

EMPLOYEE RIGHTS AND RESPONSIBILITIES

STANDARDS OF CONDUCT

Some rules of conduct are needed in any workplace in order to help everyone work together efficiently, effectively, and harmoniously. Because our mission is to serve the public and because we are empowered with substantial governmental authority to achieve that mission, we must hold ourselves to high standards of quality service and ethical conduct.

By accepting employment with us, you have a responsibility to the public, to the City and to your fellow employees to adhere to certain rules of behavior and conduct. The purpose of these rules is not to restrict your rights, but rather to be certain that you understand what conduct is expected and necessary to fulfill our mission, responsibilities, and duty to the public. When each person is aware that he or she can fully depend upon fellow workers to follow the rules of conduct, then our organization will be a better place to work and a more effective servant of the people.

MEETING JOB EXPECTATIONS

In addition to maintaining appropriate standards of conduct, it is the responsibility of employees to fulfill the essential functions of their positions in an acceptable manner. Depending on the position, these measures may be both qualitative and quantitative. Job requirements and qualifications are listed on job postings/descriptions. Your supervisor will discuss and clarify the expectations and standards of your position. Employees who are having difficulty meeting job standards should discuss the issue with their supervisor. In turn, it is the supervisor's responsibility to monitor employee performance and provide counseling, support, and assistance to employees in helping them meet job expectations.

Ultimately, if employees are unable to meet job requirements, corrective action may include reassignment, transfer, demotion or other disciplinary action, up to and including termination.

DISCIPLINARY ACTIONS FOR UNACCEPTABLE ACTIVITIES

Generally speaking, we expect each person to act in a mature and responsible way at all times. However, to avoid any possible confusion, some of the more obvious unacceptable activities are noted below. Your avoidance of these activities will be to your benefit as well as the benefit of the City. If you have any questions concerning any work or safety rule, or any of the unacceptable activities listed, please see your supervisor for an explanation.

We list these standards for the guidance of all employees and supervisors. We do not expect anyone to engage in these activities, but we believe everyone is served by our being clear as to what is not acceptable.

Violations Which May Result in Dismissal

Occurrences of any of the following violations, because of their seriousness, may result in dismissal without prior disciplinary action:

1. Willful violation of any City of Cambridge rule; any deliberate action that is extreme in nature and is obviously detrimental to the City's efforts to provide services effectively and efficiently.
2. Willful violation of security or safety rules or failure to observe safety rules or City safety practices; failure to wear required safety equipment; tampering with City equipment or safety equipment.
3. Negligence or any careless action which endangers the life or safety of another person.
4. Being intoxicated or under the influence of controlled substance drugs while at work; use, possession or sale of any controlled substance, in any quantity while on City property except for medications prescribed by a physician which do not impair work performance.
5. Unauthorized possession of dangerous weapons, firearms, or explosives on City property or while on duty.
6. Engaging in criminal conduct or acts of violence; making threats of violence toward anyone on City premises or when representing the City; fighting, horseplay, provoking a fight on City property; or negligent damage of property. The City regards fighting as a very serious offense. If confronted by another employee or member of the public, we expect you to retreat, and not escalate the situation or retaliate. You should only take defensive action.
7. Insubordination or refusing to obey instructions properly issued by your supervisor pertaining to your work; refusal to help out on a special assignment.
8. Engaging in an act of sabotage; willfully or with gross negligence causing the destruction or damage of City property, or the property of fellow employees, members of the public, vendors, or visitors in any manner.
9. Theft of City property or the property of fellow employees; unauthorized possession or removal of any City property, (including documents), from the premises without prior permission from management; unauthorized use of City equipment or property for personal reasons; using City equipment for profit.
10. Dishonesty; willful falsification or misrepresentation on your application for employment or other work records; lying about sick or personal leave; falsifying the reason for a leave of absence or other data requested by the City; failing to tell the truth at any time during the course of your employment with the City; intentionally and willfully misrepresenting information about the City or its employees to members of the media; failing to tell the truth during the course of a City investigation; alteration of City records or other City documents.

11. Violating the privacy of others by releasing confidential or protected information to outside individuals, organizations, or to unauthorized City employees; breach of confidentiality of personnel or personal information.
12. Malicious comments about others and/or spreading rumors harmful to individuals or the City's interests; engaging in behavior designed to create discord and lack of harmony; interfering with another employee on the job; willfully restricting work output or encouraging others to do the same.
13. Immoral conduct or indecency while on duty or while on City property.
14. Actions in violation of your public trust, including abuse of the authority vested in you as a public official, to seek unwarranted gain or exemptions for yourself or others.
15. Threatening, intimidating, harassing or coercing fellow employees, customers, or members of the public; interfering with another employee on the job; using obscene or abusive language towards another employee, customer, or member of the public; threatening or employing physical violence towards another employee, customer, or member of the public. Such conduct is prohibited at all times, whether the employee or employees concerned are off-duty or on-duty, and whether the conduct occurs on or off the City premises.
16. Off duty conduct so egregious or otherwise as to undermine the confidence of the public in the City's capacity to fulfill its functions to the public in a fair, safe, and effective manner.

