Minnesota Department of Corrections

Policy:	**103.220**
Title:	**Personal Code of Conduct of Employees**
Effective Date:	**8/21/18**

PURPOSE: To outline a standard of conduct for department employees.

APPLICABILITY: Minnesota Department of Corrections (DOC); all staff

DEFINITIONS:
Employment – paid work that may include self-employment.

PROCEDURES:

A. An employee is responsible to know and follow department policy and procedures.

B. All department employees, when on and off duty, must conduct themselves in a manner that does not bring discredit or criticism to the department. Common sense, good judgment, consistency, and the department's mission must be the guiding principles for the expected employee standard of conduct.

C. All employees must adhere to the provisions of Minn. Stat. § 43A.38, "Code of Ethics for Employees in the Executive Branch," and Minn. Stat. § 15.43, "Acceptance of Advantage by State Employee; Penalty."
   1. This includes the acceptance of gifts, use of confidential information, use of state property (including electronic communication tools), and conflicts of interest.

   2. Specific additional ethics requirements for individuals handling grant monies are listed in Policy 104.110, "Incoming Grant Applications and Management."

D. An employee may accept outside employment provided the outside employment does not constitute a conflict of interest and does not adversely affect availability for shifts, assignments, or responsibilities with the department, or adversely affect mental or physical capacity to fulfill job duties. An employee must not use proprietary information obtained through the course of employment with the department to fulfill the job duties of the outside employment. Any current outside employment held by a department employee, as well as prospective outside employment, must be reported to the employee's supervisor on a Declaration of Outside Employment form (attached).
   1. The supervisor reviews the outside employment to determine if the outside employment poses a conflict of interest with the department employment.

   2. If the supervisor has any questions about the compatibility of the two jobs, the supervisor must immediately bring the matter to the attention of the regional human resource director (RHRD), who discusses the matter with the appointing authority (AA). The AA makes the final determination. A completed Declaration

of Outside Employment form (approved or denied) must be filed in the employee's personnel file.

3. Payment/time off
   a) An employee teaching in a community college or state university must also comply with the following:
      (1) No employee may receive additional compensation for teaching if the department has paid the university or college for presenting the course;
      (2) Any person whose salary is set by Minn. Stat. § 15A.0815 is not eligible for compensation for such teaching; and
      (3) Any alterations from the normal work schedule resulting from teaching commitments must be approved in advance by the AA. The approval must be renewed each time there is an alteration of the normal work schedule. This may be each quarter or semester.

   b) Time off to complete some portion of an otherwise non-conflicting outside employment must be taken as approved compensatory time off, regular vacation leave, or leave without pay. However, a state employee cannot be on paid leave and receive payment for hours worked for the same time period from another state agency. Therefore, time off to complete some portion of outside employment with any other state agency must be taken as leave without pay.

E. The department prohibits an employee from participating in the administration and/or operation of outside community programs and organizations that are funded by department monies or by grants administered by the department.

F. Volunteer activity

An employee who performs volunteer services for an outside community program or organization that is funded by department monies or by grants administered by the department must notify the employee's supervisor. The supervisor must determine whether a conflict of interest or the appearance of a conflict of interest exists through the following process:

1. The employee provides the supervisor with information regarding the actual or intended affiliation with the program or organization. The following information must be provided:
   a) The organization's name, address and purpose;
   b) The contact person within the organization; and
   c) The extent of the employee's affiliation, including the title or office held, types of duties to be performed, and extent of any authority granted to the employee as part of the employee's affiliation.

2. The supervisor checks with financial services to determine the funding of the organization or program by the department.

3. If the supervisor determines that the employee is participating in the administration and/or operation of a program/organization funded by the department, the supervisor provides written notification to the employee that a conflict of interest, or the appearance of a conflict of interest, exists.

4. If there are questions regarding whether a conflict of interest exists, the supervisor must bring the matter to the attention of supervisor's supervisor, who may consult with the RHRD.

5. A copy of the employee's written notification and the employee's supervisor's determination must be filed in the employee's personnel file.

6. If the employee disagrees with the supervisor's determination, the materials must be referred to the supervisor's supervisor for review. The determination of the supervisor's supervisor is final.

G. An employee must immediately inform the employee's supervisor if, while employed at an outside employer, the employee:
   1. Engaged in sexual abuse in a prison, jail lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997); or

   2. Was accused of, or participated in, sexual harassment.

H. An employee must not directly supervise, hire, evaluate or discipline anyone with whom the employee is related by blood, marriage, adoption, or anyone with whom the employee has an intimate/romantic relationship. An intimate/romantic relationship includes dating, sexual activity, or a continual relationship of an intimate, emotional nature.

I. An employee must not falsify documents, engage in theft or misuse of state property, or misrepresent facts or information relevant to department/state operations.

