



Arkansas Community Correction

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ADMINISTRATIVE DIRECTIVE: 14-03 CODE OF ETHICS AND RULES OF CONDUCT

TO: ARKANSAS COMMUNITY CORRECTION EMPLOYEES

FROM: SHEILA SHARP, DIRECTOR

SUPERSEDES: AD 11-08

APPROVED: Signature on File

EFFECTIVE: April 18, 2014

- I. AUTHORITY.** The Board of Corrections is vested with the authority to promulgate administrative regulations by Arkansas law sections 12-27-105, 16-93-1203 and 16-93-1205.
- II. APPLICABILITY.** This policy applies to Arkansas Community Correction (ACC) employees. The policy also applies to volunteers, interns and contractors in a manner generally interpreted to be appropriate. (4-APPFS-3C-02)
- III. POLICY.**

It is ACC policy to create and maintain a secure, professional, and productive work environment, where employees, volunteers, interns and contractors conduct themselves in a manner that does not impair ACC operations and does not compromise their authority, or erode public confidence. Employees, volunteers, interns and contractors are expected to obey laws and departmental policies; uphold generally recognized standards of professional ethics and conduct as described in this directive; and demonstrate respect for the safety, rights, and dignity of others. This policy and associated guidance do not create a contract of employment or any legally enforceable interest or limit the Director's or his designee's authority to establish or revise human resource policies or affect ACC's right to terminate volunteer services, terminate or modify a contract, or terminate employment pursuant to the at-will employment doctrine.
- IV. GUIDELINES.** The Code of Ethics and Rules of Conduct (Code), Attachment 1, represents ACC's commitment to ethical and efficient provision of services. It describes the expected behavior of ACC employees, volunteers, interns and contractors who are providing services, and supports the culture of ethical and efficient service provided to citizens and offenders. Supervisors must provide a copy or access to a copy of this policy initially and again during performance reviews.
- V. ATTACHMENTS.**

Attachment 1 Code of Ethics and Rules of Conduct

**Arkansas Community Correction
CODE OF ETHICS AND RULES OF CONDUCT**

CODE OF ETHICS (4-APPFS-3C-02)

- 1. ACC Mission.** The Arkansas Community Correction (ACC) mission is “To enhance public safety by enforcing state laws and court mandates through community partnerships and evidence-based programs that hold offenders accountable while engaging them in opportunities to become law-abiding, productive citizens.” To further the mission, each employee, volunteer, intern and contractor is expected to make a dedicated effort to conduct his/her official and private life in a manner that fosters public confidence in ACC.
- 2. Conduct Toward All Persons.** ACC subscribes to a policy of professionalism, equality and fairness in the provision of services and the discharge of authorized duties. An employee, volunteer, intern and contractor must respect and protect the civil and legal rights of all persons. Employees, volunteers, interns and contractors must treat offenders with dignity and must not verbally, physically or mentally abuse them or subject them to corporal punishment, humiliation, or punitive interference with their daily functions of living, such as eating or sleeping. The use of corporal punishment is contrary to humane standards of care and professional correctional practices and as such is absolutely prohibited. Corporal punishment is striking, pushing, shoving, kicking, improperly using chemicals, or engaging in any act to cause bodily pain and discomfort to an individual, for the purpose of disciplining or correcting that individual’s behavior. This Code provision in no way prohibits a staff member, volunteer, intern, or contractor from using that force necessary to protect himself from injury; to prevent injury to other employees, volunteers, interns, contractors, or residents. This Code provision in no way prohibits an employee from preventing property damage or escape; or achieving compliance with a reasonable and lawful order. (4-ACRS-6A-03)
- 3. Cooperation with Public Officials and Agencies.** An employee must cooperate fully with other public officials and agencies in the discharge of authorized duties.
- 4. Conflict of Interest.** Public employment is a public trust. An employee, volunteer, intern, and contractor must not attempt to realize personal gain or secure privileges or exemptions through the discharge of his/her duties for him/herself or others. Employees, volunteers, interns and contractors should not engage in activities that would result in a conflict of interest between ACC, its governing body, funding source, staff, contractors, and/or volunteers. ACC employees, volunteers, interns and contractors must perform their duties in an ethical manner, and must not use their positions or knowledge gained from their positions for private or personal advantage. Arkansas Code Annotated (ACA) §21-8-304 also lists certain activities that are ethically prohibited activities for state employees and officials. If an employee becomes involved in a prohibited activity, the employee should immediately communicate the facts to his/her immediate supervisor. Nothing in this policy, however, should be construed as limiting communications between ACC employees, volunteers, and contractors and their elected officials.
- 5. Outside Activities, Employment, and Directorships.** ACC employees should avoid acquiring any business interest, engaging, or participating in outside employment or activity that would conflict with his/her official duties.

