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Individual Conduct of Employees	ACA Standards: 2-CO-1A-29, 2-CO-1C-04, 2-CO-1C-11, 2-CO-1C-20, 2-CO-1C-24, 4-4024, 4-4056, 4-4063, 4-4069, 4-4070, 4-ACRS-3A-07, 4-ACRS-7C-01, 4-ACRS-7C-02, 4-ACRS-7D-08, 4-ACRS-7D-30, 4-ACRS-7E-04, 4-ACRS-7E-13, 4-APPFS-3B-05, 4-APPFS-3C-01, 4-APPFS-3C-02, 4-APPFS-3E-01, 4-APPFS-3E-05
Robert Patton, Director Oklahoma Department of Corrections	Signature on File

## Rules Concerning the Individual Conduct of Employees

In support of the mission, vision, and values of the agency through actions consistent with the principles of the employee code of conduct, the agency has established these procedures for the rules of conduct. (2-CO-1C-04)

### I. Establishment of Rules and Code of Conduct

#### A. Code of Conduct

Employees of the agency will, at all times, conduct themselves in a manner befitting the office or position that the employee holds. Employees will uphold the correctional employee oath, as well as the public's trust, and will reflect the highest ethical standards. Employees will:

1. Devote full time, attention and effort to their duties during assigned hours of duty;
2. Engage in conduct which affords respect, courtesy, and preserves the dignity of others;
3. Refrain from conduct which is corrupt, illegal, serves to denigrate, demean, or disregard the welfare of others;
4. Promote and model exemplary, law abiding behavior; (4-ACRS-3A-07)
5. Avoid any conduct, interest, or relationship which is in conflict with, or detrimental to, the proper and effective discharge of official duties; (2-CO-1C-24, 4-4069, 4-APPFS-3C-02)
6. Be efficient and effective managers of public resources;
7. Conduct work in a manner which contributes to and supports a safe and healthful work environment; (4-APPFS-3E-01)
8. Promptly and truthfully report any improper actions which violate agency policies and procedures, endanger others, or undermine the principles contained herein; and
9. Refrain from conduct which constitutes violation of the agency's

sexual abuse/sexual harassment policy as described in Section IV. B. 2. item a. of this procedure (28 CFR Part 115, Section 115.76 [PREA]).

## B. Sanctions

Any employee whose actions violate the agency's code of conduct or this procedure may be subject to disciplinary action within the full range of sanctions as outlined in [OP-110415](#) entitled "Progressive Disciplinary Procedures" and the imposition of applicable statutory penalties by appropriate authorities. (4-4063)

## II. Duties and Responsibilities

### A. Compliance

#### 1. Laws/Rules/Regulations/Policies/Procedures/Directives/Orders

- a. Employees will comply with all laws, rules, and regulations, which apply to any aspect of their job duties, responsibilities, or state employment.
- b. Employees will comply with all agency policies and procedures contained in policy statements, operations memoranda, administrative memoranda, field memoranda and other written or verbal directives including the lawful orders or directives of agency supervisors and managers.

#### 2. Insubordination

Any failure to carry out the lawful orders or directives of supervisors/managers, or any conduct towards a supervisor/manager which disregards or is disrespectful of the authority or office of the supervisor/manager, will be considered insubordination.

### B. Reporting for Duty

Employees will report for duty as assigned.

1. Employees will request leave in accordance with the provisions of [OP-110355](#) entitled "Procedures for Employee Attendance and Leave" and comply with any facility/district/unit requirements regarding notification of absence.
2. In addition to any disciplinary sanctions that may be incurred for unexcused or unauthorized absences, employees will not be paid for such absences from work.

C. Fitness for Duty

Employees are responsible for reporting for work fit for duty and capable of safely performing their essential job duties. Employees must provide the agency with medical documentation/information when requested, in writing, in accordance with agency procedures authorizing requests for such documentation/information.

1. If an employee is ordered to work because of an emergency or shortage of staff and the employee is impaired or otherwise temporarily unfit to report for duty, the employee has the responsibility to advise the supervisor of his/her condition. The supervisor has the responsibility to determine if the order would jeopardize the safety and operation of the employee or facility.
2. Correctional officers, probation and parole officers, other employees occupying positions which require CLEET certification, and those employees occupying positions subject to Department of Transportation drug testing requirements (drivers of commercial motor vehicles) must notify their supervisors of any medical conditions, including the taking of medication, which could affect their ability to perform safety sensitive job duties safely. (4-APPFS-3B-05)

D. Performance of Duties

Employees will fulfill, to the best of their abilities, the duties of their position (Merit Rule 530:10-11-91(a)) and devote full time, attention, and effort to the duties and responsibilities of their positions during assigned hours of duty (Merit Rule 530:10-11-91(d)) (Oklahoma Constitution, Art. II, Section 11).

