firm, and impartial in relationships with youth and families.
2. Employees shall maintain a humane, objective, and professional interest in the welfare of youth and families in order to contribute to the success of the Department's programs.
3. Each employee has a responsibility to ensure a safe and humane environment for youth and to respect the individual rights of all youth.
4. Employees may not engage in any form of abuse, sexual contact, or harassment of youth. If an employee has reason to believe that any such abuse has occurred, the employee shall immediately report that information to the appropriate authorities and Department officials in conformity with applicable Department policies and State law.

**W. Use of Physical/Mechanical Restraints**

1. Employees may use an approved use of force or mechanical restraint technique on a youth only in conformity with applicable Department policies, regulations, standards, and State law.
2. Employees may use only the minimum restraint necessary to take the individual into custody or gain control of the situation. Restraints never may be used as a form of punishment and may be used only to ensure safety.
3. Employees shall complete a report regarding any use of force as required by Department policies and procedures. A supervisor may not relieve an employee of his or her responsibility to complete required reports. The appointing authority may relieve an employee of his or her responsibility to complete the report for emergency or extenuating circumstances.
4. Each employee has an affirmative obligation to report any suspected violation of the child abuse or use of force policies of the Department to his or her supervisors or other superiors and to the appropriate law enforcement and child protective services agencies pursuant to Department policies and procedures, standards, and State law.

**X. Use of Firearms Prohibited**

The possession or use of firearms by an employee while on duty is strictly prohibited.

**Y. Transportation of Youth**

Employees shall transport youth in accordance with Departmental policies and procedures governing youth transportation.

**Z. Rewards or Gifts from Youth**

1. Employees may not accept any reward, loan, gift, or any promise of reward, loan, or gift, from any youth or from anyone on behalf of any youth, or receive any devise or bequest, or any promise of devise or bequest, from any youth or any person on behalf of the youth, or from the estate of a youth.
2. Employees may not request, demand, or accept goods or personal services from youth.
3. Employees who are aware of an attempt of any of the above actions must report the circumstances to their immediate supervisor.

**AA. Communication to and from Youth**

Employees may not take or deliver any letter, message, or communication of any type, written or oral, including but not limited to, electronic mail or social media, from or intended for a youth, except as required in the daily performance of business.

**BB. Contacts between Employees and Youth, Youths' Friends, and Youths' Families**

1. Employees may not visit the homes of youth, relatives of youth, or known friends of youth, for any purpose other than official Department business. Such contacts shall be handled in an objective and professional manner in accordance with these Standards.
2. Employees may not contact or visit youth, regardless of whether the employee is on or off duty, for any purpose other than official Departmental business unless the employee is related to a youth. Any request for permission to visit relatives in residential facilities shall be approved both by the employee's appointing authority or designee and by the appointing authority or designee of the facility where the relative is committed (if this is not the same person or designee).
3. Employees may not become socially, personally, or intimately involved in relationships with youth or youths' families or acquaintances while the youth is involved with the Department. This includes communication through written correspondence, telecommunications, social networking sites (including, but not limited to, Facebook, MySpace, Twitter, etc.) and social interactions.
4. Employees may not allow youth to visit with them for any purpose while off duty.
5. Employees may not influence the supervision or treatment planning of youth assigned to another employee.

## **CC. Confidentiality of Youth Records and Information**

1. Utmost care is required of all employees in the handling of youth records and information, as these are confidential. Should questions arise concerning inquiries from outside sources, the employee shall consult with the appropriate Department official in accordance with Department policies governing confidentiality and communications with the public and media.
2. Employees may not remove youth files, records, or documents from any facility or work place except in the normal course of business of the Department or with the permission of the Regional Director, Facility Administrator, or designee.

## **DD. Employee Personnel Files and Records**

1. Employees are not entitled to access personnel files, materials, or other official or confidential personnel records except in accordance with law, these Standards, Department policies, or policies of the Department of Budget and Management.
2. Unless otherwise provided above, access to personnel files is limited to:
  - a. Office of Human Resources staff;
  - b. Management employees in the chain of command above the employee;
  - c. Personnel specifically designated to conduct investigations requiring the review of personnel files; and
  - d. The employee and those lawfully designated by the employee to have access to the file.
3. Employees may not transmit any official personnel document, file, or report of the Department without proper authority.

## **EE. Appearance and Equipment**

### **1. Appearance**

#### **a. Generally**

- i. Employees shall set a positive example in their overall appearance and grooming. This includes maintaining a neat, clean, and appropriate appearance with good hygiene consistent with these Standards during working hours. Workplace attire, including footwear, shall be in good repair and appropriate for the work performed and for the setting in which the work is done. Torn, tattered, or suggestive clothing is not permitted.
- ii. Clothing or visible tattoos featuring provocative, offensive, or obscene words, terms, images, or pictures that may be offensive or harmful to youth or other employees are prohibited. This includes, but is not limited to:



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1. a depiction of gang affiliation, gang communication, unlawful activity, material suggesting or tending to promote unlawful activity, or political or religious affiliation;
2. foul or derogatory language; and
3. a depiction that promotes alcohol or drug use, smoking, or other material tending to promote delinquency or inappropriate youth conduct or social adjustment.

iii. Ethnic, religious, or cultural clothing must be neat, clean, and businesslike in appearance.

iv. All managers and supervisors shall apply these Standards consistently and fairly. Supervisors may instruct employees to return home to dress appropriately or address hygiene concerns. Such time shall not be considered work time.

**b. Field Staff/Headquarters**

i. This section applies to all headquarters and regional field staff, including community case management and support staff.

ii. Employees shall report to work in business casual or business formal attire as appropriate considering the anticipated interaction with the public, Department partner agencies or officials, courts, youth, and/or families.

iii. Footwear must be appropriate to an office setting.

iv. If, in the opinion of the unit manager or supervisor, an employee does not meet the guidelines set forth in this subsection, the unit manager or supervisor is responsible for conferring with the employee for resolution and appropriate action, which may include progressive discipline prescribed by these Standards.

**c. Employees in Facility Settings, Transportation Staff, and Community Detention Staff**

i. This section applies to employees in Department facility settings, including but not limited to, Resident Advisors, Recreation Specialists, facility case managers, and Behavioral Health, medical, nutrition, and support staff (or their respective equivalents). It also applies to Transportation officers and Community Detention officers (or their equivalents).

ii. Employees' appearance shall be neat, clean, and appropriate, and shall adhere to policies, standards, or requirements set forth by the appropriate Deputy Secretary or appointing authority.

**d. Employees Working in Labor-intensive Settings**

Employees who work in labor-intensive settings may wear clothing appropriate to the activities required as set forth by the appointing authority. These employees include those who primarily work in:

- i. Mailrooms;

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- ii. Stockrooms;
- iii. Information technology or other positions designated to transport, maintain, or install equipment or furniture; and
- iv. Maintenance.

**e. Employees with a Documented Medical Condition**

Employees with a medical condition that prevents them from complying with these workplace appearance standards may relax the standards as appropriate to the condition upon receiving supervisor approval.

**f. Employees Subject to an Exemption**

Employees may be permitted to relax these Standards during inclement weather or other days or for other purposes designated by the Department or the employee's supervisor. Employees' appearance, when subject to any relaxed dress code standards, must be neat, clean, and appropriate. However, employees must adhere to the workplace appearance standards set forth herein when appearing in court or giving a presentation on behalf of the Department.