6. Relationships.

- a. Business Relationships. Employees must adhere to Arkansas law section 19-11-705 in their relationships with businesses that provide services and supplies for state agencies in order to avoid any conflict of interest. In addition, any employee who has or obtains any benefit from a state contract with a business in which the employee has a financial interest must make a disclosure to the Director of the Department of Finance and Administration (DFA) in accordance with Arkansas law section 19-11-706 and the Rules and Regulations for Implementing Governor's Executive Order 98-04.
- b. An employee, volunteer, intern, and contractor must not engage in sexual contact during assigned work hours or while on ACC premises or in ACC vehicles. Intimate contact between ACC employees while on duty is prohibited.
- c. An employee must not knowingly enter into a private business relationship or partnership, including financial transactions, with an offender or his/her family member while the offender is in ACC custody or under ACC supervision, unless the employee and offender are related. Volunteers, interns and contractors are encouraged to abide by this.
- d. The employee must not enter into or continue associations or dealings with persons whom the employee knows or should know are reputed to be involved in current felonious or criminal behavior, with exception of associations or dealings necessary to perform official duties or when family relationships make such associations or dealings unavoidable. Volunteers, interns and contractors are encouraged to abide by this.
- e. An employee must not knowingly establish or continue a social relationship with an offender as long as the offender is in ACC custody or under its supervision and for two years following the offender's release from custody or supervision unless the employee and offender are related.
- f. The ACC standard is zero tolerance for all forms of sexual abuse, sexual harassment and other harassment.

Any sexual contact, intercourse or deviate sexual activity between an offender and an employee, contractor, volunteer, or intern — with or without consent — is expressly prohibited and is a violation of criminal law, unless the employee, contractor, volunteer, or intern is the spouse of the offender under ACC supervision. (Arkansas law sections 5-14-126 and 5-14-127)

Any sexual abuse of an offender by an employee, contractor, volunteer, or intern is expressly prohibited and is a violation of policy and Prison Rape Elimination Act (PREA) standards. Any attempt, threat, or request by an employee, contractor, volunteer, or intern to engage in sexual abuse activities is expressly prohibited.

Employees, contractors, volunteers, and interns are also prohibited from sexual relations with an offender's immediate family unless the employee, contractor, volunteer, or intern is the spouse. (4-APPFS-3C-02)

g. Business and intimate personal relationships between supervisors and subordinates are prohibited. Personal relationships include dating, cohabitation, touching, ogling, requiring some sexual performance for sexual gratification—even if it does not involve touching, and sexual relationship. Business relationships include loaning and borrowing money and business partnerships. ACC employees at different levels of the same chain of supervision must not engage in social relationships that are prejudicial to or compromising of good order and discipline.

7. Gifts, Entertainment, Favors, and Gratuities. An employee, volunteer, intern and contractor must not solicit, demand, accept or agree to accept any personal gift, entertainment, favor, gratuity or preferential treatment that could be reasonably interpreted as influencing judgment or decisions in the discharge of his or her duties.

8. Kickbacks and Prohibited Commissions. ACC employees, volunteers, interns and contractors must not receive kickbacks, prohibited commissions or other prohibited payments from third parties. Violations of this rule will result in imposition of the penalties provided by law.

9. Organizing Funds and Other Assets. Employees, volunteers, interns and contractors who have access to ACC funds in any form must follow the prescribed procedures for recording, handling, and protecting money as detailed in DFA's Financial Management Guide or other explanatory materials, or both. If an employee, volunteer, intern or contractor has knowledge of fraud or waste of public assets, the employee volunteer or intern should immediately advise his/her immediate supervisor; contractors should notify their supervisor and must notify an appropriate ACC supervisor, manager, or director. Reports may also be made to the Arkansas Fraud, Waste and Abuse Center.

10. Agency Records and Communications. Employees, volunteers, interns and contractors must not make or engage in any false record or communication, internal or external, such as false expense, attendance, production, financial or similar reports and statements; and false advertising, deceptive marketing practices, or other misleading representations. ACC books and records must reflect accurate and timely recording of all business transactions. Full disclosure of ACC assets, liabilities, receipts and disbursements must be made.

