



COUNTY OF NORTHERN LIGHTS

POLICY

OFF -DUTY MISCONDUCT

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The County of Northern Lights is committed to upholding a professional and valued reputation and is dedicated to the health and safety of employees while on and off duty; These actions are recognized through the education, investigation and disciplinary action of Off-Duty Misconduct.

Defining Off-Duty Misconduct

Off-Duty Misconduct occurs when an employee's actions outside of work negatively affect the employer's business interests, reputation, or workplace safety, potentially justifying discipline or termination. Examples include social media misuse, criminal activity, and harassment, particularly when a link to the workplace is established.

Special Consideration- Social Media

Social media activity is an important factor to consider when determining whether disciplinary action, up to and including termination of employment, is warranted. In assessing the nature and severity of the conduct, consideration may be given to whether the activity causes direct or indirect harm to the organization or workplace, is threatening in nature, the frequency and duration of the activity, whether the individual refuses to remove or address the content, and whether the conduct involves dishonesty, a lack of remorse, or an absence of provocation

Investigating

Off-Duty Misconduct will be investigated by management immediately, including fact finding, obtaining proof, and acquiring any witness statements. Remember, the burden of proof lies with the employer. In relation to determining the potential for disciplinary action, note that the Test is objective- what would a reasonable and fair-minded person think if apprised of all the relevant facts?

Disciplinary Action for Off-Duty Misconduct

Generally, discipline for off-duty misconduct is not required, unless the misconduct has:

1. A *real* and *material* connection to the workplace; and
2. Seriously prejudiced the
 - a. employer's reputation; or
 - b. legitimate business interests.

The Test for Disciplinary Action

Off-duty misconduct must either:

1. Negatively impact the employer's reputation
2. Cause the employee to be unable to discharge employment obligations properly;
3. Cause the other employees to refuse to work with the individual; OR
4. Adversely affect the employer's ability to direct or efficiently manage the production process.

The Test for Termination

The test for termination or cause is the same as the disciplinary action test, and the threshold is high.

Determining the Appropriate Actions

Upon the investigation identifying that there was/is/likely Off-Duty Misconduct, The County of Northern Lights will seek experienced legal advice as appropriate action will vary based on specific facts and context.

Chief Elected Official

Chief Administrative Officer