**2. Equipment**

- a. An employee is responsible for all equipment issued to him or her, and where it is established that any part thereof is lost or damaged through negligence, the employee shall be obligated to replace it at his or her own expense.
- b. Each employee separated from State service must return all department-issued equipment and uniforms to the Department.

**FF. Discrimination and Sexual Harassment**

Employees found to have engaged in discrimination on the basis of race, color, religion, national origin, political affiliation, disability, age, sex (including sexual harassment), ethnicity, sexual orientation, gender identity, or other bases identified in Department policies and procedures are subject to disciplinary action up to and including termination depending on the degree of the infraction.

**GG. Employee Lunch Breaks**

- 1. Employees not assigned to direct care, custody, and supervision of youth must be relieved from duty for a period of at least 30 minutes during each normal work day.
- 2. Employees not assigned to direct care, custody, and supervision of youth who work more than a total of 5 hours in a normal working day must take unpaid lunch periods at least 30 minutes and no longer than 1 hour in duration during the employee's normal working day.
- 3. Employees not assigned to direct care, custody, and supervision of youth may not take any portion of a lunch period within 1 hour of the beginning or end of the employee's normal working day in excess of 5 hours.

4. An employee's supervisor shall approve the time and duration of each lunch break in accordance with the needs of the unit.

## **HH. Youth Lodging**

Employees may not provide lodging to youth under Department supervision when an emergency renders the youth temporarily homeless. Employees shall make reasonable efforts to locate the youth's family. When the youth's family cannot be located, employees shall call the local Department of Social Services to arrange a placement or obtain an authorization to shelter the youth until the next available court day.

## **II. Procurement Activity**

All employees must carry out procurement authority vested in them in a manner consistent with State procurement law and Department policies and procedures relating to procurement activity.

## **JJ. Political Practices**

1. Staff may freely participate in any political activity and express any political opinion and may not be required to provide any political service. Staff may not engage in political activity, including campaigning or lobbying, while on the job during working hours or advocate the overthrow of the government by unconstitutional or violent means. A public official or an employee of the State may not require any State employee to make a political contribution in accordance with Md. Code Ann., State Personnel and Pensions § 2-304.

2. Staff may not use, threaten to use, or attempt to use political influence or the influence of any State employee or officer in gaining or providing an unfair advantage in any personnel decision affecting the employee, including a decision about promotion, transfer, leave of absence, or increased pay, or in disciplinary actions in accordance with Md. Code Ann., State Personnel and Pensions § 2-307.

3. Staff who violate this section are subject to disciplinary action, including the termination of State employment.

## **III. Attendance and Leave**

### **A. Employee Responsibilities**

1. All employees are required to be on duty and ready to perform their duties at the required time unless leave has been approved for an employee. In situations where an employee does not have leave approved and will not be reporting for duty as required, he or she shall contact his or her supervisor with a request for unscheduled leave in accordance with these Standards.

2. Employees shall submit formal requests for scheduled leave in writing in advance of the start time of their shift or workday. An employee who does not submit a formal

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request for scheduled leave in advance of the start time of his or her shift or workday shall be considered late in accordance with these Standards.

3. Except as provided in this section, employees must obtain prior approval for the use of annual, compensatory, or personal leave.
4. A non-shift employee may use up to six (6) days of personal leave each calendar year, in increments of at least one half day, without obtaining prior approval, provided that the employee requests approval from the immediate supervisor no later than thirty (30) minutes after the employee's normal reporting or starting time of his or her intended use of each period of personal leave.
5. For unscheduled absences that exceed one day, the employee shall call in daily until a date of return is established, in accordance with these Standards.
6. An employee may not take leave without pay when paid leave is available, except as approved by the employee's supervisor in consultation with the Office of Human Resources.

**B. Supervisor Responsibilities**

1. Each supervisor is the primary contact when an employee is unable to report at the scheduled time. Supervisors shall provide to their employees the name of another person who can be reached in the supervisor's absence.
2. The supervisor receiving an employee's request for leave shall evaluate the request and determine whether the request can be granted based on the reason for the request, the operational needs of the Department, and in accordance with these Standards. Requests may not be denied unreasonably or in a manner inconsistent with applicable collective bargaining agreements or these Standards.

**C. Management of Unscheduled Leave Requests**

**1. Shift Personnel**

Shift personnel who will be late or absent for his or her scheduled shift is required to telephone his or her supervisor, or the supervisor-on-duty, at least two (2) hours prior to the beginning of his or her shift, unless extenuating circumstances exist. If an employee is unable to contact the supervisor or shift commander, the employee must leave a message with the reason for his or her call and a number at which he or she may be contacted.

**2. Non-shift Personnel**

Any non-shift personnel who will be late or absent is required to telephone his or her supervisor no later than thirty minutes prior to the beginning of the employee's normal workday. If an employee is unable to speak to his or her supervisor, then the employee must leave a message with the reason for his or her call and a number at which he or she may be contacted.

## **D. Compensatory Leave**

### **1. General Provisions**

- a. The appointing authority or designated representative may authorize an employee to work periods of time in excess of the employee's normal workweek, dependent upon workload demands.
- b. An employee's supervisor must give prior approval for all hours worked in excess of normal work hours.
- c. Authorization for each occasion to work periods of time in excess of the employee's normal workweek shall be in writing and shall be retained by the Department for auditing purposes. Normally, the supervisor's approval of the employee's timesheets and/or overtime voucher constitutes the required written authorization.
- d. Employees may submit a request to work compensatory time to offset leave taken for religious observances in accordance with law and applicable collective bargaining agreements. Compensatory leave, however, cannot be taken before it is earned. This provision does not apply to residential facilities that provide services seven days a week.
- e. Compensatory leave shall remain with the employee if that employee is transferred to another State agency. Upon separation from State service, the employee's compensatory time shall be paid to the employee in accordance with law.
- f. Management is not obliged to ensure that all compensatory leave is taken. Reasonable efforts will be made to accommodate employees' request to use compensatory leave.
- g. An employee shall earn compensatory leave with pay, hour for hour, for each of the holidays on which the employee elects or is required to work and on which the State maintains daily operations. The employee shall obtain prior approval from his or her supervisor before taking the leave. Leave must be used prior to that holiday's reoccurrence the following year or it will be forfeited.

### **2. FLSA-exempt Employees**

- a. Administrative, executive, and professional employees designated by the Department of Budget and Management as ineligible to receive payment for overtime work may be granted compensatory time for such work in accordance with the law. Use of earned compensatory time is subject to prior approval by the employee's supervisor.
- b. Employees compensated on the ES-6 level and above shall earn one compensatory leave day for working five or more hours on a legal State holiday and shall earn no other compensatory time.

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- c. All other FLSA-exempt employees may be authorized to receive compensatory time only after the employee has worked at least 1/2 hour beyond the employee's regular workday. Total compensatory time earned includes the first 1/2 hour plus any time worked after the first 1/2 hour.
- d. All other FLSA-exempt employees may be authorized to receive compensatory time for time worked outside the employee's regular workweek, for example, Saturdays, Sundays, holidays, only after the employee has worked in excess of 1/2 hour on the day for which compensatory time is to be received. Total compensatory time earned includes the first 1/2 hour worked on that day plus any time worked after the first 1/2 hour on that day.
- e. Compensatory time shall be forfeited if not used within 1 year after it has been earned.
- f. Payout for compensatory time upon an exempt employee's departure from State service shall be made in accordance with the law.