1. Sleeping while on duty is prohibited. Employees who intentionally sleep during their assigned work hours or shift will be terminated. Other incidents of sleeping while on duty may be disciplined within the full range of sanctions as outlined in [OP-110415](#) entitled "Progressive Disciplinary Procedures."
2. (Revision-03 02/16/2016) Employees will not willfully fail to carry out their assigned duties, nor willfully misrepresent actual work performed, hours worked, or whereabouts while on duty. Knowingly falsifying a log entry will be grounds for termination.
3. (Revision-03 02/16/2016) Employees will not engage in any activities not directly related to their assigned agency duties while on work time.

E. Use of Force

Use of force is prohibited except in accordance with [OP-050108](#) entitled "Use of Force Standards and Reportable Incidents."

F. Investigations

Employees will cooperate with any agency investigation.

1. Employees failing to cooperate or who make a materially false statement to an investigator will be subject to discharge.
2. The material omission regarding sexual misconduct on application materials, or the provision of materially false information, will result in discharge. (28 CFR Part 115, Section 115.76 [P.R.E.A.]).
3. In addition, any person who knowingly makes or utters a materially false statement, either verbally or in writing, will, upon conviction, be guilty of a misdemeanor.

G. Contraband

(Revision-03 02/16/2016) Employees will not bring any item of contraband inside the facility secure perimeter, as defined in [OP-040110](#) entitled "Search and Seizure Standards," or provide an offender any item of contraband as defined by [OP-040109](#) entitled "Control of Contraband and Physical Evidence" unless specifically authorized by the facility/district/unit head.

1. (Revision-03 02/16/2016) Termination will result for any of the following items brought into the facility secure perimeter or provided to an offender. Additionally, the district attorney will be consulted for filing of criminal charges:
  - a. Weapons;
  - b. Ammunition;
  - c. Drugs, other than specified in Section II. H. 1. item c., of this procedure;
  - d. Alcohol; and
  - e. Cell phones, as specified in Section II. H. item 2., of this procedure.
2. (Revision-03 02/16/2016) Progressive discipline, up to and including termination, will be issued for any other contraband brought into the facility secure perimeter or provided to an offender.

H. Security

1. Unauthorized Items
  - a. Employees will not bring beverages containing alcohol, illegal

drugs, unauthorized weapons and ammunition, or other dangerous instruments into any Department of Corrections (DOC) facility, building, state vehicle, or onto any surrounding grounds and parking areas leased by DOC or contracted for use. (57 O.S. § 21).

- b. Employees will not bring any tobacco or tobacco like products as defined by [OP-150601](#) entitled "Tobacco Regulations" on any and all properties owned, leased or contracted for use by DOC.
- c. Employees will secure and prevent offenders from having access to or possession of medicines, prescribed drugs, intoxicating substances or potentially hazardous materials, whether personally or agency owned, or obtainable through any other means. Employees will carry only the actual dosage of any medication needed during their scheduled work hours and one additional shift, if applicable. Employees will carry either the full prescription medication label or current prescription receipt for each prescription medication in their possession. Exceptions may be granted in accordance with [OP-110218](#) entitled "Employee Medical Exams/Inquiries and Records."

2. (Revision-04 03/29/2016) Cellular Phones/Electronic Communication Devices

(Revision-04 03/29/2016) In accordance 57 O. S. § 21, any person who knowingly, willfully and without authority brings into or has in his or her possession in any secure area of state penal institution or other secure place where prisoners are located any cellular phone or electronic device capable of sending or receiving any electronic communication shall, upon conviction, be guilty of a felony.

An "electronic communication" is defined as any transfer of signs, signals, writings, images, sounds, data, or intelligence of any nature transmitted in whole or part by a wire, radio, electromagnetic, photo-electronic, or photo-optical system, and includes, but is not limited to, the transfer of that communication through the Internet.

a. Personnel Authorized to Carry Cell Phones/Electronic Devices

- (1) (Revision-04 03/29/2016) Employees who have been issued a state owned cell phone for business purposes are authorized to carry that phone into a secure area when conducting official business at correctional facilities.

- (2) (Revision-04 03/29/2016) Only employees authorized by the director may use/carry personal cell phones/electronic communication devices to conduct official business at correctional facilities.
- b. (Revision-04 03/29/2016) Cell Phones/Electronic Devices
  - (1) Personal

(Revision-04 03/29/2016) (Revision-01 4/3/2015) (Revision-03 02/16/2016) Except as provided in Section II. H. 2. item a. item (2) of this procedure, personal cell phones and electronic communication devices will not be possessed at a facility unless it remains secured in a privately owned vehicle or a preapproved secured locker at the facility. Employees utilizing a state vehicle to conduct agency business may secure their electronic communication devices in the state vehicle.