11. Dealing with Outside People and Organizations. Employees, volunteers, interns and contractors must not use their position or affiliation with ACC when communicating regarding matters not involving ACC business. Employees, volunteers, and contractors must not use agency identification, stationery, supplies, and equipment for personal or political matters. When communicating publicly on matters that involve ACC business, employees, volunteers, interns and contractors must not speak for ACC on any topic, unless they are certain that the views they express are those of ACC management, and that it is ACC management's desire that such views be expressed publicly. When dealing with anyone outside ACC, including public officials, employees must take care not to compromise the integrity or damage the reputation of ACC or any other entity.

- 12. Partisan Political Activity.** Employees, volunteers, interns and contractors are encouraged to participate in election processes on their own time. Annual, compensatory or holiday leave may be taken for this purpose. However, an employee must not endorse candidates in his or her official capacity as a State employee or engage in partisan political activity during the hours he/she is performing work for the state of Arkansas. Political banners, posters, literature, or any other political materials must not be displayed on State property (4-ACRS-7E-13).
- 13. Prompt Communications.** ACC employees must respond promptly and accurately to all proper requests for information and complaints regardless of the source and pursuant to agency policy.
- 14. Privacy and Confidentiality.** An employee, volunteer, intern, and contractor must not disclose to any unauthorized person any information declared by law, policy, or regulation to be confidential nor use such information for his or her personal gain or benefit. When handling financial and personal information about those with whom ACC has dealings, the following principles will be observed:
- a. Collect, use and retain only the personal information necessary for ACC business. Whenever possible, obtain any relevant information directly from the person concerned. Use only reputable and reliable sources to supplement this information.
 - b. Retain information only for as long as necessary or as required by law. Protect the physical security of this information.
 - c. Limit internal access to personal information to those with a legitimate business reason to have the information. Use personal information only for the legitimate business purpose for which it was obtained. Release of any information to persons not involved with the stated business purposed should be made by management in response to a Freedom of Information Act request. Any tax information that is confidential pursuant to ACA §26-18-303 should not be disclosed, except as allowed by law.
- 15. Discriminatory Behavior Prohibited.** ACC does not condone, permit or tolerate discrimination of persons--whether other employees, applicants, offenders, volunteers, interns, contractors, or members of the public. An employee or ACC agent of who knowingly permits, engages in or incites illegal discrimination, interferes with an investigation, or retaliates against anyone who has filed a complaint will be subject to disciplinary action up to and including termination of ACC employment. The agency's full non-discrimination policy statement is located in the "Equal Employment Opportunity and Affirmative Action Program" policy.

- 16. Professionalism.** While on the job, an employee, volunteer, intern, and contractor must demonstrate professionalism as follows:
- a. **Courteous, Patient, and Respectful Attitudes.** An employee, volunteer, intern, and contractor must be patient, courteous, and respectful when dealing with employees, volunteers, contractors, and the public. An employee, volunteer, intern and contractor must be tactful in the performance of his or her duties, control his or her temper, exercise patience and discretion, and not become involved in inappropriate arguments even in the face of provocation.
 - b. **Inappropriate Language and Gestures.** An employee, volunteer, intern, and contractor must not use violent, profane, or insolent language or gestures.
 - c. **Inappropriate Actions.** An employee, volunteer, intern, and contractor must not engage in horseplay, fighting, practical jokes, or any other conduct that endangers the safety of any individual.
- 17. Private Conduct.** An employee, volunteer, intern and contractor must conduct him/herself at all times, both on and off the job, in such manner as to reflect favorably on ACC. Conduct unbecoming an employee, volunteer, intern, or contractor includes that conduct which damages the ACC image as a law enforcement/criminal justice agency or reflects discredit upon the character of the employee, volunteer, intern, or contractor as a member of (or a volunteer/intern/contractor associated with) ACC, or which impairs ACC operations.
- 18. Conformance to Laws and Rules.** An employee, volunteer, intern and contractor must not commit or omit acts which he or she knows, or should know, would constitute a violation of any written rules, regulations, procedures, directives, memorandums, or ACC orders. An employee, volunteer, intern, and contractor must strive to obey all the laws and regulations of the United States and of the State and local jurisdiction in which he/she is present. ACC will not condone employee conduct that either violates or has the appearance of violating the law and ethical provisions, such as receiving payments for illegal acts, indirect contributions, rebates or bribery, etc. Since the conduct of an ACC employee, volunteer, intern, and contractor on or off duty, may reflect upon ACC as a law enforcement/criminal justice agency, an employee must conduct him/herself in a manner that does not impair the operation or integrity of the agency or cause the public to lose confidence in it. Accordingly, an employee arrested for a violation of law must immediately report that fact to a member of his/her supervisory chain. A conviction or admission of any violation that interferes with or impairs an employee's duties, public trust, or the operations or efficiency of ACC must be considered some evidence constituting a violation of this policy. However, lack of a criminal complaint, charge, or disposition, or an acquittal of a violation of law, must not preclude internal administrative investigation and disciplinary action.
- 19. Employees, Volunteers, Interns and Contractors Responsibilities Pursuant to the Prison Rape Elimination Act (PREA).** Employees, volunteers, interns and contractors must comply with this policy and applicable PREA standards.

