ARIZONA DEPARTMENT OF CORRECTIONS	CHAPTER: 500 PERSONNEL/HUMAN RESOURCES	OPR: DIR
DEPARTMENT ORDER MANUAL	DEPARTMENT ORDER: 501 ***EMPLOYEE PROFESSIONALISM, ETHICS AND CONDUCT*** (Companion Department Order: 527, Sexual Harassment and Employment Discrimination)	SUPERSEDES: DO 501 (07/06/98) DI 206 (9/28/10)
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TABLE OF CONTENTS

PURPOSE

PROCEDURES **PAGE**

501.01 GENERAL RESPONSIBILITIES....1

501.02 STAFF RELATIONSHIPS WITH INMATES, OFFENDERS AND FORMER INMATES/OFFENDERS...2

501.03 STAFF ARRESTS/NEGATIVE LAW ENFORCEMENT CONTACT....3

501.04 SECONDARY EMPLOYMENT....5

501.05 CONFLICT OF INTEREST....6

501.06 ORGANIZATIONS....7

501.07 RESIGNATION OF EMPLOYEES SEEKING ELECTED PUBLIC OFFICE....15

DEFINITIONS....15

CROSS-REFERENCE INDEX....19

AUTHORITY....19

ATTACHMENT

PURPOSE

This Department Order ensures that the optimum level of professionalism is maintained by Department employees and that qualified persons are recruited, selected and employed based upon bona fide occupational qualifications. The Department expects the highest ethical standards of honesty, integrity, impartiality and conduct of its employees in their interaction with inmates, offenders, former inmates/offenders, other employees and the general public. To merit the public's continued respect and confidence, employees shall observe all laws while at and away from work.

Department Order #527, Sexual Harassment and Employment Discrimination, as related to "Employee Professionalism, Ethics and Conduct" issues have been placed in a separate Department Order in order to emphasize their importance.

PROCEDURES

501.01 GENERAL RESPONSIBILITIES

1.1 All employees shall:

1.1.1 Accept responsibility and delegated authority to efficiently and effectively perform their assigned duties in a courteous, considerate and prompt manner.

1.1.2 Ensure their personal conduct is in accordance with this Department Order at all times.

1.1.3 Immediately report misconduct to their chain of command.

1.1.4 Cooperate with Department's official investigations.

1.1.5 Ensure they maintain a professional demeanor at all times.

1.1.6 Abide by the Department's Code of Ethics, Attachment A.

1.2 Approving authorities shall:

1.2.1 Consider knowledge and application of laws, rules, policies and procedures in Performance Appraisal for Correctional Employees (PACE) file preparation.

1.2.2 Ensure their subordinates are held accountable for compliance with this Department Order, and allegations of employee misconduct at any level are thoroughly investigated and resolved.

1.2.3 Investigate allegations of misconduct and administer appropriate corrective discipline for sustained employee misconduct, in accordance with Department Order #601, Administrative Investigations and Employee Discipline.

1.2.4 Take prompt and appropriate administrative action and/or corrective disciplinary action regarding criminal charges filed against subordinate staff, and related allegations of misconduct.

1.2.5 Seek, when appropriate, the prosecution of employees for:

1.2.5.1 Failing to discharge their custodial responsibility, provided the failure resulted in the escape of an inmate or the serious physical injury or death of another person or inmate, pursuant to A.R.S. 13-2513.

1.2.5.2 Engaging in sexual contact and/or intercourse with inmates or offenders under Department supervision, pursuant to A.R.S. 13-1419 and the Prison Rape Elimination Act of 2003.

1.2.5.2.1 Department employees and offenders on release status are exempt from this restriction, provided employees were legally married to the offenders prior to sentencing.

1.2.5.3 Other violations of law.

501.02 STAFF RELATIONSHIPS WITH INMATES, OFFENDERS AND FORMER INMATES/OFFENDERS - Employees shall limit their relationships with inmates and inmates' families to officially authorized activities. Employees shall refrain from personal relationships with current or former inmates, offenders and inmates'/offenders' family members. Employees are required at all times to maintain a professional distance from current or former inmates/offenders and deal with them in a courteous and professional manner.

1.1 Department employees shall:

1.1.1 Avoid being placed in situations that may compromise their professional integrity; compromise security; or cause embarrassment to the Department or the State of Arizona.

1.1.2 Avoid undue familiarity.

1.1.3 Report in writing all family relationships with current or former inmates/offenders to their Warden or Bureau Administrator.

1.1.4 Immediately report, both verbally and in writing, to their immediate supervisor any request to engage in an unauthorized activity, including, but not limited to:

1.1.4.1 Bribery.

1.1.4.2 Attempted bribery.

1.1.4.3 Solicitation of bribery.

1.1.4.4 Any attempt to jeopardize accepted employee-inmate relationships and/or any unauthorized contact.

1.1.5 Take corrective action on all inmate rule violations and offender violations of Conditions of Supervision to ensure impartiality and fairness with all inmates and offenders.

1.1.6 Address an inmate as "inmate" followed by their surname, for example "Inmate Smith" or "Inmate Jones."

1.2 Department employees shall not:

1.2.1 Establish personal relationships unless a prior family relationship existed and notification of relationship has been provided to their chain of command.