    - (a) (Revision-01 4/3/2015) Any employee, intern, or volunteer possessing a cell phone or electronic communication device upon entry into any facility, regardless of security level, with intent to provide such device to an offender, will be terminated.
    - (b) (Revision-01 4/3/2015) Regardless of intent, formal progressive discipline will be imposed against any employee who has in his or her possession any unauthorized cell phones or electronic communication devices.
    - (c) (Revision-01 4/3/2015) Regardless of intent, any employee who uses a cell phone or electronic device at a facility, while on duty and without authorization, will be terminated.
    - (d) (Revision-01 4/3/2015) For the purpose of this procedure, "facility" will be defined in accordance with OP-040101 entitled "Facility Security Standards," Section I. item B.

### 3. Photographs

Employees and volunteers are prohibited from taking photographs of offenders except in accordance with [OP-020108](#) entitled "Information Requests and Release of Information from Agency Records and Media Access to the Department of Corrections."

I. Personal Property/Items/Food

1. Personal Property

Employees are discouraged from storing personal papers and effects at work. The agency assumes no responsibility for the security or privacy of such personal property.

2. Personal Items/Food

Glass or metal containers are prohibited at all secure facilities (minimum and above), without prior approval from the facility head. Food items are available through food service, canteen, and/or vending machines. Only personal property and food items in transparent containers will be authorized inside the facility.

a. Transparent Containers

- (1) Purses, bags, lunch boxes, etc., will be transparent and no larger than approximately one cubic foot in size.
- (2) Work related equipment such as briefcases (hand carry or roller) and laptop cases will be allowed with the facility head's approval and are subject to search in accordance with [OP-040110](#) entitled "Search and Seizure Standards." Outside vendors will be searched when bringing in these items or other such items.

b. Food Items/Drinks

- (1) Outside food items, to include fast food or restaurant items, will be in transparent containers/baggies.
- (2) Drinks will be in transparent containers. Total liquid volume will not exceed two liters per container.
- (3) Outside food brought in non-transparent containers for luncheons, special occasions, or other events will require prior approval by the facility head and will be subject to search.

J. Notification When Relatives/Close Friends Become Offenders

Employees will provide immediate written notification to their supervisors if a relative or close friend becomes an offender under the care, custody, or supervision of the agency.

K. Uniforms

Employees are prohibited from wearing agency uniforms except while on duty or while traveling to and from the work site just prior to beginning or just after completing work. Correctional officers, probation/parole officers, and Fugitive Apprehension Agents will not purchase or consume alcoholic beverages while in uniform.

L. Time Sheets

Employees and supervisors will submit timely, accurate and truthful time/leave sheets in accordance with [OP-110120](#) entitled "Procedures for Time/Leave Sheets and Payroll Processing."

III. Conduct Prohibited by the Rules of the Ethics Commission (2-CO-1C-04)

A. Prohibited Political Activities (2-CO-1A-24, 2-CO-1A-29, 4-4024, 4-4069, 4-ACRS-7E-13, 4-APPFS-3C-02)

1. No classified employee will: (74:Chapter 62, App. 257:10-1-4(a) and (d))
  - a. Use his/her official authority or influence for interfering with an election to or a nomination for office;
  - b. Become a candidate for an elective state office in a partisan election (Ethics Interpretation EI-2003-002);
  - c. Directly or indirectly solicit contributions or other funds for a partisan political candidate or party committee;
  - d. Directly or indirectly solicit, accept, collect, handle, disburse, or account for assessments, contributions, or other funds for a partisan political purpose;
  - e. Organize, sell tickets to, promote, or actively participate in a fund raising activity for a candidate in a partisan election or of a party committee; or
  - f. Engage in political activity, while on duty, or while in a uniform that identifies state employment, or engage in political activities in the assigned work areas of a state agency.
2. No classified or unclassified employee will wear a campaign button, hat, badge, or other campaign paraphernalia during the hours that the employee is officially in work status for the agency (74:Chapter 62, App. 257:10-1-4(e)).

