

INTRODUCTION

It is the policy of the Board of State and Community Corrections to provide employees with guidelines concerning activities that are incompatible with State employment. The purpose is to protect the outstanding record of personal integrity established by employees in carrying out the Board's responsibilities to other State agencies and the public.

Where "notification," "requests for rulings," or "advance approval" are required in the following policies, an employee is required to present the matter in writing to that person's appropriate immediate supervisor who shall forward it to the applicable Deputy Director. The Deputy Director will review and approve or disapprove the request. If a Deputy Director is involved, the matter will be submitted to the Executive Director for review. A copy of any written response to an employee will be placed in the Board's files.

DEFINITIONS

"Employee" includes all employees and officers of the Board. The term also encompasses any attempt by an employee to circumvent the following policies by the use of a friend, relative, dependent, outside employment, or other alter ego to accomplish indirectly what the following policies prohibit. This definition of "employee" applies throughout this statement.

"Person" includes individuals, firms, corporations, partnerships, associations, other governmental bodies, or agents and representatives of these entities. This definition of "person" applies throughout this statement.

GENERAL POLICIES

This statement will be given to all current and future employees of the Board of State and Community Corrections, including contracted employees who are providing temporary personnel services.

All levels of supervision are responsible for ensuring their subordinates are informed of these policies. All potential employees should be made aware that in accepting employment, they consent to them.

These policies do not attempt to specify every activity which may be incompatible, nor should they be taken as the only rules which must be observed by an employee. The policies are not intended to change any existing law. The prohibited activities are examples; specific activities must directly relate to employees' jobs.

PROHIBITED ACTIVITIES

Outside Employment

All employees are required to devote their full time, attention, and effort to their jobs during their State working hours. Before starting outside employment, employees who believe that such employment may conflict with their State job shall advise their supervisor in writing. General prohibitions on outside employment include:

- A. Accepting non-State money or other consideration for performing a duty which the employee or the Board would be expected to perform in the course of state business.
- B. Performance of an act in other than his or her capacity as a state employee knowing that such an act may later be subject, directly or indirectly, to the control, inspection, review, audit, or enforcement by the employee.
- C. The private practice of law or other outside employment by an employee who is a member of the State Bar which may require his/her appearance before any agency, Board, or Commission or any committee of the Legislature on behalf of his/her outside employment or client regarding a matter in which the Board is involved.
- D. Outside employment in public or private business involved in detention or corrections activities, including employment with any law enforcement, custodial, corrective, security, or investigative agency that maintains a local detention facility, whether public or private, including volunteer service as a peace officer.
- E. Any employment outside state service for which the employee is selected or retained wholly or partially because of his/her position with the Board.
- F. Employment of an employee qualified to practice accounting in an outside public accounting practice, which required him/her to prepare a report or return which is subject to review by the Board. Exceptions which are permissible outside activities are:
 1. Teaching (as long as said teaching does not involve any course, training event, or professional activity sponsored or funded by the Board or certified through the Standards and Training for Corrections Division);
 2. Bookkeeping as distinguished from Public Accounting;
 3. Employment with a licensed Public Accountant or firm if the employer takes full responsibility for all work performed by the state employee or officer.
- G. Employment with any public or private entity involved in work funded by the Board, including the use of federal or state funds allocated to local government or nongovernmental entities by the Board. This includes any grant funded programs or construction projects.

- H. Standing for election or appointment to a local public office (including city and county office, school boards, or special districts) by an employee assigned to activities relating to the allocation of state funds to local government units or assigned to review or approve plans, specifications, or applications from local government units is prohibited without written approval that the particular employment or standing for election is not incompatible with the employee's duties.

Approval for standing for election or for holding a nonpartisan local government office will take into consideration the following:

1. The local government office will not be full time and will not interfere with the employee's normal working hours or efficiency. The employee will disqualify himself/herself from debating, voting on, or in any way attempting to influence matters appearing before his/her local government office which affect the Board and its programs in the community.
2. The employee cannot be involved in Board recommendations or decisions on matters that are also of direct concern to the local government office he/she holds or for which he/she is standing for election. If this occurs, the employee is to remove himself/herself temporarily from the process of forming recommendations or making decisions which affect the local government office. If such matters occur frequently in assigned duties, the employee may be rotated to a different position if possible.

GIFTS

- A. An employee shall avoid direct, indirect, implied, or assumed obligations to show favoritism or more friendliness to one person than to others. No employee shall accept, solicit, or pass on to other persons any gift, including money, or any service, gratuity, favor, entertainment, hospitality, loan, or any other thing of value from anyone who is doing or seeking to do business of any kind with the Board or whose activities are regulated or controlled by the Board under circumstances from which it reasonably could be substantiated that the gift was intended as a reward for any official actions performed by the employee.
- B. All favors must be courteously refused.
- C. No employee may accept non-state money or other consideration for performing an act in the regular course of state employment.