J. An employee, when ordered, must cooperate and provide full disclosure in any department investigations involving employee or offender misconduct.

K. An employee must not gamble on department premises or on state time.

L. An employee is expected to treat fellow employees, offenders, and the public with respect and courtesy at all times. An employee must not exhibit behavior that demonstrates prejudice or that holds any person, group, or organization up to ridicule or contempt. This includes such examples as:
   1. An employee must develop and demonstrate conflict competency skills, including: recognizing, understanding, and acknowledging conflict; respecting the point of view of others; bringing conflict to the attention of the appropriate individual and working to resolve conflict when directly involved, in order to manage and respond to conflicts and disagreements in a positive and constructive

manner to minimize negative impact, in keeping with Policy 103.229, "Integrated Conflict Management System;"

2. Offender staff communication must be respectful, professional, and dignified;

3. Discrimination, harassment, and staff sexual misconduct are prohibited by Policy 103.300, "Discrimination-free Workplace," and Policy 202.057, "Sexual Abuse/Harassment Prevention, Reporting, and Response;" and

4. General harassment is not tolerated and is prohibited by Policy 103.228, "Respectful Workplace."

M. An employee must avoid associations or dealings with persons known to be involved in criminal activities. An employee must immediately provide written notification to the AA of any knowledge of criminal activity that has the potential to threaten public safety, the safety of staff or offenders, or the security of a correctional facility.

N. An employee must comply with all laws of the United States and of any state and local jurisdiction.

O. Workplace violence is strictly prohibited. The department does not tolerate any form of violence including intimidation, threats of violence (physical or verbal), or violent acts in the workplace. The department promotes, establishes, and maintains a work environment that is free of violence.

All violence is investigated and corrective action is promptly administered, when warranted.

1. Employees must immediately report to their supervisor a threat or action, occurring in a work area under the control of the department, in which someone (e.g.: employee, client, contractor, volunteer or visitor) seeks to intimidate, threatens to harm, or does harm to another person.

2. Supervisors and managers must ensure the workplace is violence-free by observing and intervening in inappropriate employee behavior and by being available to discuss and act upon employee concerns.

3. Employees observing or experiencing workplace violence are expected, if possible, to deescalate the situation and to report workplace violence to a supervisor, manager, or human resources.

4. The work incident review committee (WIRC) convenes immediately when a report of violence or potential violence is received. The committee determines the level of response required which may include such examples as: intervention in the situation, separating employees, removing employees from the workplace, fitness for duty evaluation, referral to the integrated conflict management system (ICMS), or involving the state employee assistance program (EAP) or law

enforcement. Written record of the review outcome is retained in the investigation folder.

5. The AA must ensure incidents of workplace violence are investigated, when appropriate, and determine the appropriate action to be taken or discipline to be administered. Employees found to have engaged in workplace violence may receive disciplinary action up to and including discharge from employment.

INTERNAL CONTROLS:

A. Violations are documented and retained as indicated in each procedural section or associated policy.

ACA STANDARDS: 1-ABC-1A-23, 2-CO-1C-04, 2-CO-1C-24, 4-4048 (bullet point 10), 4-4069, 4-APPFS-3C-02, 4-JCF-6D-01

REFERENCES: Minn. Stat. §§ 15.86, 43A.38, 241.01, 15A.0815 and 15.43
Prison Rape Elimination Act (PREA), 28 C.F.R. §115 (2012)
Policy 103.0141, "Employees Who Are the Subject of Criminal Investigations, Arrests and/or Convictions"
Policy 103.130, "Firearms and Chemical Irritants Eligibility"
Policy 103.205, "Employee Assistance Program"
Policy 103.222, "Communication Outside the Department"
Policy 103.225, "Employee Investigation and Discipline Administration"
Policy 103.226, "Fitness for Duty"
Policy 103.228, "Respectful Workplace"
Policy 103.229, "Integrated Conflict Management System (ICMS)"
Policy 103.300, "Discrimination-free Workplace"
Policy 104.110, "Incoming Grant Applications and Management"
Policy 104.252, "Code of Conduct for Employees with Auditing, Financial Reporting, or Tax Filing Duties"
Policy 107.009, "Office of Special Investigations – Code of Conduct and Ethics"
Minnesota Management and Budget, Administrative Procedure 1.2, "Harassment Prohibited"
Policy 104.4614, "Driver's License and Records Check"
MMB HR/LR Policy and Procedure #1417, Code of Ethics
MMB HR/LR Policy and Procedure #1332, Code of Ethics – Acceptance of Discounts

REPLACES: Policy 103.220, "Personal Code of Conduct of Employees," 1/2/18. All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: Declaration of Outside Employment form (103.220A)

APPROVALS:

Deputy Commissioner, Community Services
Deputy Commissioner, Facility Services
Assistant Commissioner, Facility Services
Assistant Commissioner, Operations Support