B. Misuse of Office (2-CO-1C-24, 4-4069, 4-APPFS-3C-02)

Employees will not:

1. Receive directly or indirectly any money or other valuable thing, for the performance or non-performance of duties, other than the compensation provided by law; (74:Chapter 62, App. 257:20-1-3)
2. Use their positions to secure special privileges, exemptions, or compensation for others or themselves; (74:Chapter 62, App. 257:20-1-4)
3. Disclose any confidential information acquired due to their position to any person or group not entitled to receive the confidential information or use such information for personal gain; (74:Chapter 62, App. 257:20-1-4) (4-4070, 4-ACRS-7D-08)
4. Sell products or services to the agency as an individual, or through any company in which the employee has a substantial financial interest, unless such sales are made after public notice and competitive bidding or valued at less than \$5,000. (74:Chapter 62, App. 257:20-1-10(a)(1))
  - a. Employees with the authority to approve the purchase of products or services and their spouses, children, or stepchildren are prohibited from having a financial interest in the supply of such products or services.
  - b. Employees may not engage in the performance of a service contract unless specifically approved by the Division of Capital Assets Management (DCAM) after disclosure that the person is an employee of the agency.
5. Receive or solicit any compensation that would impair the independence of judgment, for services as a state employee, from any source other than the state; or (74:Chapter 62, App. 257:20-1-4)
6. Accept or solicit other employment which would impair his or her independence of judgment in the performance of duties (74:Chapter 62, App 257:20-1-4).

IV. Discussion of Office Operations (Whistleblower Act) (74 O.S. § 840-2.5 and Merit Rule 455:10-3-6)

A. Disciplinary Action

No supervisor will prohibit or take disciplinary action against any employee for:

1. Disclosing public information to correct what the employee reasonably believes evidences a violation of the Oklahoma Constitution or law or a rule promulgated pursuant to law;

2. Reporting a violation of the Oklahoma Constitution, state or federal law, rule or policy; mismanagement; a gross waste of public funds; an abuse of authority; or a substantial and specific danger to public health or safety;
3. Discussing the operations and functions of the agency, either specifically or generally, with the Governor, members of the Legislature, the print or electronic media or other persons in a position to investigate or initiate corrective action; or
4. Taking any of the above actions without giving prior notice to the employee's supervisor or anyone else in the employee's chain of command.

B. Discrimination

1. Prohibited Discrimination

No employee will be in any way favored or discriminated against because of political or religious opinions or affiliations, race, creed, gender, color, age, national origin, or physical handicap so long as the physical handicap does not render the employee unable to do the work for which employed (74 O.S. § 840-2.9, 954 and Merit Rule 530:10-3-2).

2. Harassment

a. Sexual Harassment (2-CO-1C-11, 4-4056, 4-ACRS-7E-04, 4-APPFS-3E-05)

No employee will permit or engage in any conduct which constitutes, or is contributory to, sexual harassment. Sexual harassment is defined as any unwelcome sexual advances, requests for sexual favors, and verbal, graphic or physical conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (2) Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment. (Merit Rule 530:10-3-3)

b. Zero Tolerance

The agency will enforce a “zero tolerance” response to any conduct which contributes to a work environment that is demeaning or disparaging of any employee or group of employees due to membership in any protected class listed in Section IV. B. item 1. of this procedure.

- (1) The agency and its supervisors/managers will take immediate corrective action, which may include a disciplinary response to any act which constitutes harassment or misconduct under this section.
- (2) Supervisors/managers who fail to respond appropriately may be subject to a disciplinary response under this section.

c. Reporting and Investigating Harassment

Employees must report any conduct which is perceived to be harassment immediately. Reports or complaints of harassment under this procedure may be made directly to the Employee Rights and Relations Unit without submission through the chain of command.

- (1) All supervisors receiving a complaint or who becomes aware of conduct which is in violation of this section will immediately report the complaint or conduct to the Employee Rights and Relations Unit.
  - (a) Employees are responsible for cooperating in an investigation and honoring the confidentiality of any investigation.
  - (b) No judgment will be made regarding whether sexual harassment has occurred except by a civil rights investigator.
- (2) The agency and its supervisors/managers will not discriminate or retaliate against anyone for filing a complaint, testifying or otherwise assisting or participating in an investigation, proceeding or hearing concerning an unlawful employment practice.

d. Cease and Desist Order

Pending the completion of any investigation or disciplinary response, the facility/district/unit head may issue a “Cease and

Desist” order to any employee alleged to have committed any act of harassment or which constitutes misconduct within the meaning of this section.

- (1) The “Cease and Desist” order will be placed in the employee’s supervisory file pending substantiation of the allegations.
- (2) In the event the allegations are substantiated and formal disciplinary action is issued, the order will be placed in the employee’s personnel file.
- (3) If the allegations are not substantiated or warrant informal discipline, the order may be removed from the employee’s supervisory file at the discretion of the facility/district/unit head.

e. Corrective Action

The facility/district/unit head will take whatever immediate corrective action is necessary to reasonably ensure that such misconduct does not re-occur. Corrective action may include, but is not limited to:

- (1) Any disciplinary action, up to and including termination, which is appropriate for the severity of the misconduct. In some instances, the “Cease and Desist” order may be sufficient action;
- (2) Training; or
- (3) Transfer.

