


MISSOURI DEPARTMENT OF TRANSPORTATION  PERSONNEL POLICY MANUAL	Chapter Title Employee Conduct		
	Policy Title Standard Rules of Conduct		
	Policy Number 2500	Page 1 of 11	Effective Date June 1, 2023
Approved By Ashley Halford, Human Resources Director, Signature on File	Supersedes Policy Number 2500	Page 1 of 11	Prior Effective Date September 15, 2022

POLICY STATEMENT

The department believes certain conduct may disrupt the work environment; may cause safety problems for employees and the general public; may discredit the department; and may undermine the integrity of department goals. The department has developed this policy specifically to address behavior violations and other types of conduct believed not to be in the best interest of the department. This policy is not intended to include all violations that could result in discipline. Violation of these rules can result in discipline up to, and including, termination.

DEFINITION:

Incident: An action or lack of action that results in personal injury and/or property damage.

PROVISIONS / REQUIREMENTS

1. Employees are responsible for knowing and adhering to the rules of conduct established by the department and for acting in accordance with MoDOT's values.
2. Supervisors and managers are responsible for educating, monitoring, and keeping employees in their areas informed of department rules of conduct.
3. Districts/divisions/offices are responsible for determining if an employee's conduct should result in immediate dismissal, or other discipline administered according to the policy referenced herein and in Personnel Policy 2600, "Performance/Conduct Intervention."
4. Districts/divisions/offices are responsible for notifying the Human Resources Division immediately of potential claims of discrimination, harassment, sexual

harassment, or retaliation. Supervisors are also responsible for immediately reporting allegations, observations, reports of discrimination, harassment, sexual harassment, retaliation, or any other inappropriate behavior to a local Human Resources representative as outlined in Personnel Policy 0505 "Equal Employment Opportunity." If the allegation(s), observation(s), or other reported issue(s) within this paragraph involve the local Human Resources department, supervisors must immediately report them to the Audits and Investigations (AI) Division.

5. All MoDOT employees are responsible for preventing, detecting, and reporting fraud, waste, abuse and other illegal acts. All employees must promptly report acts of fraud, waste, abuse and other illegal acts to the AI Division. Employees shall not intentionally make false allegations of fraud, waste, abuse or other illegal acts. Retaliatory acts against employees reporting suspected fraud, waste, abuse or other illegal acts or those cooperating with an investigation by the AI Division are prohibited by Personnel Policy 2104, "Appeal Procedures for Alleged Adverse Employment Actions Resulting From Whistleblower Reporting."
6. The confidentiality of all MoDOT employees' personally identifiable information (e.g. SSN, DOB, etc.) and medical information must be maintained at all times and may not be shared with anyone except those authorized to have access. Any MoDOT employee who has gained knowledge of or access to personally identifiable information and/or medical information in the course of conducting MoDOT business must keep this information protected at all times. All medical information must be kept in a separate, confidential medical file and cannot be included in an employee's personnel file or performance management file.
7. An employee or the department is free to terminate the employment relationship at-will, with or without cause, and at any time. As an at-will employer, the department reserves the right to add to or subtract from the rules outlined in department personnel policies and procedures and has the exclusive authority to review the circumstances surrounding each infraction on an individual basis.
8. During investigations conducted by department personnel authorized to conduct investigations, employees will not be allowed to have another person present, including legal counsel, when being asked for information related to their behavior or potential violations of department policies or law. When the AI Division conducts investigations, and the potential exists for criminal charges to be brought against employees, these employees will be allowed to have an attorney present for legal counsel, while being questioned by the investigator for the AI Division. The employee will not automatically be informed of the subject or details surrounding the investigation beyond what is deemed appropriate by those conducting the investigation due to the confidential process for gathering statements and evidence, as well as the need to protect the integrity of the investigative process.

