DAS DEPARTMENT OF ADMINISTRATIVE SERVICES

Statewide Policy

SUBJECT:	**Maintaining a Professional Workplace**	**NUMBER:**	**50.010.03**
DIVISION:	**Chief Human Resource Office**	**EFFECTIVE DATE:**	**11/01/13**
APPROVED:	Michael Ford		

POLICY STATEMENT: **It is the policy of Oregon state government that mutual respect between and among managers, employees, temporary employees and volunteers is integral to the efficient conduct of business. All individuals work together to create and maintain a work environment that is respectful, professional and free from inappropriate workplace behavior.**

AUTHORITY: **ORS 240.145 and ORS 240.250**

APPLICABILITY: **All employees, including temporary employees and volunteers, and others working in the agency**

DEFINITIONS:

Professional Workplace Behavior: Supporting the values and mission of Oregon **state government** and the agency, building positive relationships with others, communicating in a respectful manner, holding oneself accountable and pursuing change within the system.

Inappropriate Workplace Behavior: Unwelcome or unwanted conduct or behavior that causes a negative impact or disruption to the workplace or the business of the state, or results in the erosion of employee morale and is not associated with an employee's protected class status.[1] **(See State HR Policy 50.010.01 Discrimination and Harassment Free Workplace for guidance on issues involving protected class status.)**

Examples of inappropriate workplace behavior include but are not limited to, comments, **actions** or behaviors of an individual or group that **embarrass, humiliate, intimidate,** disparage, demean, or show disrespect for another employee, a manager, a subordinate, **a volunteer,** a customer, a contractor or a visitor in the workplace.

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[1] **Protected Class Under Federal Law: Race; color; national origin; sex (includes pregnancy-related conditions); religion; age (40 and older); disability; a person who uses leave covered by the Federal Family and Medical Leave Act; a person who uses Military Leave; a person who associates with a protected class; a person who opposes unlawful employment practices, files a complaint or testifies about violations or possible violations; and any other protected class as defined by federal law.**

Protected Class Under Oregon State Law: All federally protected classes, plus: age (18 and older); physical or mental disability; injured worker; a person who uses leave covered by the Oregon Family Leave Act; marital status; family relationship; sexual orientation; whistleblower; expunged juvenile record; and any other protected class as defined by state law.

Inappropriate workplace behavior does not include actions of performance management such as supervisor instructions, expectations or feedback, administering of disciplinary actions, or investigatory meetings.

Inappropriate workplace behavior does not include assigned, requested or unsolicited constructive peer feedback on projects or work.

State HR Policy 10.000.01 Definitions and OAR 105-010-0000

POLICY

(1) Conduct Employees of all service types, temporary employees and volunteers, at every level of the agency (includes boards and commissions) must foster an environment that encourages professionalism and discourages disrespectful behavior. All employees, temporary employees and volunteers must behave respectfully and professionally and refrain from engaging in inappropriate workplace behavior.

(2) Addressing Inappropriate Workplace Behavior

(a) Supervisors must address inappropriate behavior they observe or experience and should do so as close to the time of the occurrence as possible and appropriate.

(b) If an employee**, temporary employee or volunteer** observes or experiences inappropriate workplace behavior and feels comfortable in doing so, he or she should **do one or both of the following**:

(A) Redirect inappropriate conversations or behavior to workplace business

(B) Tell an offending employee**, temporary employee or volunteer** his or her behavior is offensive and ask him or her to stop.

(3) Reporting Inappropriate Workplace Behavior

(a) An employee**, temporary employee or volunteer** should report inappropriate workplace behavior he or she experiences or observes to his or her immediate supervisor as soon as practical. If the employee**, temporary employee or volunteer's** immediate supervisor is the one engaging in the inappropriate behavior, **he or she** should report the behavior to upper management, the agency head or **agency** Human Resource section, as soon as practical. The report may be **verbal** or **written**.

(b) If past practice exists in the agency, an employee represented by a labor union may have a union representative present during regular work hours, when reporting inappropriate workplace behavior and through the process set forth in this policy.

(4) Responding to a Report of Inappropriate Workplace Behavior Inappropriate workplace behavior must be addressed and corrected before it becomes pervasive, causes further workplace disruption or lowers morale. Unless the agency decides otherwise, the supervisor of the **individual** allegedly engaging in inappropriate workplace behavior must **address**[2] the report as soon as possible.

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[2] **The agency determines the best method of addressing the report, depending upon the behavior reported or observed, including determining method of follow up if necessary.**

(5) **Consequences**

(a) Any employee found to have engaged in inappropriate workplace behavior, will be counseled, or, depending on the severity of the behavior, may be subject to discipline, up to and including dismissal.

(b) An employee in trial service found to have engaged in inappropriate workplace behavior may be removed from trial service.

(c) A temporary employee or volunteer found to have engaged in inappropriate workplace behavior will be counseled or, depending on the severity of the behavior, may have his or her service terminated.

(d) A supervisor who fails to address inappropriate behavior, will be counseled, or, depending on the severity of the behavior, may be subject to disciplinary action, up to and including dismissal.

(6) **Retaliation** Retaliating against someone for reporting or addressing inappropriate workplace behavior is prohibited. **An employee who believes he or she is experiencing retaliation as a result of reporting inappropriate behavior should report this to his or her immediate supervisor as soon as practical**[3]. The agency will investigate reports of retaliation. Any employee found to have engaged in retaliation may be subject to discipline, up to and including dismissal. **An employee in trial service found to have engaged in retaliation may be removed from trial service. A temporary employee or volunteer found to have engaged in retaliation may have his or her service terminated.**

(7) **Policy Notification. All employees including temporary employees and volunteers will:**

(a) Be given a copy or told the location of State HR Policy 50.010.03 Maintaining a Professional Workplace by the agency

(b) Be given directions to read the policy

(c) Be provided an opportunity to ask questions and have their questions answered

(d) Acknowledge he or she read the policy and had the opportunity to ask questions

(A) The agency decides the form of the acknowledgement, such as electronic, signed, or other documented acknowledgment

(B) The agency may create and offer training as it deems necessary.

[3] **If the employee believes his or her immediate supervisor is engaging in retaliation, he or she should report the behavior to the agency human resource office, upper management or the agency head as soon as practical.**