V. Alcohol and Drugs (2-CO-1C-20, 4-4063, 4-ACRS-7C-02, 4-APPFS-3C-01)

The agency will enforce a “zero tolerance” standard for violation of any of its procedures concerning drug and alcohol use or testing, or in response to conduct which is prohibited by any of those procedures.

A. Prohibition of All Intoxicating Substances (Oklahoma Constitution, Art. II, Section 11)

1. Employees will not consume or use any intoxicating substances from the time they report for duty, at the beginning of an assigned shift or work day, until going off duty at the end of an assigned shift or work day.
2. Employees will not be in possession of any intoxicants, including any beverages containing alcohol, at any work site, or while conducting

state business at any location, or while operating a state motor vehicle or a private vehicle while on state business.

3. Employees will not report for duty or conduct state business with any amount of an illegal or intoxicating substance in their system which is prohibited by the agency's drug free workplace program ([OP-110601](#) entitled "Controlled Substances and Alcohol Use and Testing Procedures for Drivers of Commercial Motor Vehicles" and [OP-110603](#) entitled "Pre-Employment Drug Testing Program").
4. Employees exhibiting signs of intoxication which constitute "reasonable suspicion" will be directed for testing in accordance with applicable policy and procedure. In the absence of agency procedures for reasonable suspicion testing, an employee may be disciplined when there is evidence that the employee has reported for duty, or conducted state business, with illegal or intoxicating substances in his/her system.

B. Maintaining a Drug Free Workplace (Federal Drug Free Work Place Act of 1988 and Executive Proclamation on the Drug Free Work Place, March 31, 1989)

1. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance on state property or any location considered the work site, while conducting state business, or driving any vehicle while conducting state business, is prohibited.
2. Violations of the drug free workplace prohibitions will result in disciplinary action, up to and including discharge.
3. Employees who are convicted of any criminal drug statute for an offense, occurring at or related to the work place, will report such conviction within five days to the appropriate division manager /division head through their facility/district/unit head.
4. The agency will notify any federal program or agency which provides any funding to the agency, of any work place related drug conviction, within ten days of receiving notification of the conviction.

VI. Illegal Activity

Engaging in any illegal activity, whether on or off duty, is prohibited.

A. Definition

Illegal activity is any activity which is prohibited by any federal, state, or municipal criminal laws (except minor traffic violations), as well as any other laws governing the conduct of state employees.

For the purpose of this procedure and this section, illegal activity includes:

1. Being the subject of a court order that:
  - a. Restrains the subject from harassing, stalking, or threatening an intimate partner of such person, or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and
  - b. Includes a finding that the subject represents a credible threat to the physical safety of such intimate partner or child; or
  - c. By its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.

The court order must have been issued after a hearing for which the employee received actual notice and received an opportunity to participate.

2. Receiving a discharge from the Armed Services under bad conduct or dishonorable conditions.

B. Reporting

1. Employees will notify the facility/district/unit head of any arrest, charge, plea or conviction, for any illegal activity within 24 hours, and file a written report before the end of the employee's next working day. Employees will similarly report being subject to a court order or discharged from the Armed Services as described in Section VI. item A. above.
2. Employees will attach any court order to the written report.
3. Employees will provide the facility/district/unit head with a copy of any Judgment and Sentence (or equivalent document) and arrest or offense report, within 15 days, for any misdemeanor crime involving any domestic violence (see Section VI. item D. below).
4. Employees will notify the facility/district/unit head if they have engaged in any misconduct which is in violation of Section VII. item C. of this procedure (Prohibited Relationships with Offenders and 180-Day Ex-Offenders) or [OP-030601](#) entitled "Oklahoma Prison Rape Elimination Act."

C. Felony Convictions/Pleas

By this procedure, it is established that all felonies are job related.

1. **Unclassified Service (51 O.S. § 24.1.A)**

Any unclassified employee who is found guilty, or pleads guilty or nolo contendere to a felony will forfeit employment immediately upon such finding or entering such plea and will vacate the employment held.

2. **Classified Service (74 O.S. § 840-6.5.B and 51 O.S. § 24.1.A)**

Any classified employee who is convicted of, or pleads guilty or nolo contendere to a felony, will be discharged in accordance with all applicable Merit Rule and procedures.

D. **Removal of Authorization and Job Duties Involving Firearms/Ammunition (18 USCA § 922)**

It is unlawful for any employee to possess any firearm or ammunition if:

1. Convicted in any court of a misdemeanor crime of domestic violence which has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, by a current or former spouse, parent or guardian of the victim, by a person with whom the victim shares a child in common, or by a person who is cohabitating with or has cohabitated with the victim as a spouse, parent, or guardian;
2. Subject to any court order as described in Section VI. item A. of this procedure; or
3. Discharged from the Armed Forces under bad conduct or dishonorable conditions.