- 20. Employee, Volunteer, Intern and Contractor Responsibilities.** Employees, volunteers, interns and contractors have a responsibility to report occurrences of ethical violations, fraud, waste or abuse of ACC resources that can be verified through investigation. Employees, volunteers, interns and contractors are also responsible for being familiar and complying with the Code of Ethics and Rules of Conduct.

RULES OF CONDUCT

- 21. Punctuality.** An employee must be punctual in all his or her official engagements.
- 22. Reporting for Duty.** An employee must report for duty at the time and place required by assignment or orders and must be physically and mentally fit to perform his/her duties. A non-exempt employee may not work beyond his/her regular day without prior supervisory approval. He/she must be properly equipped and cognizant of information required for proper performance of duty so that he/she may immediately assume his/her duties.
- 23. Area of Assignment.** An employee assigned a Community Correction Center function must not leave any post, assignment, duty, or area without permission from his/her supervisor.
- 24. Absenteeism.** An employee must not falsely report illness or injury, misuse sick leave or otherwise deceive or attempt to deceive agency officials about his/her health.
- 25. Work Performance.** In fulfilling job responsibilities, an employee must act competently, with reasonable diligence, and a commitment to professional service. An employee has a duty to fully understand his or her job responsibilities and is obligated to seek assistance from superiors in matters of technicality or principle when they are not clear. Dereliction of duty or misrepresenting job performance violates this standard and subjects an employee to immediate and severe discipline.
- 26. State Property.** State property must be used only for State business. An employee, volunteer, intern and contractor must accept responsibility for the proper care, accountability, and maintenance of State property. An employee must not misuse, abuse, or allow misuse or abuse of State property.
- 27. Gathering and Processing Property and Evidence.** Property or evidence that has been discovered, gathered or received in connection with ACC responsibilities will be processed in accordance with established ACC procedures. An employee, volunteer, intern and contractor must not convert to his or her own use, or manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence.
- 28. Employee Telephone Numbers.** An employee, volunteer, intern and contractor must notify his or her supervisor within seventy-two (72) hours of a change in the employee's home/cell telephone number. Employees must not give other employees' non-work telephone numbers to other non-employees.

- 29. Changes in Employee's Personal Information and Attributes.** Employees must promptly notify their supervisor of changes in phone numbers, address, emergency contacts, and any attributes associated with the Arkansas Continuity of Operations (ACOO) program.
- 30. Attentiveness.** An employee must remain alert at all times during business hours.
- a. **Prohibition of Sleeping.** An employee must remain awake while on duty and during lunch and break periods while in public areas or on ACC property. If unable to do so, and in danger of falling asleep, he or she must report to a supervisor, who must immediately release the employee from duty, and place him/her in appropriate leave status pending further supervisory review and appropriate action.
 - b. **Inattentiveness.** While on duty, an employee must not engage in any activities or personal business that causes him or her to neglect or be inattentive to his or her assigned tasks.
- 31. Insubordination.** An employee must promptly obey any lawful order of, and follow all reasonable instructions issued by, a supervisor or superior.
- 32. Truthfulness.** An employee, volunteer, intern and contractor responding to various persons involved in agency fact-finding or other internal or external administrative processes must cooperate fully and truthfully. Furthermore, reports submitted by an employee will be truthful, complete, timely, and in accordance with established ACC report writing procedures. No employee, volunteer, intern and contractor must knowingly enter or cause to be entered inaccurate, false or improper information nor improperly alter or intentionally omit pertinent information on any document prepared in the performance of his/her job duties.
- 33. Abuse of Process/Retaliation.** An employee, volunteer, intern and contractor must not knowingly make false accusations of employee misconduct or initiate any action against other employees or offenders in retaliation for their filing of a lawsuit, grievance, report (to include a report filed on alleged infractions), cooperation with an investigation, or for any other purpose.
- 34. Garnishments and Unresolved Debt.** Employees are expected to honor their legal debts and avail themselves of services such as debt counseling and/or debt consolidation to avoid garnishments. Failure to honor debts acknowledged by an ACC employee to be valid or reduced to judgment by a court is a rule of conduct violation. Multiple garnishments, for different debts, against an employee's wages will subject an employee to progressively, more severe disciplinary action. Four garnishments - each for a different debt - within a two-year period are grounds for an employee's termination. If a garnishment is the result of another person's failure to honor a debt (e.g., employee co-signed for a relative), disciplinary action may be reduced accordingly. However, ACC will in no circumstance act as a collection agency or determine the validity or amount of contested debts. The existence of large amounts of unresolved debt can justly or unjustly make an employee vulnerable to conflict-of-interest charges and should be avoided.