1.2.2 Engage in intimate contact or other inappropriate behavior with a current or former inmate/ offender.

1.2.3 Engage in sexual contact or sexual intercourse with an inmate or offender.

1.2.3.1 Employees and offenders on release status are exempt from section 1.2.2 through 1.2.3 above, provided the employee and offender were married prior to sentencing.

1.2.4 Engage in horseplay or wager with current or former inmates/offenders.

1.2.5 Enter any area, to which they are not assigned, except as is necessary in the performance of their assigned duties, or with the prior approval of the Warden, Deputy Warden, Bureau Administrator or Inspector General of the involved institution/location.

1.2.6 Take or send, except as required as part of their assigned duties, inmate or offender letters, writings, verbal or written messages, literature or reading matter or any other item without the written permission of the Warden, Deputy Warden or Bureau Administrator.

1.2.7 Have contact or communication beyond their duties without prior written Warden or Bureau Administrator approval.

1.2.8 Give inmates or offenders any food or beverage not part of their job responsibilities including food and beverages from inside or outside institutions without prior written Warden or Bureau Administrator approval.

1.2.9 Barter or deal with current or former inmates/offenders. Employees may purchase inmate arts and crafts or business products in accordance with Department Order #906, Inmate Recreation/Arts & Crafts.

1.2.10 Lend, borrow, exchange, give, take or take gifts, presents, cash or property to or from current or former inmates/offenders, or their family/friends without prior written Warden or Bureau Administrator approval.

1.2.11 Deal directly with, be involved in, or sponsor personal activities (e.g., taking inmates or offenders to a show, shopping or other activities) without official approval.

1.2.12 Discuss personal information and issues with current or former inmates/offenders or with other employees while in the presence of current or former inmates/offenders.

1.2.13 Submit verbal or written recommendations on the behalf of current or former inmates/offenders.

1.2.14 Be placed in situations where personal obligation and/or official favors are expected.

1.2.15 Periodic rotation of employees in accordance with Department Order #524, Employee Assignments and Staffing may occur to prevent over-familiarity with individual inmates or offenders.

1.2.16 The Staff Development and Training Bureau Administrator shall ensure comprehensive training is provided to employees regarding appropriate relations.

501.03 STAFF ARRESTS/NEGATIVE LAW ENFORCEMENT CONTACT

1.1 Department employees shall report immediately upon return to work/duty to their supervisor, a designee within their chain of command, or the institution Duty Officer, all contacts with law enforcement authorities that may cause embarrassment to the Department or the state of Arizona by submitting an Information Report (IR), Form 105-2. This includes, but is not limited to:

1.1.1 Arrests.

1.1.2 Citations for other than minor traffic violations.

1.1.3 Criminal summons.

1.1.4 Indictments.

1.1.5 Orders of Protection.

1.1.6 Orders Against Harassment.

1.2 Employees shall submit monthly Information Reports to their supervisors when there has been no case activity or when there are status developments in their case or Order of Protection, including final disposition.

1.3 Upon being advised of staff arrests involving subordinates, supervisors shall:

1.3.1 Immediately notify their chain of command, up to the appropriate Division Director/Inspector General or designee.

1.3.2 Submit a Significant Information Report (SIR) detailing employees' actions and law enforcement contact, in accordance with Department Order #105, Information Reporting.

1.3.2.1 Staff arrest SIRs shall serve as notifications to the Administrative Investigations Unit (AIU) to obtain police reports and initiate the administrative investigative process, in accordance with Department Order #601, Administrative Investigations and Employee Discipline.

1.3.2.2 **SECTION DELETED**.

1.3.3 **SECTION DELETED**.

1.4 Criminal activity involving Department employees as suspects or victims, but not involving Department operations, shall be immediately reported to local law enforcement agencies having jurisdiction. The location of alleged offenses, on or off State property, is not a factor in whether or not incidents are reported to local law enforcement.

1.4.1 Criminal activity involving Department operations shall be reported to the Criminal Investigations Unit (CIU).

1.4.2 CIU shall coordinate with the local law enforcement agency to ensure incidents are investigated pursuant to A.R.S. 41-1604, B.i.

1.4.3 Questions of alleged offenses involving Department operations shall be resolved by the Inspector General and local law enforcement agencies.

1.4.4 In all cases, coordination with local law enforcement agencies shall be through the Inspector General in accordance with this Department Order.

1.5 Employees shall direct their questions concerning corrective discipline in staff arrest/negative law enforcement contact situations to the Employee Relations Unit.

501.04 **SECONDARY EMPLOYMENT** - Secondary employment, outside official work hours, is permitted provided no conflict of interest exists between the employee's job responsibilities within the Department and the secondary employment.

1.1 Prior to accepting secondary employment, the employee shall submit a completed Notification of Secondary Employment Form, Form 501-5, to their immediate supervisor.

1.2 The notification shall be reviewed by the employee's immediate supervisor to determine if:

1.2.1 There is a "conflict of interest," in accordance with the criteria listed in section 501.05 of this Department Order.

1.2.2 The secondary employment has an adverse impact on the Department.

1.2.2.1 The secondary employment would impair the employee's capacity to perform the duties and responsibilities of the employee's job in an acceptable manner.

1.3 The supervisor shall recommend or not recommend the secondary employment and forward the completed Notification of Secondary Employment, through the chain of command to the appropriate Warden or Bureau Administrator for final approval.

