



Office of the Secretary

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SECRETARIAL DIRECTIVE

SUBJECT: Employee Involved Solicitations

NUMBER: 2019-06

SUPERSEDES: New

APPLICABILITY: All Department of Corrections Employees

REFERENCE: Ark. Code Ann. §§ 25-43-108, 25-43-403,
12-27-105; AR 107 Conflicts of Interest;
August 13, 2019 Gubernatorial Memorandum
on Open Enrollment

PAGE 1 of 3

ISSUED BY: Signature on File

EFFECTIVE DATE: November 18, 2019

I. POLICY:

As the executive head of the Department of Corrections (Department), it is the duty of the Secretary to exercise direction, control, and supervision over the entities comprising the Department. This duty requires that the Secretary implement operational policies which provide for the orderly operations of the Department by reducing the disruptions and conflicts of interest caused by solicitations of or by Department employees. As used in this Secretarial Directive, and subsequent operational policies, the term "solicitation" refers to any activity conducted to advertise, promote, or otherwise market any product or service or encourage membership in or fundraise for any external group, association or organization.

II. PURPOSE:

The purpose of this policy is to create within the Department an environment focused on its core business areas, by reducing the disruptions and conflicts of interest caused by solicitations of or by Department employees.

III. PROCEDURES:

- a. Employees must adhere to state law in their relationships with vendors in order to avoid any conflict of interest. At no time will an employee of an entity within the Department solicit financial or material support from a vendor involved in business

with the Department for the benefit of any group, association or organization. Nor will any current employee of an entity within the Department facilitate the solicitation of financial or material support from a vendor involved in business with the Department for the benefit of any group, association or organization.

- b. Subject to any limitations imposed by a Division Director, Chief Administrative Officer, or Board Chair, solicitations by or for recognized Employee Corporations/Associations, the Paws in Prison Foundation, the Arkansas Adult Probation and Parole Association, or the Arkansas Association of Correctional Employees Trust may be distributed in or on department-owned or leased facilities or offices. This paragraph does not remove the prohibition against soliciting vendors in Paragraph III.a.
- c. The solicitation of employees within the Department by the Employee Benefits Division, official representatives of the Employee Benefits Division, the Arkansas State Employees Benefit Advisors, and the Arkansas Diamond Deferred Compensation Plan is permitted (see attached gubernatorial memorandum). These solicitations will be coordinated by the Department's Human Resources Section.
- d. Solicitations by or for outside programs and services benefiting correctional employees following a natural disaster or inmates/residents/offenders may not be distributed in or on department-owned or leased facilities or offices absent written permission of the appropriate Division Director, Chief Administrative Officer, or Board Chair. This paragraph does not remove the limitation on marketing benefits or policies that must be approved by the Employee Benefits Division in Paragraph III.c.

Note: An employee violating these procedures is subject to discipline, as established by applicable procedures, up to and including termination of employment.

IV. IMPLEMENTATION

The entities within the Department are directed to review their existing operational policies and ensure that those policies reflect the procedures contained within this Secretarial Directive. Human Resources will develop a process for the annual acknowledgement of this Secretarial Directive.

Note: The Board of Corrections establishes the code of ethics for institutional and community correction employees; pursuant to A.C.A. § 12-27-105. Employees of the Divisions impacted by this requirement will implement this Secretarial Directive in conjunction with their Division's Code of Ethics.

V. ATTACHMENTS

August 13, 2019 Gubernatorial Memorandum on Open Enrollment

Attachment 1



STATE OF ARKANSAS
ASA HUTCHINSON
GOVERNOR

August 13, 2019

Attn: Agency Secretaries and Agency Leadership

Four years ago, the State and Public School Life and Health Insurance Program Legislative Task Force recommended that each state employee receive a one-on-one consultation from the state's Employee Benefits Division (EBD) regarding available benefits coverages. On July 23, 2015, I issued a memo to state agency health insurance representatives encouraging balance between meeting this recommendation and the potential workability issues it could create.

As you know, federal law restricts the timeframe within which most benefit programs are allowed to market their products to state employees. During open enrollment, you may be contacted by other employee benefits vendors who want to make presentations regarding products that are sponsored by the Employees Benefit Division. None of these products qualify for pre-tax payroll deductions or for income tax savings. These vendors are not limited by the federal law regarding open enrollment contact and can sell their products any time during the year.

It is important that state employees receive accurate and clear information about official employee benefit programs that can only be marketed during open enrollment season (September-October). Therefore, I am directing that, during open enrollment season, one-on-one employee consultations should be limited to those conducted by EBD and/or EBD's official representatives, Arkansas State Employees Benefit Advisors (ARSEBA) and the Arkansas Diamond Deferred Compensation Plan. The directive is intended to limit incoming contact from other vendors during open enrollment season. Employees with questions or a need to contact other vendors during open enrollment season are not restricted in doing so.

If you have any questions about this guidance, please contact Chris Howlett, Director of EBD, at chris.howlett@dfa.arkansas.gov or 501-682-5502.

Sincerely,

A handwritten signature in blue ink that reads "Asa Hutchinson".

Asa Hutchinson