- 35. Possession and Use of Drugs.** An employee, volunteer, intern and contractor must not possess or use any controlled substance in violation of State or federal law or ACC policy. Employees, volunteers, interns and contractors taking prescription drugs must notify their immediate supervisor if any physical or pharmacological condition exists which causes physical or emotional impairment that could affect their ability to perform the essential functions of their duties safely. Impairment is considered to be a condition that can affect judgment, reaction time, or motor skills, as it may affect the ability to perform certain duties safely and proficiently or to operate a motor vehicle safely. In instances where an employee, volunteer, intern or contractor believes and/or medical personnel indicate that a medication may affect judgment and/or reaction time, authorization to perform certain essential duties and/or operate a motor vehicle will be suspended. Authorization will be reinstated upon the cessation of the effects of the medication. An employee may be required to take sick leave if the medication prevents the employee from doing his or her job.
- 36. Use of Alcohol While on the Job.** An employee, volunteer, intern and contractor must not perform duties under the influence of intoxicants nor consume intoxicants during work hours, on or off state-owned or state leased property, including lunch and break periods.
- 37. Citizen Complaints and Requests for Information.** An employee must courteously and promptly accept and, if needed, record in writing any request for information about, or citizen complaint against, the agency or any ACC employee. An employee may attempt to resolve a complaint, but must never attempt to dissuade any citizen from lodging a complaint and must immediately inform his or her supervisor of any complaint. All requests for information must be handled pursuant to ACC policy/procedure and state and federal law.
- 38. Abusive/Intimidating Behavior and Harassment.** Physical abuse of other employees, offenders, or other persons is prohibited. Fighting, assault, battery, threats, abusive language, intimidation, sexual misconduct, sexual abuse, sexual harassment, non-sexual harassment, reckless or disorderly conduct or conduct which places employees or other persons in fear of harm is prohibited. An employee, volunteer, intern and contractor must not bargain with other employees for sexual favors, nor make or infer job benefits or advantages contingent upon an employee's acceptance of such an offer. Employees, volunteers, interns and contractors must not act in a way that creates or contributes to an intimidating, hostile, or offensive work environment. Employees, volunteers, interns and contractors should refrain from behaviors or speech that a reasonable person would consider to be unwelcome or offensive. (4-ACRS-6A-05)
- 39. Firearms and Other Weapons.** The unauthorized possession of firearms, explosives, or other weapons during work hours is prohibited. This applies to employees, volunteers, interns and contractors.
- 40. Contraband.** The introduction of any illegal or unauthorized item or authorized item which is considered in excess (for example, personal cell phones or other communication devices, tobacco products, weapons, etc.) into a Community Correction Center is forbidden. This applies to employees, volunteers, interns and contractors.

- 41. Safety.** Employees, volunteers, interns and contractors must observe fire prevention and other safety rules. The employee, volunteer, intern and contractor must also drive carefully and avoid accumulating excessive points on his/her driving record, otherwise, the employee, volunteers, interns and contractors may be prohibited from using a State vehicle, receiving personal vehicle mileage reimbursement, or employment may be terminated if driving is an essential function of the job.
- 42. Travel Reimbursement.** Employees who travel on agency business must ensure that their travel plans have advance approval from their supervisor and that travel reimbursement requests are reasonable, accurate, and made in compliance with ACC policy.