1.4 The Warden or Bureau Administrator shall review the notification, decide if a conflict of interest does or does not exist, sign the notification and forward the decision to the employee's supervisor.

1.5 Upon receipt of the signed notification form from the Warden or Bureau Administrator, the employee's supervisor shall meet with and advise the employee whether a conflict does or does not exist. If a conflict exists:

1.5.1 The employee shall decide where they want to work; the primary employment with the Department or the secondary employment.

1.5.1.1 The employee shall communicate his/her decision to the immediate supervisor within three work days.

1.5.1.1.1 If the employee refuses to choose between the two jobs, the Department shall take appropriate disciplinary action up to and including dismissal.

1.6 The employee may appeal the Warden or Bureau Administrator's decision in accordance with Department Order #517, Employee Grievances.

1.7 If, at any time, the secondary employment adversely impacts on the Department or impairs the employee's capacity to perform the duties and responsibilities of the job, the Department shall advise the employee:

1.7.1 The employee shall be required to resign from the secondary employment within three work days or resign from the Department within three work days.

1.7.2 If a decision is not made within the established time frame or the employee refuses to choose between the two jobs, the immediate supervisor shall take appropriate disciplinary action up to and including dismissal.

501.05 **CONFLICT OF INTEREST** – It is the responsibility of all employees to learn the requirements of, and comply with general conflict of interest statutes, rules and policies; recognize conflict of interest situations and take the required action in each conflict of interest situation.

1.1 Conflict of interest is defined as any activity or conduct prohibited by Arizona Administrative Codes, Arizona Revised Statutes and Department Orders, to include positions:

1.1.1 Involving investigative responsibilities pertaining to the Department's activities, offender information or contractual agreements.

1.1.2 Requiring the employee to do work that may be construed by the public to be an official act of a Department employee, without prior approval from the Director, Deputy Director or appropriate Division Director.

1.1.3 Preventing or limiting an employee from being able to perform their duties, when such duties are conditions of employment with the Department.

1.1.4 Placing an employee in direct control over an inmate or in positions where an employee is affiliated with an inmate family member.

1.1.5 In which the employee would have direct or indirect financial and/or ownership interest in any contract, sale, purchase or service involving the Department.

1.1.6 Which, directly or indirectly, provide compensation for services rendered on behalf of a contractor or agents/employees of a contractor doing business with the Department pursuant to A.R.S. 31-204, if the duties of the position require the incumbent to:

1.1.6.1 Participate in the preparation of a Request for Sealed Proposal or bid evaluation.

1.1.6.2 Negotiate or approve a contract.

1.1.6.3 Audit a contractor's performance.

1.1.6.4 Directly facilitate delivery of a contractor's services to the Department.

1.2 Related Party Transactions – The management of each agency is charged with the responsibility of safeguarding public funds and using resources wisely. A major factor in the fulfillment of this responsibility is to ensure adequate internal controls exist. The monitoring of related party transactions can increase the awareness of and compliance with conflict of interest and related party transaction requirements.

1.2.1 Employees holding the positions below must read the applicable General Accounting Office’s (GAO) Related Party Transactions Technical Bulletin and complete the Annual Declaration and Disclosure Form annually, whether or not there is a conflict of interest, and an Amended Form within 15 calendar days of any change in financial interest:

1.2.1.1 Director.

1.2.1.2 Deputy Director.

1.2.1.3 Division Directors.

1.2.1.4 Purchasing Manager.

1.2.2 The Technical Bulletin and Disclosure Form can be found on the General Accounting Office's website.

501.06 **ORGANIZATIONS** - Department employees may join and remain members of a Qualifying Employee Organization or an Other Employee Organization and to be free from any form of harassment, intimidation, coercion, threats of force or reprisal by the Department and any Employee Organization. It is understood and agreed upon employees have the equal right to refrain from any or all Employee Organization affiliation, and to stay out of or resign from membership free from any form of harassment, intimidation, coercion, threats of force or reprisal.

1.1 Qualifying Employee Organization – Qualifying Employee Organization (QEO) is the employee organization meeting the criteria in ARS § 38-612 and Executive Order 2008-13 and therefore eligible to participate in meetings involving meet and confer.

1.1.1 Qualifying Employee Organization (QEO) recognition requirements – To receive recognition as a QEO, the organization shall:

1.1.1.1 Represent at least 50 percent of all Department employees who participate in payroll deduction for Employee Organizations.

1.1.1.2 Have Department employees as the majority of its executive board, elected representatives and members.

1.1.1.3 Enhance or promote, as expressed in its bylaws, any or all of the following:

1.1.1.3.1 Public safety.

1.1.1.3.2 Employee safety.

1.1.1.3.3 Professional Development.

1.1.1.3.4 The development of the Corrections field.

1.1.1.3.5 Relationship building between the Department and other correctional agencies.

1.1.1.4 Provide a written request to the Director which includes the QEO's:

1.1.1.4.1 Name and address.

1.1.1.4.2 Charter, constitution and by-laws, if available.

1.1.1.4.3 Elected officer's information including names, titles, addresses and telephone numbers.

1.1.1.4.4 A statement that membership is open to all eligible Department employees and does not deny anyone based on race, creed, color, gender, national origin, ancestry, religion or age.