- D. Gifts must be returned, permissibly at Board expense, including insurance, through its mailroom. Perishable gifts shall be sent to a charitable organization and the donor so notified. If the return of a gift would be difficult, unusually costly, cause embarrassment or extreme inconvenience, the employee's Deputy Director or immediate supervisor must be notified immediately. The deputy/supervisor shall decide the matter or raise the issue through the chain of command as appropriate.
- E. If an employee receives an offer of a valuable favor, expensive gift, or cash, which implies the intent to influence a favorable action by the state, the employee's immediate supervisor must be notified immediately even when the offer has been refused. The immediate supervisor will raise the issue through the chain of command as appropriate.
- F. Exceptions to overall policy on gifts are:
 - 1. Inexpensive advertising items bearing the name of firms such as pens, pencils, paperweights, or calendars, are acceptable. It should be noted an employee is not to accept any construction material or equipment of even nominal value from contractors.
 - 2. Occasional payment by others for a meal or incidental entertainment which cannot be refused without undue rudeness is acceptable; frequent payment for an employee's meals is improper.
 - 3. Payment of an employee's hotel accommodations by a technical society or employee association as a member-delegate is acceptable when the employee is not sent as an official representative of the Board and is not on state travel expense.

In case of doubt as to the propriety of accepting a gift, the gift should be refused.

MISUSE OF POSITION

- A. Misuse of position includes using state time, facilities, equipment, or supplies for private gain or for the advantage of another person. Examples of misuse of position include:
 - 1. Accepting, taking or converting to one's own use, products of any kind in the course of or as the result of inspections of products or facilities.
 - 2. Using state postage or stamping facilities even though the state is reimbursed before or after such use.
 - 3. Arranging for employment outside state service while on duty.
 - 4. Using status in the Board to solicit directly or indirectly business of any kind or to purchase goods or services for private use at discounts from a person who does business with the state.

5. Using confidential or nonconfidential information available to an employee for personal gain or advantage of another person solely because of the employee's state position. Management will make reasonable efforts to ensure employees are aware what information is confidential.
6. Providing confidential information to persons who have not been authorized to receive the information.
7. Providing services or information to prospective bidders which are not available to all bidders on any contract.
8. Providing or using the names of persons or records of the Board for a mailing list which has not been authorized.
9. Preparing, presenting, or publishing any speech, article, or other writing relating to the operation of the Board for compensation from a source other than the state without prior approval of the Board.
10. Fee appraising or other private employment which utilizes knowledge of information regarding state plans, intentions, or transactions to acquire property.
11. Speculations in real estate using knowledge of programs or projects of the Board. Such involvement, even for the sole benefit of other persons, shall be regarded as incompatible. When an employee has a real property holding which may be affected by the results of departmental decision, the employee is to make it known in writing and withdraw from any involvement in forming recommendations or in making decisions relative to the project. In normal circumstances, an employee purchasing a single-family house or condominium unit for a primary residence is not considered to be involved in speculative real estate transactions; however, an employee is not knowingly to make a property acquisition for a purpose which is related to a real property transaction of the Board. When an employee is in doubt as to whether a particular real estate transaction conflicts with this policy, the employee should request a ruling.
12. Using a badge, uniform, prestige, or influence of a state officer or employment for a private gain or for the advantage of another. Examples include the following situations:
 - a. An employee who, while serving as an officer, employee, member of the Board, or Executive Director, or in any capacity in an organization which transacts or attempts to transact business with the state for profit, holds a state position of review or control over such business transactions.
 - b. An employee assigned the preparation, review, or approval of specifications for the purchase or lease of any property, equipment, or supplies shall immediately give notification if the potential bidder is a firm, corporation, company, association, partnership, or other entity in which the employee or a close relative has a beneficial interest.

- c. Directly or indirectly renting or lending privately owned tools or equipment to a contractor doing business with the state.
- d. Directly or indirectly entering into any agreement, partnership, profit-sharing, or employment arrangement including consulting services with an architect or engineer to engage in the design of any building, the construction of which is subject to supervision by the Board.
- e. Adopting, issuing, interpreting, or applying a rule, directive, regulation, order, or standard of conduct with intent to obtain a private gain or advantage.

FILING REQUIREMENT

All employees must file an Incompatible Activities Statement upon: 1) initial appointment; 2) change in classification; or 3) change in duties or circumstances that raises the issue of potential conflict with this policy.

APPEAL PROCEDURES

The intent is to provide employees with a means to resolve possible conflicts with the Incompatible Activities Statement without producing ill will. A represented employee, i.e., a rank-and-file employee under the State Employer Employee Relations Act, may file a grievance/complaint concerning the application of this policy in accordance with the applicable Memorandum of Understanding. An excluded employee may file a complaint concerning the application of this policy.

An employee may ask that person's deputy/supervisor for a written order to perform a specific duty that the employee believes to be incompatible with his/her duties. Deputies/supervisors need not provide written orders where the orders given employees do not relate to an incompatible act. If a deputy/supervisor will not provide a written order, an employee may submit a written summary of the deputy's/supervisor's order to his/her personnel file. Employees are expected to comply with verbal or written orders. If they believe the order is in violation of the Incompatible Activities policy, they have a right to pursue the issue through the grievance/complaint process.

PENALTY FOR VIOLATION OF INCOMPATIBLE ACTIVITIES STATEMENT

An employee will be subject to disciplinary action for violation of any of the policies contained in the Incompatible Activities Statement. The severity of any adverse action taken will depend on the adverse consequence to the State caused by such actions.

CERTIFICATION

The following certification is to be signed and submitted by employees to comply with the Incompatible Activities Statement:

CERTIFICATION

I have received and read a copy of the Incompatible Activities Statement of the Board of State and Community Corrections.

Signature		Date
Typed or Printed Name		
Job Title	Position Number	

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