Other Violations Which May Result in Disciplinary Action

Occurrences of any of the following activities, as well as violations of any City rules or policies, may result in disciplinary action, including possible dismissal. This list is not all-inclusive and, notwithstanding the list, the City reserves the right to take such disciplinary action as is necessary to protect effective and efficient operations and high quality services to the public.

1. Unsatisfactory or careless work; failure to meet service or quality standards as explained to you by your supervisor; mistakes due to carelessness or failure to get necessary instructions.
2. Any act of harassment, sexual, racial or other: telling sexist or racist jokes; making racial or ethnic slurs.
3. Leaving work before the end of a workday or not being ready to work at the start of a workday without approval of your supervisor; stopping work before time specified for such purposes.
4. Sleeping on the job; loitering or loafing during working hours.
5. Excessive use of City telephones for personal calls or of City's computers for personal use.
6. Unauthorized absence from your work station or duty assignment during your work hours.

7. Smoking in City buildings; taking unauthorized breaks to smoke. Smoking or use of tobacco products is not permitted in any area of any City buildings.
8. Creating or contributing to unsanitary conditions.
9. Posting, removing or altering notices on any bulletin board on City of Cambridge property without permission of an authorized supervisor.
10. Failure to report an absence or late arrival: excessive or patterned absence or lateness.
11. Obscene or abusive language toward any supervisor, employee, customer, or member of the public; indifference or rudeness towards a customer, member of the public, or fellow employee; any disorderly/antagonistic conduct on City of Cambridge premises.
12. Speeding or careless driving of any City of Cambridge vehicles.
13. Failure to immediately report damage to, or an accident involving, City equipment.
14. Soliciting or engaging in political activity during working hours and/or in working areas; selling merchandise or collecting funds of any kind for charities or others without authorization during business hours, or at a time or place that interferes with the work of another employee on City of Cambridge property.
15. Failure to maintain a neat and clean appearance in terms of the standards established by your supervisor; any departure from accepted conventional modes of dress or personal grooming after warning; wearing improper or unsafe clothing.
16. Failure to use your time card, sign in/sign out sheets, or other attendance recording devices; alteration of your own time card or records or attendance documents; punching or altering another employee's time card or records; causing someone to alter your time card or records.

DISCIPLINARY PROCEDURES/POSSIBLE DISCIPLINARY ACTIONS SHORT OF DISMISSAL

Unacceptable behavior or unsatisfactory work performance that does not lead to dismissal may be dealt with in any of the following ways:

- Oral or Written Warning;
- Unpaid Suspension;
- Demotion; Reduction in Pay; Delays or Cancellations of Pay Increases

Oral warnings serve as notice to the employee that certain inappropriate behaviors have been observed and/or that work performance does not meet expectations. Employees are strongly encouraged to pay close attention to such warnings and to behave and perform in a manner consistent with their supervisor's expectations and which conforms with the City's standards of appropriate work conduct.

Written warnings will include the reasons for the supervisor's dissatisfaction and any supporting evidence. You will have an opportunity to defend your actions and rebut the opinion of your supervisor at the time the warning is issued. You may also submit a written statement for your personnel files.

In any interview where discipline of the employee is contemplated as a possible result, a unionized employee may request the presence of a union steward or other union representative. Non-union employees may request the presence of another non-union employee.

Department heads and certain designated supervisors have the authority to suspend an employee for up to five days without pay. Discipline in excess of a five-day suspension (including demotion) may only be taken by the City Manager.

Before any disciplinary action is taken, all pertinent facts will be carefully reviewed. If circumstances warrant, and consistent with civil service law where appropriate, the employee will be given an opportunity to explain his or her conduct before any final decision is reached. The City Manager or designee will provide an employee in a budgeted position an opportunity to be heard concerning the unacceptable behavior before contemplated dismissal occurs.

The City recognizes the value of obtaining the commitment of employees to work to correct any disciplinary/behavioral problems that are interfering with their performance. Therefore in many circumstances the City will seek to reach agreement with the employee as to the appropriate level of discipline, the expectations for the employee for future behavior, and the consequences of meeting or failing to meet those expectations. In the unlikely event that you have violated any of these standards of conduct, we encourage your willingness to settle the matter, including a real commitment to correct the problem.

GRIEVANCE PROCEDURES

Most union contracts provide for a grievance procedure to resolve disputes arising out of interpretation or application of the collective bargaining agreement. Non-union employees may also air grievances and are encouraged to do so in order to resolve disputes, clarify work practices and benefits, and bring to the attention of management any problems that need to be solved.