1.1.1.5 Once the organization is certified as a QEO, the certification shall remain in effect for a one year period.

1.1.2 Reporting - A QEO shall provide a report to the Director at the beginning of each fiscal year on July 1 which includes information on the number of current members; the names of elected officials authorized on-duty allowance and any update to its by-laws.

1.1.3 Quarterly meetings with the Director – QEOs shall meet quarterly with the Director. The Director may be available for additional meetings as warranted.

1.1.3.1 Topics - Quarterly meetings with the Director may cover a variety of topics, including but not limited to:

1.1.3.1.1 Hours and conditions.

1.1.3.1.2 Employee safety issues.

1.1.3.1.3 Department disciplinary policies.

1.1.3.1.4 Staff recognition and employee morale issues.

1.1.3.1.5 Department budget strategy and requests.

1.1.3.2 Scheduling, guidelines and attendance - The QEO shall be granted sufficient on duty time per calendar quarter for attendance at such meetings with the Director.

1.1.3.2.1 Efforts shall be made to schedule quarterly meetings with the QEO prior to Legislative sessions; legislative and budgetary proposal submissions; Annual strategic plan updates and other strategic events which may impact Department employees.

1.1.3.2.2 The QEO Representative shall request a meeting with the Director by contacting the Director's Office no less than 15 days prior to the desired meeting date.

1.1.3.2.3 The QEO shall provide the Director's Office no less than a week prior to the meeting a list of suggested agenda items and the names of up to 15 eligible employees who will be in attendance. Meetings may be delayed or rescheduled if this information is not submitted on time.

1.1.3.2.4 The QEO Representative shall inform the organization's authorized attendees.

1.1.3.2.5 The Director's Office shall notify each authorized meeting attendee's chain of command.

1.1.3.2.6 Meeting attendance shall be regulated by the Department to ensure varying geographical areas of the Department are represented and to ensure a shortage of staff does not result at a prison or prison unit.

1.1.3.2.7 Use of an available state vehicle is authorized for elected representative, board members and locally-elected chapter representatives only when traveling to and attending meetings with the Director. No mileage reimbursement is authorized for private vehicle usage.

1.1.3.3 The meetings with the Director shall not be construed to affect or limit the existing right of the Department to:

1.1.3.3.1 Direct the work of Department employees.

1.1.3.3.2 Hire, promote, demote, transfer, assign, and retain Department employees.

1.1.3.3.3 Suspend, discharge or discipline Department employees.

1.1.3.3.4 Maintain efficiency of governmental operations.

1.1.3.3.5 Relieve Department employees from job responsibilities due to the lack of work or other legitimate reasons.

1.1.3.3.6 Invalidate or limit other rights, remedies or procedures of this State relating to any issue of employment of Department employees.

1.1.3.4 Formal minutes will be produced and posted on employee bulletin boards. When discussions involve issues or concerns which cannot be immediately addressed or answered, written feedback shall be provided as soon as possible.

1.1.3.4.1 Mediation - If a disagreement arises between the QEO and the Director concerning a condition of employment at the Department, and the possibility of resolution is remote after the parties meet and confer for a reasonable period of time, the Director or the QEO Representative may make a request for mediation in writing.

1.1.3.5 The mediation shall:

1.1.3.5.1 Be voluntary and nonbinding.

1.1.3.5.2 Use a neutral third party mediator to assist the parties in reaching a voluntary agreement.

1.1.3.5.3 Ensure each party agrees to make a good faith attempt to resolve the issues, cooperate with the mediator and be open, candid and complete.

1.1.3.5.4 Be facilitated by a mediator who does not adjudicate issues.

1.1.3.5.5 Be documented once an agreement has been reached and the information be submitted to the Director of the Arizona Department of Administration (ADOA).

1.1.3.5.6 Be ultimately resolved by the ADOA Director if the mediation process is unable to resolve all disputed issues between the parties.

1.1.4 Meetings with Wardens and Bureau Administrators - Wardens and Bureau Administrators shall meet monthly with an eligible Department employee, ordinarily the complex's chapter president, of the QEO to discuss and informally resolve whenever possible employee safety or working conditions concerns.

1.1.4.1 These meetings shall be no more than one hour each month.

1.1.4.2 When the QEO is unable to resolve the discussed issue or concern, the QEO's Executive President or designee may meet with Division Directors and/or Regional Operations Directors as often as the circumstances warrant.

1.1.4.3 Each eligible Department employee shall be granted sufficient on duty time per month meeting attendance.

1.1.4.4 Use of an available state vehicle is authorized for an eligible Department employee only when traveling to and attending meetings with the Warden or Bureau Administrator, if the Warden or Bureau Administrator works in different location than the eligible Department employee. No mileage reimbursement is authorized for private vehicle usage.

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1.2 Other Employee Organizations – Other Employee organizations (OEOs) are Employee Organizations representing Department members which do not meet the QEO recognition requirements provided in Executive Order 2008-13.