The facility/district/unit head will ensure that supporting documents are placed in the employee's personnel file, and that affected employees are not unlawfully issued, or authorized to possess, firearms or ammunition while in the performance of assigned job duties.

E. **Failure to Comply with State Income Tax Laws (68 O.S. § 238.2)**

1. **Required Disciplinary Action**

The agency will take disciplinary action, in accordance with [OP-110415](#) entitled "Progressive Disciplinary Procedures," Section II. item D., against an employee when notified by the Oklahoma State Tax Commission that the employee has failed to comply with state income tax laws.

2. **Required Termination**

- a. If the Oklahoma Department of Corrections (DOC) receives a notification from the Oklahoma Tax Commission (OTC) with respect to a state employee who has failed to come into compliance with the income tax laws, and the notification is the employee's third notification as a state employee, regardless of which agency the employee was employed by at the time of the first and second notices, such employee will be terminated by DOC.
- b. The Oklahoma Tax Commission (OTC) has sole responsibility for identifying employees that are not in compliance with state income tax laws and making notification of their respective tax status to the agency.

F. Criminal Records Checks

Criminal records checks will be conducted on all employees and contractors at least every five years utilizing a "Request for Record" form ([DOC 090211B](#)) with request for an OSBI, FBI and NIC records check indicated. The form will be processed at the facility/district/unit.

VII. Regulations Governing Activities and Relationships with Offenders/180-Day Ex-Offenders (4-APPFS-3C-02)

A. Definitions

1. Offenders will be defined as persons under the care, custody, or supervision of DOC.
2. "180-day ex-offenders" are those persons who are within 180 days of the date following their discharge or termination from DOC custody or supervision.

B. Prohibited Activities with Offenders and 180-Day Ex-Offenders

1. Accepting or offering a gift, money, or anything of value, directly or indirectly. This prohibition includes any member of the offender's or 180-day ex-offender's family.
2. Giving, receiving, or loaning any money, or trading, selling, or buying any personal possession or anything of value, for any purpose, without the written consent of the employee's supervisor. Hobby craft items may only be purchased in accordance with the correctional facility's local procedures. (4-ACRS-7D-30)
3. Using, obtaining, or requiring personal services such as, house service, washing personal vehicles, tending gardens, caring for pets, etc.

4. Paying for personal services such as haircuts or shoe shines, unless a correctional facility has an approved, structured program for such services. Any payments for such services will be deposited in a specific fund.
5. Hiring or employing without written approval of the director.
6. Bidding on or purchasing any personal property previously owned by an offender and sold through auction conducted by the agency.
7. Delivering or sending messages, verbal or written, or engaging in social networking or electronic communication which is not within the scope of the employee's assigned duties.
8. Engaging in any other activity which constitutes or offers the opportunity for an abuse of the employee's position.

C. Prohibited Relationships with Offenders and 180-Day Ex-Offenders

Employees are prohibited from engaging in any sexual conduct or romantic relationship with an offender in accordance with [OP-030601](#) entitled "Oklahoma Prison Rape Elimination Act."

1. Engaging in sexual contact of any type is prohibited. Sexual intercourse with an offender under the legal custody of the agency is defined by statute as rape. (21 O.S. § 1111)
  - a. Sexual abuse, battery, contact, intimacy, harassment, or invasion of privacy, as defined in [OP-030601](#) entitled "Oklahoma Prison Rape Elimination Act," are prohibited sexual misconduct.
  - b. Due to the offender's custody or supervision status, and in accordance with state law and [OP-030601](#) entitled "Oklahoma Prison Rape Elimination Act," no prohibited act of sexual misconduct or harassment can have as an affirmative defense, a claim of consent.
2. Cohabitation or marriage, unless the cohabitation or marriage existed prior to employment with the agency.
3. Engaging in any nonprofessional association, contact, or personal relationship with offenders, 180-day ex-offenders, or members of their families which may compromise the employee's ability to effectively discharge the duties of his/her position.

Nothing in this section prohibits employees or volunteers from appropriately discharging their professional duties with regard to the offender reentry

process.

## VIII. Prohibited Activity and Relationships with Employees

### A. Prohibited Relationships

Engaging in any activity with another employee which compromises professional relationships is prohibited.

1. Intimate, romantic or personal relationships between a supervisor and a subordinate at any level within the chain of command are prohibited.
2. No employee will participate in a hiring or promotional decision involving an applicant or employee with whom there exists an intimate, romantic or personal relationship.
3. Business transactions between a supervisor and a subordinate are prohibited.
4. Any business transaction between employees is discouraged.