**3. FLSA-nonexempt Employees**

- a. A nonexempt employee may elect to receive compensatory time in place of cash overtime payment. Such an election shall be set forth in writing and signed by the employee and the employee's supervisor. A copy will be forwarded to the Department's payroll department for inclusion in the employee's personnel record.
- b. A nonexempt employee shall earn compensatory leave at time-and-one-half for all time worked beyond his or her normal working hours.
- c. Except as otherwise provided by law or regulation, nonexempt employees may accrue a limited amount of compensatory leave in accordance with the law. Any hours worked beyond the maximum amount shall be compensated with cash overtime payments.
- d. Except as otherwise consistent with applicable regulations, a supervisor shall permit a nonexempt employee to use compensatory time if the employee's use of compensatory time does not unduly disrupt the Department's operations.

**E. Shift and Non-shift Personnel – Lateness**

- 1. This section establishes uniform procedures for the administration of rules and regulations regarding lateness. Chronic lateness of any employee is detrimental to the services provided by the Department. The primary responsibility for monitoring lateness rests with the first line supervisors and all supervisors are responsible for the administration of this section. Supervisors must be aware of the type of leave that the employee intends to use for the employee's lateness on each occasion. The intent of this section is to modify the behavior of employees who are chronically late. The Department shall take all actions within its resources to assist these employees in overcoming their chronic lateness.
- 2. Lateness shall be defined and handled in terms of the specific conditions in which it occurs.

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3. An employee is considered late if:
  - a. He or she calls as required and arrives at work within one hour after the start of his or her shift or normal workday; or
  - b. He or she does not call, but arrives at work within thirty (30) minutes after the start of his or her shift or normal workday.
4. An employee is considered grossly late if:
  - a. He or she calls as required and arrives at work later than one hour after the start of his or her shift or normal workday; or
  - b. He or she does not call and arrives later than thirty (30) minutes after the start of his or her shift or normal workday.
5. Each occasion of lateness will be recorded by the employee's immediate supervisor and/or the timekeeping system.
6. Employees shall be charged with a failure to report if they do not call or do not report to work.
7. Employees who are absent without leave for five (5) consecutive workdays shall be considered to have resigned without notice, pursuant to applicable law.
8. Employees who are late, grossly late, or who fail to report shall be charged with LWOP (leave without pay) for the time missed from work and shall be subject to the appropriate level of discipline.
9. Mitigating Circumstances.
  - a. The Department recognizes that there may be substantial mitigating factors for an employee's lateness, which may result in the employee's lateness being excused. In situations where it is determined that the employee's lateness, gross lateness, or failure to report was due to circumstances beyond the employee's control, was unexpected and unanticipated as determined by the employee's supervisor, and appropriate documentation is submitted, the employee may not be charged with an occurrence of lateness, gross lateness, or failure to report and no disciplinary action may be taken. Likewise, employees may be allowed to change the absence to accumulated leave rather than LWOP.
  - b. If the circumstances, as determined by the employee's supervisor, dictate that the employee's lateness, gross lateness, or failure to report was not due to circumstances beyond the employee's control or was not unexpected or unanticipated, and/or appropriate documentation was not submitted, the employee shall be charged with an occurrence of lateness, gross lateness, or failure to report and the supervisor shall take appropriate disciplinary or counseling action.

**F. Other Leave**

Other types of leave shall be granted to eligible employees pursuant to law.

**G. Shift Personnel - Management of Overtime Coverage in Unscheduled Leave Situations**

Overtime policies for shift personnel shall be in accordance with existing Memoranda of Understanding (MOU) with applicable Collective Bargaining Units. If no MOU exists, policies and procedures shall be determined by management prerogative.

**IV. Corrective Actions and Disciplinary Sanctions**

**A. Principles of Work Performance**

1. Employees shall meet established performance standards.
2. An employee shall report conditions or circumstances that will prevent him or her from performing effectively or from completing his or her assigned tasks to his or her immediate supervisor or the supervisor's designee as soon as they become known by the employee.
3. An employee shall bring any unclear instructions or procedures to the attention of his or her supervisor.
4. Supervisors shall assist their employees in understanding work assignments, these Standards, and the goals, objectives, and performance standards of the employees' positions.
5. Supervisors are responsible for being aware of their employees' inadequate or unsatisfactory work performance or behavior and attempting to correct the performance or behavior immediately.
6. Supervisors shall ensure that each of their employees receive required performance evaluations within the date specified by the appointing authority.

**B. Corrective Action**

The tools enumerated in this section of the Standards do not constitute discipline.

**1. Documented Counseling**

- a. Counseling may range from a private informal discussion to a written documented statement outlining those aspects of the employee's performance or behavior that need modification. While many problems can be resolved through such a process, counseling is not a prerequisite to taking formal disciplinary action, particularly in dealing with the most serious infractions.
- b. To counsel an employee, a supervisor shall:
  - i. Meet with the employee and explain that the purpose of counseling is to inform the employee about work performance or behavior that, if not corrected, could lead to disciplinary action;



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- ii. Review the issues that resulted in the counseling and discuss methods of resolving them with the employee;
  - iii. Clarify the supervisor's expectations and establish goals and objectives if necessary;
  - iv. Inform the employee how his or her performance will be monitored;
  - v. Explain what will occur if the employee does not correct the performance or behavior; and
  - vi. Complete a counseling memorandum, request that the employee sign the memorandum, give the employee a copy, and maintain a copy for the employee's personnel file.
- c. Within five (5) days after receiving a counseling memorandum, an employee may submit to his or her appointing authority a written response to the memorandum. The response shall be placed in the employee's file and attached to any record of the memorandum. An employee may not take any other action in response to a counseling memorandum.
- d. If an employee refuses to sign a counseling memorandum, a supervisor shall document the refusal.

**2. Training**

- a. A supervisor, appointing authority, or other appropriate management personnel shall make a referral for remedial training when an employee's unsatisfactory performance is due to lack of knowledge, information, or skills. Employee participation in such training is mandatory.
- b. A supervisor may order additional training for an employee by taking the following steps:
  - i. Meet with the employee and discuss the problem area(s);
  - ii. Explain how training can help the employee improve performance;
  - iii. Determine what type of Department-sponsored training would be appropriate;
  - iv. Provide the employee with written notification of and instructions for obtaining the training; and
  - v. Retain a copy of the written notification regarding training in the supervisor's employee file.

**3. Referral to Employee Assistance Program (EAP)**

- a. Referral to EAP may not be considered a substitute for corrective action for a violation of the requirements in these Standards. When an employee's personal matters have begun to negatively impact his or her work performance, or when an employee may benefit from outside counseling, a supervisor shall take the following

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steps to refer the employee to EAP:

- i. Contact the appropriate EAP coordinator and complete the appropriate supervisory referral form;
  - ii. Meet with the employee and discuss the employee's performance, emphasizing the benefits to the employee of attending the EAP initial interview; and
  - iii. Ask the employee to sign the referral form and forward the form to the appropriate EAP coordinator.
- b. The OHR shall complete the referral form, submit it to EAP, place a copy in the employee's EAP file, and provide a copy to the employee. A copy of the referral form may not be placed in the employee's personnel file.
- c. In a crisis situation, the appropriate OHR staff shall contact EAP for assistance in scheduling an immediate appointment.
- d. An employee may decline an EAP referral unless the referral is part of a disciplinary action. This declination shall be documented on the referral form, which shall be sent to OHR for placement in the employee's EAP file.