1.2.1 OEO recognition requirements - To receive recognition as a OEO, the organization shall:

1.2.1.1 Have Department employees as the majority of its executive board, elected representatives and members.

1.2.1.2 Enhance or promote, as expressed in its bylaws, any or all of the following:

1.2.1.2.1 Public safety.

1.2.1.2.2 Employee safety.

1.2.1.2.3 Professional Development.

1.2.1.2.4 The development of the Corrections field.

1.2.1.2.5 Relationship building between the Department and other correctional agencies.

1.2.1.3 Provide a written request to the Director which includes the OEO's:

1.2.1.3.1 Name and address.

1.2.1.3.2 Charter, constitution and by-laws, if available.

1.2.1.3.3 Elected officer's information including names, titles, addresses and telephone numbers.

1.2.1.3.4 A statement specifying membership is open to all eligible Department employees and does not deny anyone based on race, creed, color, gender, national origin, ancestry, religion or age.

1.2.2 Reporting - The OEO shall provide a report to the Director at the beginning of each fiscal year on July 1 which includes information on the number of current members; the name of the representative authorized for an on-duty allowance and any update to its by-laws.

1.2.3 Quarterly meetings with the Director

1.2.3.1 Quarterly meetings with the Director may cover a variety of topics including but not limited to safety issues, staff recognition, employee morale issues.

1.2.3.2 The OEO shall provide the Director's Office no less than two weeks prior to the meeting a list of suggested agenda items and the names of up to ten eligible employees who will be in attendance. Meetings may be delayed or rescheduled if this information is not submitted on time.

1.2.3.3 Once the time of the meeting has been agreed upon, the OEO's Representative shall inform the organization's attendees and The Director's Office shall notify each authorized meeting attendee's chain of command.

1.2.3.4 The OEO Representative shall be granted up to eight hours of on duty time per calendar quarter for attending meetings with the Director.

1.2.3.5 Use of an available state vehicle is authorized for elected representatives, board members and locally elected chapter representatives only when traveling to and attending meetings with the Director. No mileage reimbursement is authorized for private vehicle usage.

1.2.3.6 Meeting discussions shall be documented with formal minutes which shall be produced and posted by the Department on official employee bulletin boards. When discussions involve issues or concerns which cannot be immediately addressed or answered, written feedback shall be provided as soon as possible.

1.2.3.7 Meeting attendance shall be regulated by the Department to ensure varying geographical areas of the Department are represented, and to ensure a shortage of staff does not result at a prison or prison unit.

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1.3 QEO and OEO presentation at Correctional Officer Training Academy (COTA) Recruitment – Though recruitment of cadets is prohibited, QEOs and OEOs may make an education presentation to cadets jointly at a time and date pre-scheduled by the COTA Commander. The Division Director for Support Services shall pre-approve the QEOs and OEOs presentations. These presentations shall:

1.3.1 Describe to the cadets the organizations' function and history.

1.3.2 Have no more than two presenters per organization at one time.

1.3.3 Be presented during a regular class session prior to a field training assignment.

1.3.4 Be monitored by Academy staff.

1.3.5 Include an explanation by Academy Staff of Arizona's "right to work" law and the cadets may leave prior to or during the presentation.

1.3.6 Explain to cadets they are able to join an Employee Organization after reporting to duty.

1.3.6.1 Any information presented by a QEO or OEO during the presentations that is deemed inappropriate by the COTA Commander may result in the Employee Organizations being suspended from presenting to the COTA classes for 90 days. Any resulting challenges to such removal may be pursued by appealing to the Director.

1.4 Institutional Solicitation/Recruitment

1.4.1 QEOs and OEOs may solicit and recruit members by handing out materials and answering employees' questions at any of the Department's facilities in outdoor locations which do not interfere with or impede facility operations or staff.

1.4.2 OEOs shall submit a prior written request to the affected Division Director or in accordance with Department Order #112, Department Meetings.

1.4.3 Prior to approving the request, the affected Division Director may consult the location's Warden or Bureau Administrator.

1.5 Bulletin Board Use

1.5.1 QEOs are authorized to utilize up to one-quarter of all designated Department employee bulletin boards in each facility for approved purposes. An electronic version of the bulletin board will be available to QEO's as well through a link on the ADCnet.

1.5.2 OEOs may request approval of the affected Division Director to share up to one-quarter of designated Department employee bulletin boards for approved purposes. OEO's may post material on the electronic version of the bulletin board.

1.5.3 QEOs and OEOs may post on the Department's bulletin boards to which they are authorized access the organization's:

1.5.3.1 Recreational, social, labor relations and related news bulletins.

1.5.3.2 Notices of scheduled meetings.

1.5.3.3 Election information.

1.5.3.4 Reports from their committees or executive boards.

1.5.3.5 Newsletters.

1.5.4 Each Department employee bulletin board shall be identified by the affected Division Director.

1.5.5 All materials posted on designated Department employee bulletin boards and the electronic version of the bulletin board as provided above shall be on organizational letterhead and initialed by the affected Division Director. All approved postings shall contain the date of posting and the signature of the member of the Employee Organization posting the material.

1.5.6 Any material posted by a QEO or OEO deemed inappropriate by the COTA Commander or an affected Division Director bulletin board may remove it and advise the QEO or OEO of the removal and the reason.

1.5.6.1 Any resulting challenges to such removal may be pursued by appealing to the Director.

1.6 Abuse of Privilege - It is the responsibility of all Employee Organizations to accurately represent the status and authority of their Organization and to be otherwise accurate and ethical in all of their representations.