### B. Workplace Violence ([OP-110214](#) entitled "Workplace Violence")

1. Employees are prohibited from engaging in any workplace conduct which, by its nature, serves to threaten, frighten, intimidate, menace, or cause physical harm to other employees.
2. Employees who engage in such prohibited conduct will be subject to disciplinary action up to and including termination of employment.
3. Employees have the duty and responsibility to notify supervisors when any such conduct is observed.

Nothing regarding the above prohibition of workplace violence will be construed to prohibit supervisors and managers from appropriately disciplining employees or correcting job performance deficiencies.

### C. Bullying

Bullying means repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more employees against another or others, at the place of work and/or in the course of employment.

1. Verbal Bullying: slandering, ridiculing or maligning a person or his/her family; name calling which is hurtful, insulting or humiliating; abusive and/or offensive remarks.
2. Physical Bullying: pushing; shoving; kicking; poking; tripping; assault,

or threat of physical assault; damage to a person's work area or property.

3. Gesture Bullying: non-verbal threatening gestures, glances which can convey threatening messages.
4. Power Bullying: Making excessive demands, such as assigning work that is impossible to perform or is clearly unnecessary. Making demeaning demands, such as assigning work that is clearly below the employee's ability or experience or assigning no work at all. Intruding or invading into the employee's personal life. Socially or excluding or disregarding a person in work-related activities.

IX. Other Prohibited Conduct

A. Disclosure of Information

No employee will disclose confidential records or information which would:

1. Constitute a clearly unwarranted invasion of a current or former employee's personal privacy (51 O.S. § 24A.7.).
2. The home addresses, home telephone numbers, social security numbers, and information related to personal electronic communication devices (i.e., cell phones, pager numbers) of current and former employees will not be open to public inspection or disclosure without written permission from the current or former employee or without an order from a court of competent jurisdiction (74 O.S. § 840-2.11).

B. Misuse of State Property, Equipment, Funds

Employees will conserve and prevent excessive waste of the agency's resources and will not use state property, equipment, or funds for personal benefit or gain or for any purpose not directly related to agency business.

1. Employees will not charge personal long distance telephone calls or faxes to the agency or use agency postage or copy machines for personal mailings. State owned cellular devices are provided to conduct state business. Personal use is generally not permitted; however, incidental use of the cellular device may be authorized.
  - a. Any overage, roaming, long distance or other charges caused by personal use must be reimbursed by the employee.
  - b. Installing non DOC approved ring tones, games or other applications on state owned cellular devices is prohibited.
2. Employees are responsible for complying with the guidelines for

appropriate OneNet/Internet usage established in [OP-021001](#) entitled "Department of Corrections OneNet/Internet Standards." Employees in violation of Section III. B. item 5. of [OP-021001](#) will be terminated.

3. Employees will not willfully falsify state travel claims.
4. Employees will properly account for and maintain entrusted agency property, equipment, and funds.
5. It is unlawful for any employee (except as otherwise permitted by state law) to ride to or from the employee's place of residence in a state-owned vehicle, except in the performance of the employee's official duty, or to use or permit the use of any such vehicle for other personal or private purposes (47 O.S. § 156.1).

C. Audio/Video Recording or Photographing

1. Unannounced Recording or Photographing

Employees are prohibited from secretly recording or photographing other employees except as authorized in [OP-040117](#) entitled "Investigations."

2. Recording or Photographing With Consent

Employees may make recorded records of meetings/discussions provided all employees present agree to the recording.

3. Recording Without Consent

Non-secret recording does not require the consent of all employees present when the recording is a requirement of policy, procedure, rule or law or when the recording is done by the agency for historical preservation of agency events or educational/training purposes.

D. Employee Communications

Employees will refrain from issuing or sponsoring any written, electronic, visual or written communication that:

1. Is slanderous or libelous in nature, or is intended to or serves to harass other employees; or
2. Is in a manner or form that disguises the true identity of the sender by claiming the identity of a fellow employee.

E. Secondary Employment

Employees will not engage in any employment, activity, or enterprise which

has been determined to be inconsistent, incompatible, or in conflict with his or her duties or with the duties, functions or responsibilities of the agency (Merit Rule 530:10-11-91(b)).

Secondary employment is defined as any activity for which the employee receives financial payment for a service, activity, or enterprise.

This section is also applicable to the unclassified service.

1. Obtaining Approval

Employees will not engage in any secondary employment without the written approval of the facility/district/unit head.

- a. An "Authorization for Secondary Employment" ([Attachment A](#), attached) will be completed and signed by the employee and the facility/district/unit head.
- b. Approval of secondary employment will remain in effect until rescinded; however, the facility/district/unit may rescind such approval at any time.
- c. The employee must notify the facility/district/unit head of any changes to the reported conditions of secondary employment immediately by completing and submitting a new Attachment A. Failure to notify the facility/district/unit head of any change in secondary employment will automatically render the authorization or approval for secondary employment null and void.