**4. Leave without Pay**

An employee who is placed on leave without pay when absent without approval may also be subject to disciplinary action for the unapproved absence.

**5. Restitution**

An employee required to pay restitution may not be required to pay restitution exceeding an amount authorized by law; however, the employee may also be subject to civil or criminal prosecution.

**6. Unsatisfactory Report of Service**

OHR shall complete the unsatisfactory report of service form whenever an employee leaves employment after unsatisfactory service.

**7. Extension of Probation**

- a. At the sole discretion of the appointing authority or designee, an employee's probationary period may be extended for any one or more of the following reasons:
- i. The appointing authority decides that additional time is necessary to allow the employee to demonstrate proficiency in the performance of the employee's assigned duties and responsibilities;
  - ii. In the appointing authority's judgment, the period of the employee's absence on approved leave is sufficient to prevent the appointing authority from making a reasonable decision regarding the proficiency of the employee's performance; or
  - iii. The employee requests an extension of the probationary period.

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- b. Except as provided in paragraph c. of this subsection, an employee's probationary period may be extended under subsection a. of this section up to one additional 6-month period.
- c. For an employee appointed to a skilled service position below grade 7, an employee's probationary period may be extended up to one additional 3-month period.
- d. If the appointing authority extends an employee's probationary period, the appointing authority shall ensure that the employee receives additional written evaluations:
  - i. At the end of the employee's initial probationary period; and
  - ii. At the mid-point of the extension period.

**C. Types of Disciplinary Actions**

1. A *written reprimand* is a formal written statement that specifies a violation and warns the employee of the consequences of future infractions.
2. A *forfeiture of leave* is the forfeiture of up to fifteen (15) workdays (or 120 hours) of an employee's accrued annual leave.
3. A *suspension* (leave without pay) involves relieving an employee of his or her job responsibilities for a specific period of time without pay.
4. A *demotion* is assigning an employee the duties, responsibilities, and compensation of a lower classification and pay grade.
5. A *termination* of employment is the involuntary separation of employment at a time other than during a probationary period, with or without prejudice.
6. A *denial of annual increment* retains an employee at his or her present salary when advancement to the next salary step normally would have occurred.
7. A termination may include an *unsatisfactory report of service*, which is a report filed with the Department of Budget and Management that specifies both the reason for an employee's termination from State service and the agencies in which future employment is prohibited.

**D. Procedure for Implementing Disciplinary Actions**

**1. Time Period to Impose**

Disciplinary actions, excluding suspensions, must be imposed no later than thirty (30) days after the appointing authority or designee acquires or should have acquired knowledge of the misconduct for which the disciplinary action is imposed.

**2. Process**

Before imposing any actions that are disciplinary, an appointing authority or designee shall:

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- a. investigate the alleged misconduct;
- b. meet with the employee, if the employee refuses or is unable to meet, the appointing authority or designee shall document the reasons a meeting was not conducted;
- c. consider any mitigating circumstances;
- d. determine the appropriate disciplinary action, if any, to be imposed; and,
- e. if disciplinary action is imposed:
  - i. send a draft notice of disciplinary action to OHR for review;
  - ii. ensure that an appointing authority has approved and signed the disciplinary action;
  - iii. give the employee written notice of the disciplinary action to be taken and the employee's appeal rights;
  - iv. document any circumstances of an employee's refusal or inability to sign a Notice of Disciplinary Action; and
  - v. provide a copy of the Notice of Disciplinary Action to OHR for placement in the employee's personnel file.

**3. Suspension**

- a. A disciplinary suspension shall begin within five (5) workdays after the close of the employee's next shift after the appointing authority or designee acquires knowledge of the alleged infraction. Weekends, State holidays, and employee leave days are excluded from calculation of the five-day work period.
- b. An appointing authority or designee may suspend an employee without pay. An employee's status of exempt or non-exempt shall be considered in imposing a suspension.
- c. Suspensions must span consecutive days. A suspension may not be interrupted by the employee's work time. In situations where a scheduled weekly leave day would interrupt the suspension period, the length of the suspension shall be adjusted. The adjusted suspension period must include the appropriate number of days with loss of pay that corresponds to the penalty schedule for the infraction.
- d. During a suspension, any time the employee spends in court or in administrative hearings as part of his or her employment shall be compensated; however, the time may not be considered an interruption of the suspension.
- e. *Exempt employees:* A suspension shall be for a full workweek or multiples of a workweek only. A workweek begins on Wednesday and ends the following Tuesday. A suspension shall start on a Wednesday at the beginning of an employee's shift.
- f. *Non-exempt employees:*

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- i. An employee who has been suspended may not be permitted to work overtime during the ten (10) workdays following the last day of the suspension unless approval to do so is granted in writing by the appointing authority or designee. Approval may be granted only when not allowing the employee to work overtime would be detrimental to the security of a residential facility. Documentation of the reasons for the approval shall be maintained at the facility.
- ii. A suspension may be for all or any part of the employee's normal workday. Where a specific or minimal length of suspension is required, the suspension shall last for at least the number of hours equal to the employee's normal workday for the number of days the employee is required to be suspended.

**4. Terminations – Probationary Employees**

- a. The following steps shall be taken to terminate a probationary employee:
  - i. The appointing authority or designee shall provide notice to the employee of his or her termination at least ten (10) days before the effective date of the termination.
  - ii. The notice of termination shall state the reasons for the termination, the effective date, and the appropriate appeal route.
  - iii. When the termination of a probationary employee is for a reason specified in SPP § 11-105, then the employee need not be given ten (10) days' notice. The forms shall reflect that the ten (10) days' notice was not given for the specified reason.
- b. An employee with an unsatisfactory probationary period following a promotion shall be returned to his or her former position if it is vacant. The appropriate OHR representative shall contact the previous appointing authority to determine the status of the position before the employee is informed of the demotion. If the employee's former position is not vacant, the appointing authority or designee shall demote the employee to a position comparable to the employee's former position. This section does not prohibit the imposition of additional discipline if warranted.
- c. The requirements of this subsection do not apply to probationary employees who are at-will or management service.

**5. Termination of Employees in Executive Service, Management Service, or Employees under Special Appointment**

- a. The Secretary may provide the employee with a written notice of termination at least two weeks before the effective date of termination. Where provided, the notice shall state the effective date of the termination and any appropriate appeal procedure (if applicable).
- b. Any public statements or inquiries regarding the termination of an employee in the executive or management services or an employee under special appointment shall be referred to and coordinated by the Department's Public Information Officer

(PIO) in accordance with Departmental policy on communication with the public and media.

**6. Denial of Annual Pay Increase**

- a. If the employee has been rated overall unsatisfactory at the end-of-cycle performance evaluation, the employee may be denied only an annual pay increase. The appointing authority or designee shall meet with the employee, discuss the reasons for the denial of the annual pay increase, and provide written documentation in support thereof.
- b. OHR shall submit the appropriate information to the Department of Budget and Management in accordance with applicable time requirements.