1.6.1 The Director reserves the right to rescind any and all privileges provided to an Organization other than those expressly afforded pursuant to Executive Order 2008-13 when the conduct of the Organization and/or its representatives demonstrates a pattern of abuse of privilege.

1.7 QEO and OEO representatives may request to use accrued annual leave or compensatory leave to conduct organization business. Use of annual leave or compensatory leave must be approved by the employee's supervisor and not interfere with agency operations. When an QEO and OEO representative is on annual leave or compensatory leave for organization business, the representative should not be at work.

501.07 **RESIGNATION OF EMPLOYEES SEEKING ELECTED PUBLIC OFFICE** - An employee becomes a "candidate for nomination or election" upon the filing of nomination papers. None of the preliminary steps toward becoming a candidate, including circulating petitions and forming campaign communities, make the employee a "candidate for nomination or election." A covered state employee seeking elected public office need not resign from his or her state position until filing the nomination papers. However, upon doing so, the employee shall resign his or her state position, pursuant to A.R.S 41-771.

DEFINITIONS

APPROVING AUTHORITIES - Individuals to whom the Director has delegated authority to recommend corrective disciplinary action and implement that which is approved. Approving authorities include Deputy Director, Division Directors, Regional Operations Directors, Regional Health Administrators, Wardens, Deputy Wardens and Bureau Administrators. These positions are designated in accordance with the pay grade level of the employee to be disciplined, and the severity of the corrective disciplinary action. See Department Order #601, Administrative Investigations and Employee Discipline.

BONA FIDE OCCUPATIONAL QUALIFICATIONS - Defensible requirements for a position that are actual qualifications for performing the job, e.g., medical/physical standards, age, religion, sex or national origin. Bona Fide Occupational Qualifications are clearly announced, in writing, to all applicants for the position.

COMPLIANCE - Any employee's on and off duty behavior that conforms to the requirements of State and Federal laws, State Rules and Department Orders, including those related to employee conduct, conflict of interest, and political activity listed in the Authority section of this Order. Additionally, the on and off duty behavior of any employee that conforms to the Department's Code of Ethics (See Attachment A).

CORRECTIVE DISCIPLINARY ACTION - Sanctions that an approving authority may take for sustained allegations of misconduct, pursuant to Department Order #601, Administrative Investigations and Employee Discipline following an Administrative investigation of a staff arrest incident/serious traffic violation.

CUSTODIAL RESPONSIBILITY - Having responsibility for the care, management or control of an inmate committed to the Department, or an offender under supervision of the Department.

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ELIGIBLE DEPARTMENT EMPLOYEE - An employee of the Department who is the Chapter Representative or a member of the executive board of the Employee Organization is an eligible Department employee.

EMPLOYEE - Any person compensated for working full-time, part-time or under temporary appointment, or providing services under volunteer, internship or contractual arrangement with the Department.

EMPLOYEE ORGANIZATION (EO) - Any employee organization in which Department employees participate and which exists for the primary purpose of promoting public safety, promoting employee safety, enhancing the professional development of corrections personnel, the Corrections field and fostering professional relationships within the Department and in the field of Corrections.

EMPLOYEE ORGANIZATION REPRESENTATIVE - The elected or appointed Employee Organization president or equivalent position. The representative must also be an employee of the Department. This definition applies to Qualifying Employee Organizations and Other Employee Organizations.

EMPLOYMENT DISCRIMINATION - Any personnel transaction/employment decision that has an adverse effect, whether intentional or unintentional, on an employee under the law, regarding matters of race, color, sex, religion, national origin, age, disability, veteran status or political affiliation.

EMPLOYMENT DISCRIMINATION COMPLAINT - Complaints related to employment discrimination, with the exclusion of sexual harassment.

EQUAL OPPORTUNITY LIAISON – Staff members designated by Wardens, Deputy Wardens and Bureau Administrators to be the Equal Opportunity Coordinator's liaison for local Equal Opportunity issues and complaints.

EQUAL OPPORTUNITY COORDINATOR – A position that reports to the Employee Relations Administrator that assists monitors and evaluates the Department's compliance liaison with equal opportunity laws, guidelines, and policies to ensure that employment practices and contracting arrangements give equal opportunity without regard to race, color, sex (including pregnancy), sexual orientation, religion, national origin, age, disability status, veteran status, and genetics, unless exceptions are made because of bona fide occupational qualifications.

HIRING AUTHORITY - Individual or area to whom authority has been delegated to offer employment to qualified applicants.

INITIAL ADMINISTRATIVE ACTION - Temporary administrative remedies (e.g., immediate temporary reassignment of an employee from current duties or administrative leave with pay pending review of the investigation report) that an approving authority may take immediately following a Administrative investigation of a staff arrest incident/serious traffic violation involving a subordinate, or incidents involving employee misconduct.

INMATE - A person who is convicted and committed to the custody and supervision of the Department by any court of record, or who is confined by the Department under the provisions of any agreement or compact to which the State or Department is a party.

INMATE'S/OFFENDER'S FAMILY - An inmate's/offender's legal spouse, parents, step-parents, siblings, natural or adopted children, step-children, grandparents and in-laws. Also a person who was primarily responsible for the rearing of the inmate in the absence of a parent, such as uncle, aunt or God-parent.

MISCONDUCT - An employee's criminal act or behavior that is not in compliance with Department Orders, rules and regulations while on or off duty.