2. Prohibited Employment

Employees will not engage in, and will terminate any secondary employment which:

- a. Adversely affects job performance;
- b. Results in absenteeism, tardiness, or non-availability;
- c. Impairs independence of judgment in the performance of agency duties; or
- d. Adversely affects the professional image of the employee or the agency.

3. Dual Office Holding and Dual Commissioning (51 O.S. § 6 and Oklahoma Constitution, Art. II, Section 12)

No employee may hold more than one public office serving in any

municipal, county, state or federal entity. Employees who are commissioned or designated as a peace officer by the agency or any other employer are considered office holders and therefore, are prohibited from holding any other commission or public office except that:

- a. Probation and parole officers, assistant district supervisors, and district supervisors, may be elected or appointed to a city council; and
- b. Any public office holder may serve as a reserve force deputy sheriff or reserve municipal/tribal police officer. Appointment to a reserve position, either paid or unpaid, must be approved by the facility/district/unit head.

4. Weapons in Private Secondary Employment

- a. No agency owned weapon may be carried by any employee while engaged in secondary employment.
- b. Employees may not act as independent contractors as an armed security guard. (See [OP-040106](#) entitled "Purchase, Use, and Control of Firearms and Security Equipment," Section III.)

5. Alcoholic Beverage Business

Employees who are commissioned peace officers may not hold secondary employment in the alcoholic beverage business (37 O.S. § 511A).

X. Distribution

All employees, volunteers and contract personnel will receive a copy of this procedure at initial employment and any time revisions are made.

[Attachment B](#) entitled "Acknowledgement of Receipt" (attached) will be used to acknowledge employee receipt and filed as documentation in the field personnel file. (4-ACRS-7C-01)

XI. References

Policy Statement No. P-110100 entitled "Uniform Personnel Standards"

Policy Statement No. P-110300 entitled "Drug Free Workplace Program"

OP-020108 entitled "Information Requests and Release of Information from Agency Records and Media Access to the Department of Corrections"

OP-021001 entitled "Department of Corrections OneNet/Internet Standards"

OP-030601 entitled "Oklahoma Prison Rape Elimination Act"

OP-040106 entitled "Purchase, Use, and Control of Firearms and Security Equipment"

OP-040109 entitled "Control of Contraband and Physical Evidence"

OP-040110 entitled "Search and Seizure Standards"

OP-040117 entitled "Investigations"

OP-050108 entitled "Use of Force Standards and Reportable Incidents"

OP-110120 entitled "Procedures for Time/Leave Sheets and Payroll Processing"

OP-110214 entitled "Workplace Violence"

OP-110218 entitled "Employee Medical Exams/Inquiries and Records"

OP-110355 entitled "Procedures for Employee Attendance and Leave"

OP-110415 entitled "Progressive Disciplinary Procedures"

OP-110601 entitled "Controlled Substances and Alcohol Use and Testing Procedures for Drivers of Commercial Vehicles"

OP-110603 entitled "Pre-Employment Drug Testing Program"

OP-150601 entitled "Tobacco Regulations"

Federal Drug Free Work Place Act of 1988

Executive Proclamation on the Drug Free Work Place, March 31, 1989

Ethics Interpretation EI-2003-002

18 USCA § 922

Oklahoma Constitution, Art. II, Sections 11 and 12

21 O.S. § 1111

37 O.S. § 511A

47 O.S. § 156.1

51 O.S. § 6

51 O.S. § 24.1

51 O.S. § 24A.7

57 O.S. § 21

74 O.S. § 840-2.5, 840-2.9, 840-2.11, 840-6.5B, 954, Chapter 62, App. 257:10-1-4, 20-1-3, 20-1-4, 20-1-10

68 O.S. § 238.2

Merit Rules 455:10-3-6 and 530:10-3-2, 10-3-3, 10-11-91

XII. Action

The division manager is responsible for compliance with this procedure.

The associate director of Administrative Operations is responsible for the annual review and revisions.

Any exception to this procedure will require prior written approval from the director.

This procedure is effective as indicated.

Replaced: Operations Memorandum No. OP-110215 entitled "Rules Concerning the Individual Conduct of Employees" dated April 28, 2014

Deleted: Operations Memorandum No. OP-110215 Addendum-01 dated May 29, 2014

Distribution: Policy and Operations Manual  
Department Website

<u>Attachments</u>	<u>Title</u>	<u>Location</u>
<a href="#">Attachment A</a>	"Authorization For Secondary Employment"	Attached
<a href="#">Attachment B</a>	"Acknowledgment of Receipt"	Attached

  

<u>Referenced Forms</u>	<u>Title</u>	<u>Location</u>
<a href="#">DOC 090211B</a>	"Request for Record"	<a href="#">OP-090211</a>