

 <p>ARIZONA DEPARTMENT OF CORRECTIONS</p> <p>DEPARTMENT ORDER MANUAL</p>	<p>CHAPTER: 100</p> <p>AGENCY ADMINISTRATION/ MANAGEMENT</p>	<p>OPR:</p> <p>DIR</p>
	<p>DEPARTMENT ORDER: 110</p> <p><i>LEGISLATIVE ACTIVITIES</i></p>	<p>SUPERSEDES:</p> <p>DO 110 (01/02/06)</p>
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PURPOSE

The Department strives to maintain a good working relationship with the Arizona State Legislature, its members and staff, by providing timely and accurate information. The Department Director, Deputy Director, Legislative Liaison, the Department's Labor Relations Advisory Committee and individual employees designated by the Director are authorized to address the Legislature on behalf of the Department.

While all Department employees are required to comply in full, nothing in this policy should be construed to inhibit an individual's ability to speak with their elected officials about personal issues or to express their personal opinions about Department operations in general.

PROCEDURES

110.01 LOBBYING BY AUTHORIZED LOBBYISTS ONLY

- 1.1 All authorized lobbyists shall register with the Secretary of State's office annually. Only the Director, Deputy Director, the Legislative Liaison or other staff as designated by the Director is authorized to lobby on behalf of the Department.
- 1.2 Employees asked by the Director to lobby on behalf of the Department shall dress in Class "A" uniform or Professional Business Attire as outlined in Department Order #501, Employee Grooming and Dress, and utilize State time.
- 1.3 As a State Agency within the executive branch of State government, legislative proposals reflecting the Governor's policies shall be supported by the Department. The Department's position on bills initiated by parties other than the Department shall be determined by the Director.

110.02 LEGISLATIVE REQUESTS FOR INFORMATION AND TOURS

- 1.1 Department employees shall refer all legislative requests for information, assistance, meetings and/or tours to the Legislative Liaison, or, if not available, the Deputy Director or Director.
- 1.2 Only Department authorized employees may represent the Department for legislative requests for information, assistance, meetings and/or tours.
- 1.3 Requests for information from the media and public shall be in accordance with Department Order #207, Media Relations.

110.03 EMPLOYEE CONTACT WITH LEGISLATORS AND LEGISLATIVE STAFF - Department employees may speak with their elected officials about personal issues or express personal opinions about Department operations on their own time. Department employees who have contact with State legislators and legislative staff shall demonstrate their professionalism in demeanor and dress.

110.04 PROHIBITED CONDUCT - In accordance with Arizona Administrative Code (A.A.C.) R2-5-501, Department employees shall conduct themselves in a manner that will not bring discredit or embarrassment to the State. Arizona Revised Statute (A.R.S.) 41-773 lists fourteen causes for dismissal or discipline from State service, including improper political activity.

DEFINITIONS

AUTHORIZED PUBLIC LOBBYISTS - The Department's authorized lobbyists include the Director, Deputy Director and Legislative Liaison, who are required to register annually with the Arizona Secretary of State.

LEGISLATIVE LIAISON – A Department employee who administers the Department's legislative affairs and represents the Department on bills impacting Department policy, budget, and statutory roles and responsibilities, unless otherwise advised by the Director or Deputy Director. The Legislative Liaison may rely on the General Counsel, Division Directors or appropriate staff for their expert testimony.

LOBBYING - Attempting to influence the passage or defeat of any legislation by directly communicating with any legislator. Lobbying does not include:

- Communications between State Agency employees.
- Questions or comments made by an employee to a State officer or employee regarding a proposed rule and made in public at a meeting or workshop open to the public and sponsored by a State Agency, Board, Commission, Council or Office.
- Communications between a public official and employee of a public body, a designated public lobbyist or authorized public lobbyist and any State officer, except for a member of the legislature, or employee of the legislature.

STATUTORY RESTRICTIONS - There are a number of statutory restrictions and prohibitions impacting the dissemination of information including:

- Information impacting Department operations - Pursuant to case law, where release of documents would be harmful to the best interest or operations of the Department or the State of Arizona, it shall not be released. See *Grimm v. Arizona Board of Pardons and Parole*, 115 Ariz. 260, 564 P. 2d 1227 (1977); *Belo v. Mesa P.D.*, 202 Ariz. 184, 42 P.3d 615 (2002).
- Ongoing Investigations - A.R.S. 31-221 restricts release of portions of an inmate's Master Record File (i.e., the identity of a confidential informant, information which may endanger the life or physical safety of any person or jeopardize an ongoing criminal investigation). Release of information which might jeopardize ongoing criminal investigations may be withheld by the Department. *Phoenix Newspapers, Inc v. Superior Court In and for County of Maricopa*, (App. Div. 1 1993) 180 Ariz. 159, 882 P.2d 1285, review denied.
- Department Employee Employment Information
 - A.A.C. R2-5-105 limits disclosure of information in employee Personnel Records to the following:
 - Name of employee.
 - Date(s) of employment.
 - Current and previous class title.
 - Other State Agencies to which the employee was assigned.
 - Salary history.
 - The employee's current and last known supervisor.
 - Social Security numbers are restricted pursuant to Federal law. See 42 USC 405.

- Crime Victims Right to Privacy - A.R.S. 8-413 protects certain personal information about victims such as their address and telephone number unless the victim consents. Privacy interests can overcome the presumption in favor of disclosure of public records. The Department may withhold the release of information if it can demonstrate public disclosure is outweighed by considerations of "confidentiality, privacy, or the best interest of the State." *Belo v. Mesa P.D.*, 202 Ariz. 184, 42 P.3d 615 (2002).
- Inmate Medical Records
 - A.R.S. 12-2292 prohibits the release of inmate Medical Records or information because it is considered confidential by law.
 - A.R.S. 12-2293, 12-2294 and 12-2294.01 require an authorization signed by the inmate or a Court subpoena for the release of Medical Records.

{Original Signature on File}

CHARLES L. RYAN
DIRECTOR

AUTHORITY

A.R.S. 8-413, Victim's Right to Privacy

A.R.S. 12-2292, Confidentiality of Medical Records and Payment Records

A.R.S. 12-2293, Release of Medical Records and Payment Records to Patients and Health Care Decision Makers; Definition

A.R.S. 12-2294, Release of Medical Records and Payment Records to Third Parties

A.R.S. 12-2294.01, Release of Medical Records or Payment Records to Third Parties Pursuant to Subpoena

A.R.S. 31-221, Master Record File; Information from Other Agencies; Confidentiality of File; Access; Definition

A.R.S. 41-773, Causes for Dismissal or Discipline

A.R.S. 41-1231, Definitions

A.A.C. R2-5-105, Personnel Records

A.A.C. R2-5-501, Standard of Conduct

42 USC 405, Evidence, Procedure, and Certification for Payments