OFFENDER – Any inmate who has been released from the Department on any form of community supervision, to include parolees or probationers accepted for supervision by Arizona or another state under the interstate compact and/or; any inmate with a date of offense prior to January 1, 1994, who has been released from the Department and has met an ERCD, but has not met the SED.

OTHER EMPLOYEE ORGANIZATION (OEO) – Any employee organization in which Department employees participate and which exists for the primary purpose of promoting public safety, promoting employee safety, enhancing the professional development of corrections personnel, the corrections field and fostering professional relationships within the Department and in the field of Corrections however; does not meet the criteria as provided in ARS § 38-612 and in Executive Order 2008-13 and as such, is not eligible to be considered for recognition as a Qualifying Employee Organization as outlined in this Director's Order.

ON-DUTY ALLOWANCE - Normal work hours utilized to conduct employee organizational activities, pre-approved by the employee's supervisor.

PERSONNEL TRANSACTION (EMPLOYMENT DECISION) - A decision made or an action taken regarding an employee including, but not limited to, recruitment, hiring, placement, reclassification, training, licensing, transfer, promotion, demotion, rate of pay, lay-off, termination, or reinstatement.

PROFESSIONAL DEMEANOR - Personal conduct and behavior that exemplifies a courteous, business-like attitude. As examples of professional demeanor, employees shall:

- Maintain a clean, neat and business-like work area.
- Be observant and attentive while on duty.
- Arrange for the introduction of personal property/food in accordance with Department Order #513, Employee Property.

QUALIFYING EMPLOYEE ORGANIZATION (QEO) – Any employee organization in which Department employees participate and which exists for the primary purpose of promoting public safety, promoting employee safety, enhancing the professional development of corrections personnel, the corrections field and fostering professional relationships within the Department and in the field of Corrections and meets the criteria as provided in ARS § 38-612 and Executive Order 2008-13 is eligible for meet and confer privileges.

SERIOUS TRAFFIC VIOLATION - Any criminal violation under the provisions of A.R.S. Title 28 (Traffic Code), e.g., hit and run, driving under the influence, reckless driving, or other violations that could result in the imposition of a jail sentence and/or suspension/revocation of the violator's driver license.

SEXUAL HARASSMENT - Verbal or physical conduct of a sexual nature in the work place imposed upon any employee as a condition of employment or creating a sexually intimidating, hostile or offensive work environment. There are two basic types of sexual harassment:

- Quid Pro Quo - An employee's submission to or compliance with a supervisor's demands for sexual favors in order to avoid an economic or tangible job loss; a supervisor's demands for sexual favors that are unwelcome; or a supervisor's retaliatory acts if the employee fails or refuses to submit or comply with demands for sexual favors, e.g., failure to be promoted, failure to receive a merit increase, demotion and dismissal.
- Environmental - Creating or condoning a sexually intimidating, hostile or offensive work environment. Environmental sexual harassment does not entail tangible job loss, but is prohibited because it creates a hostile term and condition of employment due to its sexual nature.

Specific acts that constitute sexual harassment include but are not limited to:

- Unwelcome Sexual Advances - Patting, pinching, brushing up against, hugging, cornering, kissing, fondling or any physical contact considered unacceptable by another individual.
- Requests or Demands for Sexual Favors - Repeated requests to get together may be perceived as requests for sexual favors.

- Comments or Materials of a Sexual Nature - Innuendoes and jokes, considered to be abusive or unacceptable by another individual.
- Intimidation, Hostility, Offensive Attitude - Resulting from rejection of sexually oriented demands, requests, physical contacts or attention.
- Interference - With a co-worker's performance, due to unwanted sexual conduct.
- Sexually Oriented Conduct - During work hours.
- Condoning - Allowing sexually oriented innuendoes or any other conduct of a sexual nature within the work environment.

Sexual harassment involves a variety of circumstances, including, but not limited to the following:

- The complainant as well as the harasser may be a woman or a man. The complainant does not have to be of the opposite sex.
- The harasser can be the complainant's supervisor, a supervisor in another area, a co-worker or any agent of the Department.
- The complainant does not have to be the person harassed, but could be anyone affected by the offensive conduct.
- Sexual harassment may occur without economic injury to or discharge of the complainant.
- The harasser's conduct must be unwelcome before an act constitutes sexual harassment.

In determining whether alleged conduct constitutes sexual harassment, a person needs to study the issues as a whole and the totality of circumstances, such as the nature of sexual advances and the context in which the alleged incidents occurred. The determination of legality of a particular action will be made from facts, on a case-by-case basis.

STAFF ARREST – An employee’s felony or misdemeanor arrest, citation, summons or indictment or other contacts/confrontations with law enforcement personnel (including serious traffic violations) that may cause embarrassment to the Department.

UNAUTHORIZED BEHAVIOR - Any activity or contact with an inmate or an inmate's family that is unrelated to the employee's assigned duties and/or Department business.

