



**DEPARTMENT OF CORRECTIONS
Human Resources**



Title:	Code of Conduct	DOC Policy: 20.1.3
Effective:	11/13/19	Supersedes: 10/10/19
Applicability: All employees and non-employee service providers		
Directives Cross-Reference:		
Rules:	Use of Force – Div 013 Prohibited Conduct – Div 105	
Policies:	Promotion and Maintenance of a Respectful Workplace – 20.1.7 Drug and Alcohol Testing of Employees – 20.5.18 Drug-Free Workplace – 20.6.2 Smoke-Free Workplace – 20.6.3 Fair Labor Standards Act – 20.2.4	
Attachments:	None	

I. PURPOSE

To establish a code of conduct for all Department of Corrections (DOC) employees and non-employee service providers.

II. DEFINITIONS

- A. Adult in Custody (AIC): Any person who is under the supervision of the Department of Corrections who is not on probation, parole, or post-prison supervision.
- B. Contraband: Any article or thing which an AIC is prohibited by statute, rule or order from obtaining, possessing, or which the AIC is not specifically authorized to obtain or possess or which the AIC alters without authorization.
- C. Employee: any person employed full-time, part-time or under temporary appointment with the Department of Corrections.
- D. Non-Employee Service Provider (NSP): An individual who provides services or programs to the department and/or to adults in custody, but not as a paid employee of the department. Examples of non-employee service providers include contractors, volunteers, mentors, criminal justice partners, and government agency partners.
- E. Offender: Any person under the supervision of the Department of Corrections or a county community corrections agency who is on probation, parole, or post-prison supervision.

III. POLICY

Every employee of DOC shall constantly strive to attain the highest standards of conduct and professional public service. This requires employees be faithful to the principles of providing professional services, adhering to the code of ethics and meeting the vision, values, rules, policies

and procedures of the department. Employee's conduct must be above reproach and must not impugn the credibility and honesty of the department, its employees, or the corrections profession.

A. Failure by employees to follow this policy may result in appropriate disciplinary action, up to and including dismissal.

B. It is essential to the orderly operation of the department that employees conduct themselves professionally, in accordance with the following standards:

1. Violation of Directives: Employees shall not knowingly commit or omit acts which constitute a violation of any of the policies, rules, procedures, regulations, directives, or orders of the department.
2. Violation of Law: Employees shall obey all laws of the United States, state, and local jurisdiction in which the employee is present. Should an employee be charged with, arrested for, or convicted of any felony, class A misdemeanor, or traffic violation resulting in a suspended license, that employee must immediately inform their supervisor in writing.
3. Department of Public Safety Standards and Training (DPSST) Notification: A DPSST certified corrections officer or certified instructor who is arrested or receives a criminal citation to appear or its equivalent, for any offense punishable as a crime must notify DOC and DPSST within five business days. Notification must be in writing and include the date of the arrest or citation, the location of the arrest or citation, the reason for the arrest or citation, and the arresting or citing agency.
4. Reporting for Duty: Employees shall report for duty at the time and place required by assignment or orders and shall be capable of performing all of the essential duties required of their position.
5. Attentiveness to Duty: Employees shall not engage in any activities or personal business that would cause them to neglect their duty. Employees shall remain awake, fully alert, and attentive.
6. Truthfulness: Employees shall be truthful in rendering any report, in giving testimony, or in giving any official statement about any action taken that relates to the employee's employment position, or duties. Every employee is obligated and shall promptly report to the proper line authority any illegal acts, acts that would pose an immediate threat to the safety, security and welfare of staff and AICs or offenders, violations of post orders, rules, regulations, policies and procedures. An employee who has knowledge of such conduct by other employees is encouraged to inform those employees committing the act that unless they turn the information in themselves, the employee will report the situation. Employees who possess factual knowledge of behavior that should be communicated to the proper authority and choose not to report it may be subject to disciplinary action.

C. Relationships with AICs or Offenders

1. All employees and non-employee service providers shall confine their relationships with AICs or offenders, or their families and friends, to those activities which are within the scope of the employee's or non-employee service provider's duties.
2. Employee requests for exceptions must be submitted in writing to and approved by the

employee's functional unit manager. Upon receipt of authorization, the employee shall provide a copy to the supervising authority.

3. Employees shall complete CD1472 (Notice of Employee/Client Form) and submit written notification to their supervisor, as soon as they know a relative or close personal acquaintance is an AIC or offender within Oregon which includes federal, state, county, and city or local law enforcement by filling out a CD1472. The CD1472 will be sent to Human Resources and placed in the employee's official personnel file.
4. Employees shall not become emotionally, romantically, or sexually involved with AICs or offenders, or allow an AIC or offender to engage in any behavior of a sexual nature with another AIC or offender.
5. An employee shall use only the force necessary as defined in the rule on Use of Force (OAR 291-013). An employee shall not use brutality, physical violence, profane, obscene, or otherwise abusing language or intimidation toward an AIC or offender.

D. Relationships with Colleagues/Courtesy Toward Others

1. Employees shall, in the performance of their duties, be respectful, courteous, and considerate toward all members of the department and the general public. Employees shall not use terminology that disrespects the dignity or violates the human rights of others. Employees shall not use physical force, threats or intimidation toward fellow employees, family members of employees, or visitors while at a department work site.
2. Employees shall conduct themselves in accordance with DOC Policy 20.1.7, Promotion and Maintenance of a Respectful Workplace.
3. Employees shall not engage in sexual contact while on duty or while acting in the official capacity of their position.

E. Introduction of Contraband: The introduction of contraband by an employee or non-employee service provider, into or upon any department worksite, without the functional unit manager's knowledge and consent is prohibited. Contraband is defined in OAR 291-105.