9. MoDOT does not authorize leave for time spent in custody or jail (or otherwise incarcerated), therefore, paid leave for such time will not be approved. Any exceptions to this would be rare and must be approved by the HR Director. If paid leave was unknowingly approved for time spent in custody or jail, it will be retroactively changed to unpaid leave.
10. Felony Charge (see number 10 listed under Standard Rules of Conduct).
 - A. An employee charged with a felony of any kind must immediately (after a warrant is served, unless the employee provides documentation that circumstances would not permit them to do so) report it to their supervisor and promptly provide a copy of charge(s) filed to the local human resources manager. The supervisor will consult with the Human Resources Director and the relevant district engineer or division leader/state engineer to determine whether termination or suspension pending further review of the charge(s) is warranted under the circumstances.
 - B. If it is determined that a suspension is warranted pending further review or disposition of the charge(s), the employee will immediately be suspended without pay. However, an employee may elect to use a portion or all of their accrued annual leave and/or compensatory time during this suspension. This time must be used consecutively, not intermittently. Any time paid will be creditable/credited service in the retirement system. If the employee does not have accrued leave available to cover their absence during this suspension, life, disability, and medical insurance will continue to be available, but without state participation.
 - C. An employee suspended pending the outcome of further review of the charge(s) must keep their supervisor and human resources manager informed about the status of the charge(s) throughout the process (e.g. scheduled hearings and trials) and must provide information regarding the final disposition of charge(s) to their supervisor and human resources manager within three days of disposition.
 - D. A suspended employee may be allowed to return to work after further review or after the disposition of the charge(s), unless the district/division/office in consultation with the human resources director determines at any point during the review of the charge(s) and prior to the employee's return that the employee's return is not in the best interest of the department.
 - E. An employee who is not terminated or suspended pending the review of the charge(s) must keep their supervisor and human resources manager informed about the status of the charge(s) throughout the process (e.g. scheduled hearings and trials) and must provide information regarding the final disposition of charge(s) to their supervisor and human resources manager within three days of disposition. The district engineer/division

leader/state engineer, in consultation with the human resources director, will determine whether any further action is warranted based upon the final disposition of the charge(s).

- F. An employee convicted of a felony charge involving the use of controlled substances will be released from employment and will not be eligible for reemployment with the department for at least two years from the date of release, and only then if they show proof of completion of a state certified drug rehabilitation program.
- G. No reimbursement for lost wages will be provided to an employee allowed to return to work after suspension as noted above. Any paid leave used during a suspension due to a felony charge will not be reinstated.

11. Misdemeanor Conviction regarding Controlled Substances (see number 10 listed under Standard Rules of Conduct).

- A. An employee convicted of a misdemeanor regarding controlled substances must immediately (after a judgment is issued, unless the employee provides documentation that circumstances would not permit them to do so) report the conviction to their supervisor and promptly provide a copy of charges and conviction documents to the local human resources manager. For a first-time conviction an employee will be given an opportunity to successfully complete a state certified drug rehabilitation program according to the same procedures and requirements outlined in Personnel Policy 2508 "Drug Testing Program" Section IV. An employee must begin this program within fourteen calendar days of being told in writing to attend a rehabilitation program.
- B. Refusal or failure to begin rehabilitation within fourteen calendar days of notice to the employee will result in release from employment.
- C. Failure to successfully complete the required drug rehabilitation program will result in a suspension without pay of at least 40 hours and a requirement to reenter a drug rehabilitation program within fourteen calendar days or be released from employment. Failure to provide proof of successful completion of this program and undergo a return-to-duty controlled substance test with a verified negative test result for controlled substances will result in release from employment.
- D. An employee released from employment for a misdemeanor conviction involving the possession or use of controlled substances including the failure to begin/complete drug rehabilitation will not be eligible for reemployment with the department for at least two years from the date of release and only then if they show proof of completion of a state certified drug rehabilitation program.

- E. An employee convicted of a misdemeanor charge involving the possession or use of controlled substances for a second time while employed with a state agency will be released from employment and will not be eligible for rehire.