{Original Signature on File}

Charles L. Ryan
Director

ATTACHMENT
Attachment A, Code of Ethics

FORMS
501-5, Notification of Secondary Employment

CROSS-REFERENCE INDEX

Department Order #105, Information Reporting
Department Order #107, Legal Assistance and Process Service
Department Order #110, Legislative Activities
Department Order #112, Department Meetings
Department Order #125, Sexual Offense Reporting
Department Order #204, Volunteer Services
Department Order #509, Employee Training and Education
Department Order #513, Employee Property
Department Order #517, Employee Grievances
Department Order #524, Employee Assignments and Staffing
Department Order #527, Sexual Harassment and Employment Discrimination
Department Order #601, Administrative Investigations and Employee Discipline
Department Order #906, Inmate Recreation/Arts & Crafts

AUTHORITY

A.R.S. 13-1419, Unlawful Sexual Conduct; Correctional Facilities; Definition
A.R.S. 13-2513, Failure to Discharge Duties; Classification; Definition
A.R.S. 31-203, Persons Disqualified as Officers or Employees
A.R.S. 31-204, Interest of Employee in Contracts; Gifts To or From Prisoner; Penalty
A.R.S. 31-231, Unauthorized Communication with Prisoner; Classification; Definition
A.R.S. 35-131, Accounting System; Reports; Notice of Deficiency; Forms
A.R.S. 38-501, Application of Article
A.R.S. 38-502, Definitions
A.R.S. 38-503, Conflict of Interest; Exemptions; Employment Prohibition
A.R.S. 38-504, Prohibited Acts
A.R.S. 38-505, Additional Income Prohibited For Services
A.R.S. 38-506, Remedies
A.R.S. 38-508, Authority of Public Officers and Employees to Act
A.R.S. 38-509, Filing of Disclosures
A.R.S. 38-510, Penalties
A.R.S. 38-511, Cancellation of Political Subdivision and State Contracts; Definition
A.R.S. 38-532, Prohibited Personnel Practice; Violation; Reinstatement; Exceptions; Civil Penalty
A.R.S. 38-612, Administration of Payroll Salary Deductions
A.R.S. 41-703, Duties of Director
A.R.S. 41-722, Powers and Duties Relating to Finance
A.R.S. 41-752, Protections of Civil or Political Liberties; Civil Penalty; Violation; Classification
A.R.S. 41-753, Unlawful Acts; Violation; Classification
A.R.S. 41-772, Reduction in Force Procedure In Covered Service
A.R.S. 41-773, Causes for Dismissal or Discipline For Employee In Covered Service
A.R.S. 41-1401 et seq., Civil Rights Division and Civil Rights Advisory Board
A.R.S. 41-1463 et seq., Discrimination In Employment
A.R.S. 41-1602, State Department of Corrections; Purpose
A.A.C. R2-5A-501, Standards of Conduct
A.A.C. R2-5A-901, Complaint System
A.A.C. R2-5A-902, Complaint Procedures

U.S. Civil Rights Act of 1964, Title VII, 703, as amended, 42 U.S.C. 2000e-2
5 U.S.C., Sections 1501 to 1508 (Hatch Act prohibiting improper political activity by public employees.)
28 CFR, Part 36; 29 CFR, Parts 1602, 1627 and 1630, The Americans With Disabilities Act of 1990 (ADA)
29 CFR, Chapter 14, Part 1607, Uniform Guidelines on Employment Procedure (1978), et seq.
Executive Order 2008-13, Establishing a Meeting and Confer Process In The Department of Corrections
Governor's Executive Order 2003-22, Confirming Equal Opportunity Opportunities
Prison Rape Elimination Act of 2003

ATTACHMENT A
DEPARTMENT ORDER 501

ARIZONA DEPARTMENT OF CORRECTIONS

CODE OF ETHICS

The Arizona Department of Corrections is committed to a code of ethics that will guide the performance, conduct and behavior of its employees. This code will ensure that our professionalism is reflected in the operation and activities of the Department and is recognized by all interested parties. In this light, the following principles are practiced:

- I shall maintain high standards of honesty, integrity, and impartiality, free from any personal considerations favoritism, or partisan demands.
- I shall be courteous, considerate, and prompt when dealing with the public, realizing that we serve the public.
- I shall maintain mutual respect and professional cooperation in my relationships with other staff members of the Department of Corrections.
- I shall be firm, fair, and consistent in the performance of my duties. I shall treat others with dignity, respect, and compassion and provide humane custody and care, void of all retribution, harassment, or abuse.
- I shall uphold the tenets of the United States Constitution, its amendments, the Arizona Constitution, Federal and State laws, rules and regulations, and policies of the Department.
- Whether on or off duty, in uniform or not, I shall conduct myself in a manner that will not bring discredit or embarrassment to the Department of Corrections and the State of Arizona.
- I shall report without reservation any corrupt or unethical behavior which could affect either inmates, employees, or the integrity of the Department of Corrections.
- I shall not use my official position for personal gain.
- I shall maintain confidentiality of information that has been entrusted to me and designated as such.
- I shall not permit myself to be placed under any kind of personal obligation which could lead any person to expect official favors.
- I shall not accept or solicit from anyone, either directly or indirectly, anything of economic value such as a gift, gratuity, favor, entertainment, or loan, which is or may appear to be, designed to influence my official conduct.
- I will not discriminate against any inmate, employee, or any member of the public on the basis of race, gender, creed, or national origin.
- I will not sexually harass or condone sexual harassment with or against any person.
- I shall maintain the highest standards of personal hygiene, grooming, and neatness while on duty or otherwise representing the Department.