**E. Progressive Discipline and Mitigating Circumstances**

1. Progressive discipline shall be utilized where appropriate. Similarly situated employees will be treated similarly with respect to the application of discipline. When, in the judgment of the appointing authority or designee, mitigating circumstances exist and can be substantially documented, specific corrective action may be reduced or not applied. On the other hand, when the employee's actions are severe, corrective action may be escalated.
2. When considering discipline, the appointing authority or designee should consider the employee's:
  - a. overall employment history;
  - b. attendance record;
  - c. disciplinary record;
  - d. work habits;
  - e. relations with fellow employees and supervisors; and
  - f. culpability.
3. Written documentation should be maintained reflecting why a particular level of discipline is an appropriate exercise of discretion.
4. Expungement and use of disciplinary records and actions will be accommodated pursuant to any applicable collective bargaining agreement, Memorandum of Understanding, resolution, or settlement.

**F. Infractions and Corresponding Disciplinary Actions**

Unacceptable behavior is divided into three categories according to severity and type. The behaviors listed in the three infraction categories are only examples. Other behaviors that occur may be grouped and disciplined according to other regulations, policies, directives, or procedures. A probationary employee may be rejected or extended on probation for disciplinary reasons of any category, and such action may be taken for reasons other than discipline.

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Any arrest or conviction not listed in these Standards may result in disciplinary action up to and including termination from State service in accordance with law.

An appointing authority may approve or impose any reasonable disciplinary action regardless of the provisions of this subsection, except those required by law.

**1. First Category Infractions**

First category infractions are the least serious in nature that require corrective action or disciplinary response. Examples of these infractions are the following:

- a. Failure to report to OHR any legal proceeding in which an employee is involved, as a party or otherwise, if the legal proceeding affects, or reflects upon, the employee's job fitness or performance.
- b. Failure to notify the State personnel system of a change of address, name, or telephone number.
- c. Misuse of or failure to adequately maintain State property, including causing damage to public property or wasting public supplies through negligence, recklessness, or willful conduct.
- d. Inadequate or unsatisfactory job performance.
- e. Failure to follow the chain of command, except where permitted in accordance with these Standards, policies, or applicable law.
- f. Failure to report knowledge of a first or second category infraction.
- g. Violation of State Ethics Law, including failure to request approval for outside or secondary employment or engaging in a business, trade, or occupation, which conflicts with the employee's position, or which prevents the employee from satisfactorily performing the duties of the employee's position.
- h. Inviting individuals without a business purpose to an area office or facility without supervisor approval.
- i. Inattentiveness or negligence in the performance of duties by an employee not directly responsible for the custody or supervision of youth.
- j. Lateness.
- k. Failure to maintain required contacts with supervisor when away from assigned office location.
- l. Knowingly assisting another in conduct that is a violation of law, regulation, or policy.
- m. Using leave contrary to law, policy, these Standards, or applicable memoranda of understanding.
- n. Committing another act, not otherwise specified, when there is a connection between the employee's activities and an identifiable detriment to the State.

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- o. Failure to adhere to workplace appearance and equipment standards.

First category infractions may result in discipline or other action according to the following schedule and shall be progressive based on prior disciplinary occurrences.

First offense: Documented counseling or training.

Second offense: Written reprimand.

Third offense: Forfeiture of leave or suspension.

Fourth or subsequent offense: Termination or demotion.

## **2. Second Category Infractions**

Second category infractions are more serious in nature and warrant increased disciplinary responses. Examples of these infractions are the following:

- a. Failure to report an arrest, receipt of a criminal summons, conviction, or notification of a pending child abuse or neglect investigation by Child Protective Services that results in the removal of a youth in an employee's custody, criminal charges against the employee, or an indicated finding of child abuse or neglect.
- b. Transporting or possessing contraband, on an employee's person, or in an employee's personal vehicle (except tobacco products), other than that described under third category infractions.
- c. Providing youth with non-security contraband.
- d. Leaving personal vehicle on the grounds of a residential facility with motor running or keys accessible or unlocked.
- e. Unauthorized representation of the Department before public, governmental bodies, or news media.
- f. Gross misuse of State property.
- g. Engaging in conduct that violates a lawful order or failing to obey a lawful order given by a supervisor.
- h. Failure to maintain custody and control of keys, tools, drugs, toxic, and dangerous materials.
- i. Failure to respond when summoned in an emergency situation.
- j. Exchanging assigned posts without authorization.
- k. Failure to report for duty.
- l. Providing an inaccurate count of the youth population.
- m. Failure to report knowledge of a third category infraction established in these Standards.



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- n. Unauthorized access to youth records and information.
- o. Misconduct that causes damage to property or threatens the safety of the work place.
- p. Being guilty of conduct that has brought or, if publicized, would bring the State into disrepute.
- q. Engaging in conduct involving dishonesty, fraud, deceit, misrepresentation, or illegality.
- r. Engaging in discrimination prohibited by law or policy.
- s. Use of coarse, obscene, profane or insolent language or otherwise being unjustifiably offensive in the employee's conduct toward fellow employees, youth, or the public.

Second category infractions may result in discipline according to the following schedule and shall be progressive based upon prior disciplinary occurrences.

First offense: Written reprimand.

Second offense: Forfeiture of leave or suspension.

Third or subsequent offense: Termination or demotion.

### **3. Third Category Infractions**

Third category infractions are the most serious infractions and are cause for disciplinary action up to and including automatic termination of employment. Examples of these infractions are the following:

- a. Misconduct that injures another person; causes substantial damage to property; or seriously threatens the safety of the workplace.
- b. Theft of property belonging to the State, a youth or family, or other employees.
- c. Illegal sale, use, or possession of drugs on the job.
- d. Conviction of a felony.
- e. An indicated finding by Child Protective Services of physical or sexual child abuse.
- f. Accepting for personal use any fee, gift, or other valuable thing in connection with or during the course of State employment, if given to the employee by any person with the hope or expectation of receiving a favor or better treatment than that accorded to other persons.
- g. Violation of the Fair Election Practices Act.
- h. Using, threatening, or attempting to use political influence or the influence of any State employee or officer in securing promotion, transfer, leave of absence, or increased pay.

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- i. Directing wantonly careless conduct, excessive force, or cruel or harsh treatment toward a youth in the care or custody of the State.
- j. Striking, threatening, or assaulting a fellow employee.
- k. Physical contact or physical or sexual abuse of a youth.
- l. Refusal to submit to a lawfully ordered strip, frisk, property, or electronic search.
- m. Possession of contraband including, but not limited to, cell phones, firearms, ammunition, other lethal weapons, or drugs, alcohol, or escape paraphernalia (i.e., security contraband as defined in DJS policy and procedures) on State property, including State vehicles.
- n. Providing youth with security contraband (as defined in DJS policy and procedure).
- o. Aiding or assisting in escape, attempted escape, or youth AWOL.
- p. Participation in any job action, sick-out, or work stoppage.
- q. Unprofessional personal relationships or contacts with youth.
- r. Unauthorized access and dissemination of youth records or information.
- s. Intentionally engaging in discrimination prohibited by law or policy.
- t. Leaving assigned posts without authorization.
- u. Inattentiveness or negligence in the performance of duty by an employee directly responsible for the custody or supervision of youth.
- v. An employee's conviction, incarceration, or probation that, if publicized, would bring the State into disrepute.
- w. Making false official statement or report when employee knew or should have known the statement or report was false.
- x. Breach of security resulting in escape or the immediate possibility of escape.