12. Other Misdemeanor Convictions (see number 10 listed under Standard Rules of Conduct)

- A. An employee convicted of a misdemeanor related to violent crimes, such as unlawful use of weapons, sexual crimes, or crimes against children must immediately (after a judgement is issued, unless the employee provides documentation that circumstances would not permit them to do so) report the conviction to their supervisor and promptly provide a copy of the charge(s) and conviction documents to the local human resources manager. The supervisor will consult with the Human Resources Director and the relevant district engineer or division leader/state engineer to determine whether termination or suspension pending further review of the misdemeanor conviction is warranted under the circumstances.
- B. If it is determined that a suspension is warranted pending further review of the conviction(s), the employee will immediately be suspended without pay. However, an employee may elect to use a portion or all of their accrued annual leave and/or compensatory time during this suspension. This time must be used consecutively, not intermittently. Any time paid will be creditable/credited service in the retirement system. If the employee does not have accrued leave available to cover their absence during this suspension, life, disability, and medical insurance will continue to be available, but without state participation.
- C. A suspended employee may be allowed to return to work after the review is completed, unless the district/division/office in consultation with the human resources director determines at any point during the review and prior to the employee's return that the employee's return is not in the best interest of the department.
- D. No reimbursement for lost wages will be provided to an employee allowed to return to work after suspension as noted above. Any paid leave used during a suspension due to a misdemeanor conviction will not be reinstated.

13. Authorization to Record

- A. Requests for authorization to take photos, videos, or otherwise record any MoDOT or MHTC meetings or training sessions (either in person or via audio/video call), must be submitted in writing to the relevant district engineer or division leader/state engineer. A flowchart for "Recording A Meeting" is included as an attachment to this policy.
- B. Requests for authorization to take photos, videos, or otherwise record, (without the knowledge and consent of individuals being recorded) any MoDOT employee or MHTC member's work- related statements or actions outside of

work; or record any statements or actions, work-related or not, at the workplace, worksite, or during work hours (either in person or via audio/video call) must be submitted to the AI Director in writing.

- C. All requests for authorization to take photos, videos, or otherwise record, as outlined in sections A and B of this paragraph, must include the following:
1. The business reason supporting the need to record and who will be recording;
 2. A statement about whether the recording will be audio or video/photograph or both;
 3. The name and title of the individual(s) being recorded;
 4. A statement about how the recording will be shared and with whom; and
 5. A statement about where the recording will be stored and who will be responsible for retention as required in the retention schedules.
- D. The sole exception to the authorization requirements for recordings outlined above in sections A, B, and C of Paragraph 13, is in instances related to an Unsafe Practice (i.e., any unsafe act, unsafe condition or safety concern that increases the risk of injury, death, or environmental harm) or an Imminent Danger (i.e. any existing act, condition, or practice, that if not immediately addressed, will likely cause injury, death, or environmental harm). See also Safety Policy 0001 for other requirements related to Unsafe Practices and Imminent Dangers.

Any employee who records an Unsafe Practice or Imminent Danger under this exception must immediately contact the Chief Safety and Operations Officer or their designee at **573-658-2255** and provide an explanation for the recording(s) along with a copy of the recording(s).

Employees shall not compromise anyone's safety or violate any department policies or procedures in order to record an Unsafe Practice or Imminent Danger.

- E. If any recordings are made, with or without authorization, they must be retained according to the relevant records retention schedule along with whether the requirements outlined in A, B, C, and D above were met.

STANDARD RULES OF CONDUCT

To ensure compliance with this policy, an employee shall not:

