

SUBJECT: Maintaining a Professional Workplace NUMBER: 50.010.03

DIVISION: Chief Human Resources Office EFFECTIVE DATE: 11/22/2019

APPROVED: Signature on file with the Chief Human Resources Office

POLICY STATEMENT: Mutual respect between and among managers, employees, temporary employees and volunteers is integral to the efficient conduct of business within Oregon state government. 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

ATTACHMENTS: Complaint Form

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 (Refer to 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.

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

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

Also refer to State HR Policy 10.000.01, Definitions.

POLICY:

- (1) Employees of all service types, temporary employees and volunteers, at every level of the agency (including 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, the employee should do one or both of the following if they are comfortable in doing so:
 - (A) Redirect inappropriate conversations or behavior to workplace business.
 - (B) Tell the offending employee, temporary employee or volunteer their behavior is offensive and ask them to stop.
- (3) Reporting Inappropriate Workplace Behavior
 - (a) An employee, temporary employee or volunteer should report inappropriate workplace behavior they experience or observe, to their immediate supervisor, another manager, the agency, board, or commission's human resources section, executive director, chair, or the DAS Chief Human Resources Office, as soon as is practical.
 - (i) The report may be made orally or in writing.
 - (ii) An oral or written complaint should contain the following:
 - The names of all parties involved, including witnesses.
 - A specific and detailed description of the conduct or action the employee believes is inappropriate workplace behavior.
 - The date or time period in which the alleged conduct occurred.
 - A description of the desired remedy.
 - (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 throughout the process set forth in this policy.
- (4) Responding to a Report of Inappropriate Workplace Behavior
 - (a) 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 the report as soon as possible.²

(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) An employee in a limited duration or temporary appointment or a volunteer found to have engaged in inappropriate workplace behavior will be counseled, or depending on the severity of the behavior, may have their appointment or 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 discipline up to and including dismissal.

(6) Retaliation

- (a) Retaliating against someone for reporting or addressing inappropriate workplace behavior is prohibited. An employee who believes they are experiencing retaliation as a result of reporting inappropriate behavior should report it to their immediate supervisor as soon as is 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. An employee in a limited duration or temporary appointment or a volunteer found to have engaged in retaliation may have their appointment or 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 directed to read the policy.
- (c) Be provided an opportunity to ask questions and have their questions answered.
- (d) Acknowledge having read the policy and having 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.

¹Protected 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; a whistleblower; a person with an expunged juvenile record; and any other protected class as defined by state law.

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

³ If the employee believes their immediate supervisor is engaging in retaliation, the employee should report the behavior to another manager, the agency, board, or commission's human resources section, executive director, chair, or the DAS Chief Human Resources Office as soon as is practical.