**4. Alcohol**

- a. Employees are subject to the State of Maryland Substance Abuse Policy, including the disciplinary responses outlined therein.
- b. Violations *at the workplace*. Employees may not report to work impaired by alcohol. The possession or consumption of alcohol at the workplace is forbidden.
  - i. Observation and testing process.
    - 1. When a supervisor has reason to believe that an employee is impaired due to alcohol consumption, the supervisor should observe the employee carefully and document the symptoms or behaviors.

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2. The supervisor should request that another available supervisor observe the employee. If it is not possible for another supervisor to observe the employee, the observations of a co-worker shall be recorded. The names of all observers must be documented.
3. The supervisor should interact with the employee to gather more facts to determine whether the reason for the observed behavior is impairment by alcohol and document the interaction.
4. When the supervisor's observations support the conclusion that the employee may be impaired by alcohol, the supervisor shall notify OHR. The appropriate Department representative shall ensure that the employee is transported to and administered the appropriate alcohol test at a designated testing site.
5. If the supervisor's observations lead to the conclusion that the employee is not impaired by alcohol or when the results of the test indicate that the employee is not impaired by alcohol, the supervisor may impose appropriate disciplinary sanctions if otherwise warranted.
6. The employee will be administered a test to determine BAC at the designated testing site.

ii. Management of Test Results. OHR is responsible for the receipt and management of alcohol test results. For positive results, the nature of the employee's position (non-sensitive or sensitive) shall dictate the action taken.

1. *Non-sensitive* classes or positions.

A non-sensitive employee who registers a BAC at or above 0.02 on the test shall:

- (i) On the first occasion, be counseled by his or her supervisor. The supervisor shall complete a counseling record. Disciplinary sanctions may be implemented, if warranted;
- (ii) On the second occasion, be suspended for five (5) days without pay, referred to EAP, and required to attend and successfully participate in an alcohol treatment program designated by EAP; and
- (iii) On the third occasion, or if the employee refuses to participate in an alcohol treatment program designated by EAP, be terminated from State service.

2. *Sensitive* classes or positions.

A sensitive employee who registers a BAC at or above 0.02 on the test shall:

- (i) On the first occasion, be suspended for fifteen (15) days without pay and be required to successfully participate in an alcohol treatment program designated by the EAP; and

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- (ii) On the second occasion, or if the employee refuses to participate in an alcohol treatment program designated by EAP, be terminated from State service.
- c. Violations *not at the workplace* (all classes and positions).
  - i. An employee who is found guilty of an alcohol related offense not at the workplace shall:
    - 1. On the first occasion, be referred to the EAP and be subject to any other appropriate disciplinary actions;
    - 2. On the second occasion, be suspended without pay for a minimum of five (5) workdays, be referred to the EAP, be required to participate successfully in a treatment program designated by the EAP, and be subject to other appropriate disciplinary actions up to and including termination from State service; and
    - 3. On the third occasion, be terminated from State service.
  - ii. Drinking alcohol off duty in public with any visible clothing or accessories with Department of Juvenile Services insignia shall be considered a second category disciplinary infraction in accordance with these Standards.
- d. Other considerations (all classes and positions).
  - i. An employee who refuses to be tested shall be treated as having tested positive at the 0.02 level.
  - ii. Violations of these alcohol-related Standards shall remain a matter of record. Subsequent violations shall be handled in accordance with the next level of prescribed discipline regardless of the amount of time that has elapsed.

**5. Drugs**

- a. All facilities and offices of the Department of Juvenile Services are drug free work places. As a condition of employment, an employee shall refrain from using CDS or abusing legally prescribed or over-the-counter drugs both on and off duty. The following standards and disciplinary responses shall be construed in harmony with Md. Code Regs. 17.04.09 and applicable executive orders.
- b. CDS violations *at the workplace*. Reporting to work under the influence of CDS or being in possession of or using CDS at the workplace is forbidden. When there is reasonable suspicion that a CDS violation has occurred, (in the case of both sensitive and non-sensitive employees), a triggering incident has occurred (in the case of sensitive employees only), or the employee notifies the Department that he or she is voluntarily participating in a drug abuse rehabilitation program, including any program offered under the EAP (in the case of sensitive employees only) the supervisor shall notify the OHR.
  - i. The supervisor, in conjunction with the OHR, shall arrange for and direct the employee to a drug test.

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- ii. An employee who tests positive for CDS shall be subject to the disciplinary actions prescribed in Md. Code Regs. 17.04.09.04F, except that a non-sensitive employee who tests positive for CDS shall be subject to the disciplinary actions prescribed for sensitive employees in Md. Code Regs. 17.04.09.04F(1).
- c. CDS violations *not at the workplace*.
  - i. *Non-sensitive classes or positions*.
    - 1. An employee who is arrested for a CDS violation shall report the arrest to his or her appointing authority the next scheduled workday or within one week, whichever is earlier, and may be subject to disciplinary action based on a review of his or her case. Failure to report such an arrest shall result in disciplinary action up to and including termination.
    - 2. An employee who is found guilty of a CDS violation, and for which there is a demonstrable relationship between the offense and job duties, shall:
      - (i) On the first occasion, be suspended without pay for a minimum of fifteen (15) workdays, be referred to the EAP, be required to participate successfully in a treatment program designated by the EAP, and be subject to other appropriate disciplinary actions up to and including termination from State service; and
      - (ii) On the second occasion, be terminated from State service.
  - ii. *Sensitive classes or positions*.
    - 1. An employee who is arrested for a CDS violation shall report the arrest to his or her appointing authority on the next scheduled workday or within one week, whichever is earlier, and shall be subject to disciplinary action based on a review of his or her case. Failure to report such an arrest shall result in disciplinary action up to and including termination.
    - 2. An employee who is convicted of a CDS violation shall be terminated from State service.
    - 3. An employee who receives a PBJ disposition for a CDS violation and for whom there is a demonstrable relationship between the offense and his or her job duties shall be subject to disciplinary action up to and including termination.
- d. CDS violations – other circumstances requiring testing (sensitive employees only). In addition to reasonable suspicion, incident triggered testing, and an employee’s notification to the Department that he or she is voluntarily participating in a drug abuse rehabilitation program (including any program offered under the EAP), sensitive employees shall also be subject to testing under the following circumstances, and any other circumstance required by law or regulation.
  - i. Random testing (first occasion):