A non-union employee who feels aggrieved should raise the matter first with his or her direct supervisor. If, after a thorough discussion, the problem remains unresolved, the employee may pursue it by filing a written summary of the problem and a request for a meeting with the department head. If the problem remains unresolved after meeting with the department head, the employee should file a written request for a meeting with the Personnel Department, outlining the problem. A representative from the Personnel Department, acting as the designee of the City Manager, will meet with the employee and representatives of the department together or separately as appears most appropriate to help solve the problem. Although it is clear that not all such disputes will be resolved in favor of the employee, every effort will be made to reach a fair and equitable result that can be understood and accepted by all parties.

Allegations of violations of the Affirmative Action Plan, Equal Employment Policies, and/or the Sexual Harassment Policy should be submitted for resolution according to the terms of those policies.

CONFLICT OF INTEREST

As a public agency, it is very important that City employees take extraordinary care to be sure that they do not take official actions that either are or may give the appearance of being improperly influenced by personal gain or benefit. Personal or business transactions with outside individuals or organizations with whom you conduct business on behalf of the City create the potential for such conflict. Accepting gifts or gratuities from persons who do business with the City is always inappropriate. Accepting gifts in excess of \$50 value has been determined by the State Ethics Commission to violate the State Ethics Law.

If you are concerned about whether a particular course of action may generate such a conflict or the appearance of one, consult with your supervisor or the Law Department at (617) 349-4121 or (617) 349-4242 (TTY).

OUTSIDE EMPLOYMENT

What you do on your free time is generally your own business. However, if you are employed by the City of Cambridge in a full-time position, the City will expect that your position here is your primary employment. Any outside activity must not interfere with your ability to properly perform your job duties for the City of Cambridge, or present a conflict of interest.

If you are thinking of taking on a second job, or doing private consulting, confer with your supervisor before doing so. He or she will thoroughly discuss this opportunity with you to make sure that it will not interfere with your job for the City nor pose a conflict of interest.

HARASSMENT POLICY

It is essential that the City of Cambridge provide a work environment that is pleasant, healthful, comfortable, and free from intimidation, hostility or other offenses that might interfere with work performance. Harassment of any sort — spoken, written, physical, visual — will not be tolerated.

What Is Harassment?

Harassment can take many forms. It may be, but is not limited to: words, signs, jokes, pranks, intimidation, physical contact, or violence. Harassment is not necessarily sexual in nature. Any action which is verbally or physically intimidating, coercive, or creates a hostile work environment will be viewed as harassment. If you believe you have been subject to harassing behavior, contact your supervisor immediately. If you are reluctant to discuss the matter with your supervisor, you may refer the matter to any of the individuals or departments outlined in the Reporting section below.

Sexual Harassment

Sexual harassment is of particular concern in the work place. Not only is it destructive of workplace harmony and teamwork, it is discriminatory and will not be tolerated. Sexually harassing conduct may include unwelcome sexual advances, requests for sexual favors, or any other verbal or physical contact of a sexual nature that prevents an individual from effectively performing the duties of his/her position or creates an intimidating, hostile or offensive working environment, or when such conduct is made a condition of employment or compensation, either implicitly or explicitly. Sexually harassing conduct may be harassment by a man towards a woman, a woman towards a man, or between persons of the same sex. The harasser does not necessarily have to be the victim's supervisor. The victim does not necessarily have to be the one to whom the remarks or conduct are directed, but may be someone whose ability to work is adversely affected by an intimidating or hostile working environment created by the behavior of others. The harasser or the victim could be a member of the public who comes in contact with a City employee.

Reporting Responsibility

You should be provided with a copy of the City's policy on dealing with sexual harassment shortly after being hired. If you have not received it, ask your supervisor to supply it to you. All City of Cambridge employees, particularly managers, have a responsibility for keeping our work environment free of harassment. Any employee who becomes aware of an incident of harassment, whether by witnessing the incident or being told of it, must report it to their immediate supervisor or any management representative with whom they feel comfortable. When management becomes aware that harassment might exist, it is obligated by law to take prompt and appropriate action, whether or not the victim wants the City of Cambridge to do so.

Reporting Process

Any incident of harassment must be immediately reported to your supervisor or special management representative. Each Department in the City has a Sexual Harassment Coordinator with responsibility for handling an investigation or referring it to the Human Rights Commission of the City for investigation. You may ask that person for assistance. Appropriate investigation and disciplinary action will be taken. All reports will be promptly investigated with due regard for the privacy of everyone involved. Any employee found to have harassed a fellow employee or subordinate will be subject to disciplinary action including possible discharge. The City of Cambridge will also take any additional action necessary to appropriately remedy the situation. No adverse employment action will be taken against any employee making a good faith report of alleged harassment. If, for any reason, you are uncomfortable or reluctant to raise a matter of harassment within your department, questions or complaints may also be directed to the Women's Commission (617) 349-4697 or (617) 492-0235 (TTY); Affirmative Action Director (617) 349-4331 or (617) 349-4242 (TTY); City Manager or Deputy City Manager (617) 349-4300 or (617) 349-4242 (TTY); or to the Personnel Director (617) 349-4332 or (617) 349-4242 (TTY).

The individual who makes unwelcome advances, threatens, or in any way harasses another employee may be personally liable for such actions and their consequences.