1. Engage in conduct that is inconsistent with MoDOT values or behave in a manner that brings or could bring undue criticism toward the department or its employees or operations.
2. Violate Personnel Policy 2503, "Communications and Information Systems."
3. Use any type of device (e.g. personal or department cell phone, smartphone, tablet, laptop, or other device) to take photos, videos, or otherwise record any MoDOT or MHTC meeting, training session, audio/video call of any type, or any MoDOT employee or MHTC member's work-related statements or work-related actions outside of work; or record any statements or actions, work-related or not, at the workplace, worksite, or during work hours without following the requirements outlined in Paragraph 13 in the Provisions/Requirements section of this policy.
4. Use a personal or department cell phone, smartphone, tablet, laptop, or other device:
 - A. For an excessive amount of time for personal business during work time.
 - B. To show/forward inappropriate text, pictures, videos, etc., to co-workers or anyone else while conducting MoDOT business or representing themselves as a MoDOT employee in which the content violates MoDOT's policies or values and/or brings or could bring discredit or undue criticism upon the department.
 - C. While operating department owned vehicles/equipment or while operating a personal vehicle for official department business except as provided in Paragraph 13.
5. Violate Personnel Policy 2507, "Drug-Free Workplace Act."
6. Perform assigned duties while drug impaired or violate other provisions of Personnel Policy 2508, "Drug Testing Program."
7. Violate Personnel Policy 2509, "Driving Privileges."
8. Report for work under the influence of alcohol, consume alcohol on the job, or violate provisions of Personnel Policy 2511, "Alcohol Testing Program."
9. Be insubordinate to a supervisor.
10. Violate Personnel Policy 2512, "Workplace Security."
11. Be charged with a felony of any kind; be convicted of a misdemeanor related to violent crimes, unlawful use of weapons, sexual crimes, or crimes against children; or be convicted of a misdemeanor or felony charge involving the possession or use

of controlled substances. A plea of nolo contendere (i.e., no contest), a guilty plea, or an admission to a felonious act(s) will be treated the same as a conviction.

12. Violate federal or state antidiscrimination, retaliation, harassment, or sexual harassment laws, or violate department antidiscrimination, retaliation, harassment, or sexual harassment policies or directives.
13. Violate Personnel Policy 2514, "Conflict of Interest."
14. Violate traffic laws or disregard or violate existing safety policies, rules, regulations, or guidelines (as defined in MoDOT Safety Policies or Procedures, relevant operational and training manuals, or as communicated through directives or guidelines issued during periods of emergency and/or pandemic response), which could endanger the health and safety of the employee, a coworker, or the general public. The district safety representative will assist in the interpretation or clarification of matters involving safety policies, rules, regulations, and guidelines. Such violation may include but not be limited to the following:
 - A. Falsification of incident reports and/or failure to report an incident within the required reporting guidelines.
 - B. Refusal to obey a clear and proper order or directive to follow a prescribed safety policy, rule, regulation, or guideline.
 - C. Alcohol or drug use, which is directly involved in the causation of an accident.
 - D. Any employee in a position of authority who fails to enforce or support department safety policy, rules, regulations, or guideline.
 - E. Incidents caused directly by an employee's disregard for or violation of an existing safety policy, rule, regulation, or guideline as determined by the district safety officer and the respective supervisory personnel.
 - F. Failure to use department prescribed personal protective equipment when required to do so, including the failure to use seat belts while in a department or personal vehicle when conducting MoDOT business or while operating department equipment.
 - G. Failure to follow prescribed policies, rules, regulations, or guidelines issued during a period of emergency and/or pandemic response, including, but not limited to, social distancing and/or face covering guidelines.
 - H. Inappropriate operation of department vehicles or equipment, which could or does result in an incident.
 - I. Use of personal or department owned communications equipment, including a cell phone, smartphone, tablet, laptop, or other mobile communication device while operating department owned vehicles/equipment or while

operating a personal vehicle for official department business except as provided in Paragraph 20.

J. Horseplay or carelessness that could or does result in an incident.

15. Improperly use, disclose, or fail to keep secure personally identifiable information (e.g. SSN, DOB, etc.), medical information, or other confidential information that is gained in the process of conducting MoDOT business. This includes, but is not limited to, sharing personally identifiable information and/or medical information with anyone except those authorized to have access to such information or failing to keep personally identifiable information and/or medical information in the correct confidential files.
16. Misrepresent or omit information on the "Application for Employment" form or any other documents that may be utilized in the employment application process, including, but not limited to: relatives working for the department, educational attainments, work history, or professional credentials; or any other document submitted that the department may utilize in providing employment or in making employment decisions regarding the employee.
17. Provide false information, misrepresent information, or omit relevant information on work-related documents including but not limited to: expense reports, data collection/reporting, medical, physician or health documentation submitted to the department in connection with the employee's job, time sheet information, or department issued p-card.
18. Knowingly make false accusations against other employees or knowingly make false statements during the course of a department authorized investigation.