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1. An employee who tests positive for CDS through random testing shall be suspended without pay for fifteen (15) days and shall, on the first occasion, meet the following conditions in order to return to duty or remain in his or her position:
  - (i) Accept a referral to EAP during the suspension period and enroll in a drug abuse rehabilitation program of at least six (6) months duration;
  - (ii) Participate in periodic testing throughout the duration of the rehabilitation program and any time after completion of the program for a period of one year;
  - (iii) Submit at the conclusion of the rehabilitation program a certification from the attending physician, a certified chemical dependency counselor, a licensed certified social worker, or a licensed psychologist associated with the rehabilitation program. The certification must state under oath that the employee has successfully participated in a drug abuse rehabilitation program for the requisite duration and has not tested positive for drugs at any point during the rehabilitation program; and
  - (iv) Participate in random testing for as long as the employee remains in a sensitive classification or position.
2. If the employee does not meet the above conditions, or if the employee tests positive for CDS throughout the duration of the rehabilitation program or within one year after completion of the rehabilitation program, the employee shall be terminated from State service.
  - ii. Random testing (second occasion): An employee who tests positive for CDS through random testing shall, on the second occasion, be terminated from State service.
  - iii. Employment action testing: An employee who tests positive for CDS through the promotional testing process or as a result of a demotion, horizontal change, transfer (including inter-facility transfer) or reclassification shall be subject to the disciplinary responses provided in Md. Code Regs. 17.04.09.03(E)(3).
- e. CDS violations involving abuse of legally prescribed or over the counter drugs (all positions and classifications). An employee who, based upon reasonable suspicion, abuses a legally prescribed or over the counter drug at the workplace shall:
  - i. On the first occasion, be suspended without pay for five (5) workdays and be required to participate successfully in a drug treatment program designated by the EAP; and
  - ii. On the second occasion, be terminated from State service.
- f. General provisions (all positions and classifications).

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- i. Failure to complete a required six (6) month drug treatment program approved by the EAP as a result of a positive random test shall result in termination from State service.
- ii. A second positive test for CDS, under any circumstances, shall result in termination.
- iii. An employee's refusal to be tested shall be treated as testing positive and shall result in termination from State service.
- iv. Violations of these Standards or other law with respect to controlled dangerous substance violations shall remain a matter of record. Subsequent violations shall be handled in accordance with the next level of prescribed discipline regardless of the amount of time that has elapsed.

**6. Use of Tobacco Products or Electronic Cigarettes**

- a. Smoking or any other use of tobacco products or electronic cigarettes is strictly prohibited:
  - i. In all Department and privately-operated buildings and grounds (except in areas designated for smoking);
  - ii. In State vehicles; and
  - iii. In the presence of or within view of any youth in Department care.
- b. Procedures related to smoking or use of tobacco products or electronic cigarettes shall be in accordance with the Department's policy on smoking.

**G. Appeals**

**1. Appeal of Disciplinary Actions by Employees in Skilled and Professional Service**

- a. In accordance with the State Personnel and Pensions Article § 11-109, within fifteen (15) days after notice of a disciplinary action, the employee may appeal to the Secretary of the Department.
- b. Employees may appeal an adverse employment action taken against him or her by completing the Universal Appeal and Grievance Form.
- c. The appeal shall state the issues of fact and law that the employee believes would warrant rescinding or modifying the discipline.
- d. The appointing authority and the employee may agree to:
  - i. Hold in abeyance a disciplinary action for a period not to exceed 18 months in order to permit the employee to improve conduct or performance;
  - ii. Impose a lesser disciplinary action as a final and binding action; or
  - iii. Waive or extend any time limits stated in these Standards.

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- e. The Secretary or his or her designee may confer with the employee before making a decision.
- f. Within fifteen (15) days after receiving an appeal, the Secretary or designee shall issue a written decision.
- g. Within ten (10) days after receiving the decision of the Secretary or designee, an employee or an employee's representative may appeal the decision to the Secretary of DBM who may mediate a settlement or refer the appeal to OAH.
- h. A failure to decide an appeal is a denial decision from which an appeal may be made.
- i. If an employee fails to appeal a decision in accordance with law, the employee is deemed to have accepted the decision.

**2. Appeal of Disciplinary Actions by Employees in the Management Service, Executive Service, or under Special Appointment**

- a. The appointing authority or designee may take any of the disciplinary actions specified in these Standards against an employee in the Management Service, Executive Service, or under Special Appointment as long as the act is not illegal or unconstitutional.
- b. Employees in the Management Service, Executive Service, or under Special Appointment may appeal disciplinary actions pursuant to State Personnel and Pensions Article § 11-113; however, unlike employees in the Skilled and Professional Services, have the burden of proof in the appeal process.

**3. Witnesses and Representatives**

- a. An employee may choose any person to assist or represent him or her at any step in the appeal process and shall notify the Department of that choice.
  - i. Employees of the Department who are designated as stewards may not lose any pay for investigating, processing, or presenting an appeal.
  - ii. An employee representing another employee must request approval for any release time from his or her normally scheduled shift by submitting written notice to his or her supervisor immediately upon gaining knowledge of the interview, conference, meeting, or hearing date, or at least within 24 hours of gaining such knowledge. Such notice shall contain the location and time of the interview, conference, meeting, or hearing and the step in the appeal process.
- b. Upon request, an employee has the right to union representation at any interview, conference, meeting, or disciplinary hearing where the employee is the subject of the investigation or disciplinary hearing. It is not the employer's responsibility to inform an employee of any right to union representation.
- c. The employee shall be provided with at least one hour's notice of a scheduled interview, conference, or meeting. This notice may be verbal. The inability or failure to contact a representative, the unavailability of a representative, or the failure of a



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representative to appear do not constitute grounds for postponing the interview, conference, or meeting.

- i. For employees covered by collective bargaining agreements, supervisors shall allow reasonable time for the union staff representative or designated steward to attend an interview, conference, or meeting, but may in no case allow less than one (1) hour if a representative or steward is on duty at the worksite. If no union staff representative or designated steward is on duty at the worksite, the employee shall be allowed at least four (4) hours to obtain a union representative; however, the employee must sign a waiver extending the time limits by no more than one (1) workday, excluding weekends and holidays, for FLSA non-exempt employees and no more than five (5) workdays for FLSA exempt employees.
  - ii. If the union cannot or does not have a representative or designated steward available within a reasonable period of time, the interview, conference, or meeting may be conducted without representation. If the Department disapproves release time for the representative in accordance with any applicable collective bargaining agreement, the meeting shall be delayed until the representative or designated steward is released from duty.
- d. An employee is required to give prompt, accurate answers to any and all questions concerning matters of official interest posed to him or her. The role of the union representative is to assist in the clarification of questions and otherwise advise the employee of his or her statutory, regulatory, or other legal rights. Under no circumstances may the union staff representative or designated steward dominate or interfere with the employer's investigative process. With the employee's permission, however, a union representative may act as the employee's spokesperson at any time during the disciplinary process, excluding during the employer's investigative process.
- e. The right to union representation does not apply to:
- i. Any discussion related to employee performance or a performance review;
  - ii. Any criminal investigation;
  - iii. The execution of a matter of record, incident report, or other report describing an event or occurrence by an employee at the direction of management;
  - iv. The reporting of any arrest, protective order, conviction, or other disposition;
  - v. An investigation in which the employee is not the subject of the interview; or
  - vi. The administration of any drug or alcohol test, physical examination, or other non-verbal examination.
- f. The right to union representation does not include the right to an attorney or to legal representation.
- g. Employees or their representatives may request witnesses for Department appeal conferences.

h. Regional Directors and/or Facility Administrators or Department Unit Directors shall ensure release time for properly subpoenaed witnesses at scheduled OAH hearings. All time necessary for required witnesses to appear at scheduled conferences or hearings is considered work time and shall be compensated accordingly.