F. Dissemination of Information

1. DOC shall ensure public records shall be available to all persons consistent with all department procedures and laws governing the disclosure of such records.
2. Employees shall not remove information from files or make copies of records, documents, or any other department information, except in accordance with established procedures or upon proper authorization.
3. Each employee shall maintain the integrity of information received in the course of employment with the department, and not seek information beyond that needed to perform their duties; or reveal such information to anyone not having proper authorization.

G. Discrimination/Harassment/Sexual Harassment: DOC provides a work environment free from unlawful discrimination, workplace harassment, and/or sexual harassment. All employees and non-employee service providers must conduct themselves in a business-like

and professional manner at all times and not engage in any form of discrimination, workplace harassment or sexual harassment.

- H. Drug and Alcohol-Free Workplace. The Department of Corrections will maintain a drug and alcohol-free work place through zero tolerance (see DOC Policies 20.6.2, 20.5.18 and applicable collective bargaining agreements).
- I. Smoke-Free/Tobacco-Free Workplace. Employees shall not use tobacco products within department facilities designated as smoke-free and/or where such use has been prohibited (see DOC Policy 20.6.3).
- J. Misuse of Official Department Position.
 - 1. Employees shall not use their official department position, identification card or badges for:
 - a. Personal or financial gain or partisan political purpose.
 - b. Obtaining privileges not otherwise available to them except in the performance of duty.
 - c. Avoiding consequences of illegal acts.
 - 2. Employees and non-employee service providers shall not lend to another person their uniforms, identification cards, or badges, or permit identification cards or badges to be photographed or reproduced.
- K. Gifts, Gratuities, Bribes or Rewards: Employees shall not solicit or accept from any person, business, or organization any gift including but not limited to money, tangible or intangible personal property, food, beverage, loan, promise, service, or entertainment for the benefit of the employee or the department, if it may be reasonably inferred that the person, business, or organization:
 - 1. Seeks to influence action of an official nature or seeks to affect the performance or nonperformance of an official duty, or
 - 2. Has an interest which may be substantially affected, directly or indirectly, by the performance or non-performance of an official duty.
- L. Conflicts of Interest
 - 1. Employees will not use their official position or office to solicit or receive for themselves or for any member of their household, or for any business with which they or a member of their household is associated, the following:
 - a. Employment by a contractor currently engaged in a contract with DOC.
 - b. Gifts from anyone known to have a legislative or administrative interest in the department, its institutions, schools, programs, and services. Legislative or administrative interest is defined as an economic interest, distinct from that of the general public, in one or more bills, resolutions, regulations, proposals, or other matters subject to the formal vote or official action of a department employee.

c. Financial gain, honoraria, or reimbursement of expenses, other than official salary, except:

- (1) When the employee is engaged under a professional services contract that conforms with other department policies and applicable laws, rules, and regulations, or
- (2) When offering services as a speaker or as another participant while representing Oregon in an official capacity, in which instance the employee shall only accept reimbursement of reasonable expenses as specified in the Department of Administrative Services travel policy and applicable collective bargaining agreements.

2. Employees will not be employed by a contractor engaged in a contract providing services to the department.
3. Employees working for a current or former department contractor shall declare this relationship in writing and forward it to the functional unit manager.
4. All employees shall declare conflicts of interest to their supervisor by completing form CD1472, as soon as the employee knows a potential conflict exists. A conflict of interest may be any transaction where a person acting in the capacity of a department employee takes any action or makes any recommendation, the effect of which would be to the person's benefit or detriment. The appropriate supervisor shall submit this declaration to the functional unit manager.
5. The functional unit manager shall determine if a conflict of interest exists. The functional unit manager may direct the employee to refrain from engaging in the conduct causing the potential conflict of interest while the matter is under review.
6. If it is determined that a conflict of interest exists, the functional unit manager shall direct the employee to cease the activity causing the conflict. The functional unit manager may direct an immediate cessation of the activity or designate a reasonable period of time for the employee to dispose of the matter.
7. The functional unit manager shall forward declarations of potential conflicts of interest by employees to Human Resources, and it will be placed in the employee's personnel file.

M. Political Activities

1. Employees shall not be involved in promoting or opposing any initiative, referendum or recall petition, ballot measure or candidate while on duty. While on duty, employees shall not prepare any materials used in either support or opposition, distribute advocacy materials or correspondence for political committees, prepare candidate filing forms, voter's pamphlet filings or related correspondence.
2. When acting in an official capacity, employees shall not solicit funds or otherwise act to influence, interfere with, or affect the results of any initiative, referendum or recall petition, ballot measure or candidate's campaign or election.

N. Unauthorized Use, or Taking of Property: Employees shall not use, remove, or borrow property from the department for other than official business, unless authorized by the director or

designee. Employees shall avoid thoughtless or careless expenditure, use, consumption or management of state resources. Employees have the responsibility to report to management suspected fraud, waste, and abuse, and DOC must take reasonable steps to see that the employee does not suffer retaliation for reporting violations as required in Oregon's whistleblower statute, ORS 659A.203.

O. Gambling: Employees shall not engage in any form of gambling on duty.

P. Secondary Employment

1. Employees shall not accept secondary employment outside their employment with the department if such employment creates a conflict of interest or interferes with the ability of the employee to effectively perform the duties of their position.
2. Any request to work for another state agency must be submitted to the functional unit's Human Resource Manager. The Human Resource Manager is responsible for coordinating with the potential second state agency employer to comply with DAS State Policy 20.005.20, Fair Labor Standards Act, to avoid any potential overtime liability.

IV. IMPLEMENTATION

This policy will be adopted immediately without further modification.

Certified: signature on file _____
Michelle Mooney, Rules Coordinator

Approved: signature on file _____
Heidi Steward, Deputy Director