Refuse to provide or disclose requested or relevant information to individuals conducting a department authorized investigation or individuals defending the department, the Commission or department employees in any hearing, claim, action, lawsuit, or cause of action.

Breach confidentiality by sharing information with anyone other than those individuals conducting a department authorized investigation or defending the department, the Commission or department employees, except as permitted by law, in regards to either a past or active investigation or defense of the Department/Commission as it pertains to a hearing, claim, lawsuit or cause of action without prior authorization from the AI Director.

19. Violate the following Vehicle or Equipment Usage rules:

MoDOT provides vehicles to employees of the department and the MHTC to conduct official business. The appropriate use and care of vehicles and equipment is required of the department and employees. State vehicles and equipment should be utilized for state business only. It is permissible, however, to use vehicles for reasonable travel to meals or other necessities while on state

business. While in overnight travel status, it is permissible to use state vehicles for reasonable travel to meals or other activities. Travel after working hours shall be done using good judgment to avoid public criticism. Employees should discuss what is reasonable, with regard to such use, with their supervisors, **prior** to using a vehicle.

The following are the responsibility of each employee:

- A. Obey established speed limits and traffic regulations.
 - B. Do not operate department owned or leased vehicles or equipment while consuming, while under the influence of, or within four hours after consuming alcoholic beverages or other drugs/medications which may impair judgment.
 - C. Do not have any alcohol in an opened or unopened container in a department owned or leased vehicle/equipment at any time, this includes before, during, or after work hours.
 - D. Operate the vehicle or equipment in a prudent and courteous manner.
 - E. Operate the vehicle or equipment with the proper license.
 - F. Review Personnel Policy 0504, "Vehicle Usage and Liability," for additional vehicle usage instructions.
 - G. As an operator, only use a department or personal cell phone, smartphone, tablet, laptop, or other mobile device when the department vehicle/equipment or personal vehicle being used for official department business is parked in a safe location away from traffic.
 - H. As a limited exception to paragraph 20G, an operator may use a department or personal cell phone, smartphone, or other mobile device in a moving department vehicle/equipment or personal vehicle being used for official department business only in an emergency situation that requires immediate communication with another employee, law enforcement officials, or other emergency services to avoid injury or death to self or others, or to avoid other dangerous conditions.
20. Take department property or any other item not belonging to them, regardless of its condition or the department's need for such property, for their own or another's use. However, certain articles of clothing that do not have the MoDOT logo on them (e.g. MoDOT safety boots, safety glasses, safety vests, and hard hats), may become the property of the employee after use by the employee.
21. Fail to comply with the statutory requirements for state employment including those outlined in Sections 105.262 and 105.1213 of the Revised Statutes of Missouri (RSMo). (See Personnel Policy 0519, "Background Checks.")

CROSS REFERENCES

[Personnel Policy 0504, "Vehicle Usage and Liability"](#)
[Personnel Policy 0519, "Background Checks"](#)
[Personnel Policy 2104, "Appeal Procedures for Alleged Adverse Employment Actions Resulting From Whistleblower Reporting"](#)
[Personnel Policy 2503, "Communications and Information Systems"](#)
[Personnel Policy 2507, "Drug-Free Workplace Act"](#)
[Personnel Policy 2508, "Drug Testing Program"](#)
[Safety Policy 0001, "Employee Safety Empowerment"](#)
[Personnel Policy 2509, "Driving Privileges"](#)
[Personnel Policy 2511, "Alcohol Testing Program"](#)
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