## **V. Grievances**

### **A. Initiating a Grievance**

1. Employees may file a grievance appeal with regard to the interpretation and application of State personnel rules, regulations, or policies over which management has control.
2. Before initiating a grievance, an employee shall verbally present the matter to the employee's supervisor for informal discussion.
3. A grievance procedure must be initiated by an employee within twenty (20) days after:
  - a. the occurrence of the alleged act that is the basis of the grievance; or
  - b. the employee first knew or reasonably should have known of the alleged act that is the basis of the grievance.
4. The grievance procedure consists of the following steps:
  - a. The employee shall initiate a grievance proceeding by filing a written grievance, normally using the Universal Appeal and Grievance Form, with the appointing authority or designee. The appointing authority or designee shall hold a conference with the employee within ten (10) days after receipt of the written grievance. The appointing authority or designee shall render a written decision within ten (10) days after the conference.
  - b. The employee may file a written appeal within ten (10) days after receipt of the decision to the Secretary's designee, who shall hold a conference with the employee or the employee's designated representative on the Secretary's behalf. The conference shall be held within ten (10) days after receipt of the written appeal. A written decision shall be issued within ten (10) days after the conference.
  - c. Within ten (10) days after receiving the second decision, the employee may appeal, in writing, to the Secretary of the Department of Budget and Management (DBM), who shall hold settlement discussions. If the grievance is not settled, the Secretary of DBM shall refer the grievance to the Office of Administrative Hearings (OAH).
5. The parties may agree to waive any time limitations during the grievance and appeal procedure and the Department may extend the step one and step two deadlines consistent with SPP, Subtitle 12.

## **B. Witnesses and Representatives**

1. An employee may choose any person to assist or represent him or her at any step in the grievance process and shall notify the Department of that choice.
  - a. Employees of the Department who are designated as stewards may not lose any pay for investigating, processing, or presenting a grievance.
  - b. An employee representing another employee must request approval for any release time from his or her normally scheduled shift by submitting written notice to his or her supervisor immediately upon gaining knowledge of the conference, meeting, or hearing date, or at least within 24 hours of gaining such knowledge. Such notice shall contain the location and time of the conference, meeting, or hearing and the step in the grievance process.
2. The right to union representation does not apply to:
  - a. Any discussion related to employee performance or a performance review;
  - b. Any criminal investigation;
  - c. The execution of a matter of record, incident report, or other report describing an event or occurrence by an employee at the direction of management;
  - d. The reporting of any arrest, protective order, conviction, or other disposition;
  - e. An investigation in which the employee is not the subject of the interview; or
  - f. The administration of any drug or alcohol test, physical examination, or other non-verbal examination.
3. The right to union representation does not include the right to an attorney or to legal representation.
4. The appointing authority may designate an individual to assist or represent it at any time in the grievance and appeal process and shall notify the employee of that designation.
5. Employees or their representatives may request witnesses for Department appeal and grievance conferences.
6. Regional Directors and/or Facility Administrators or Department Unit Directors shall ensure release time for properly subpoenaed witnesses at scheduled OAH hearings. All time necessary for required witnesses to appear at scheduled conferences or hearings is considered work time and shall be compensated accordingly.

## **VI. Office of the Inspector General (OIG)**

### **A. Authority for Conducting Investigations**

1. OIG's investigative authority is at the direction of the Secretary. Unless otherwise directed by the Secretary, the Inspector General shall have authority and responsibility for investigations involving Department staff, operations, facilities, or licensed programs.

2. The Inspector General shall report to the Secretary or designee regarding the operation and administration of the OIG.

3. OIG shall make an evaluation of all complaints received and refer investigations to the appropriate facility or program management. The Inspector General has authority to assign complaints of alleged administrative violations to Regional Directors, Facility Administrators, or administrators of privately-operated programs or facilities.

## **B. Incidents and Complaints Requiring Notification to OIG Investigations Unit**

The OIG must be notified of all incidents as required by the Department's policies on incident reporting and other infractions and incidents as may be required. Infractions not included in the Department's policies on incident reporting are the responsibility of the Regional Directors, facility Superintendents, or administrators of privately-operated programs or facilities, who are expected to take appropriate administrative action as warranted under the circumstances.

## **C. Investigative Reports**

1. All investigative reports shall contain complete information obtained regarding the complaint and a clear chronological account of investigative action. Reports, supporting documents, and evidence must be maintained securely in the OIG case file, and in accordance with approved filing and retention schedules.

2. The Secretary may promulgate additional policies or procedures governing investigative reports.

3. Administrative investigation reports shall conform to a report format designed by OIG and approved by the Secretary or designee.

## **D. OIG Personnel Responsibilities**

1. The Inspector General is responsible for the conduct of all investigations assigned to OIG and for providing direction and supervision to all OIG personnel.

2. The Inspector General and OIG Director of Investigations are responsible for contact with officials, other agencies, and appropriate government bodies regarding the operation of OIG.

## **E. Regional Directors, Superintendents, Department Unit Directors, and Privately-operated Program or Residential Facility Administrators Responsibilities**

Regional Directors, Superintendents of Residential Facilities, Department Unit Directors, and privately-operated program or residential facility administrators shall:

1. Cooperate and give the OIG complete charge of investigations assigned to OIG. This also applies to investigations initially handled by a Regional Director or Superintendent and later assumed by OIG;

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2. Provide unimpeded access to all areas of the facility or workplace;
3. During investigations, coordinate investigative interviews with employees and youth, unless another procedure is established pursuant to a valid written agreement with a privately-operated program or residential facility;
4. Maintain all non-OIG investigative reports assigned to them and provide records, documents, and information to OIG staff upon request;
5. Ensure the confidentiality of all reports, records, and documents relating to an investigation; and
6. Provide private space, computer and telephone access, and other necessary assistance to an investigator during an investigation.

## VII. History of Revisions

Revision(s)	Effective Date of Revision(s)
<p>Revisions made as follows:</p> <ul style="list-style-type: none"> <li>• <b>Conduct and Performance</b> – which includes new standards for workplace appearance as well as revised standards for communication, confidentiality, and security</li> <li>• <b>Leave</b> – which includes the updated standards for accrual and usage of employee leave</li> <li>• <b>Discipline</b> - which includes revised infraction categories as well as standards for appeals and grievances</li> </ul>	3/1/17
<p>A new section, Section JJ. - Political Parties on page 15, has been added which states staff:</p> <ul style="list-style-type: none"> <li>• may freely participate in any political activity and express any political opinion;</li> <li>• may not engage in political activity, including campaigning or lobbying, while on the job during working hours or advocate the overthrow of the government by unconstitutional or violent means; and</li> <li>• may not use, threaten to use, or attempt to use political influence or the influence of any State employee or officer in gaining or providing an unfair advantage in any personnel decision affecting the employee.</li> </ul>	1/22/18
<p>Revisions made to <u>Section B. Personal Conduct</u> and to <u>Section C. Contraband</u> now state that staff may not illegally possess contraband or CDS <i>unless in the performance of official duties</i>. The revisions are listed below:</p> <ul style="list-style-type: none"> <li>• <b>Section B. Personal Conduct</b> Employees may not illegally possess or use any controlled dangerous substance or controlled paraphernalia while off duty or on duty unless in the performance of official duties.</li> <li>• <b>Section C. Contraband</b> Employees may not possess or convey contraband, or attempt to possess or convey contraband, in secured areas of a facility unless in the performance of official duties.</li> </ul>	6/27/18