



Operating Procedure

Effective Date March 1, 2014	Number 101.3
Amended	Operating Level Department
Supersedes Operating Procedure 101.3 (4/1/11) Memorandum: HR-2009-01	
Authority COV §2.2-2900 et. seq., §2.2-3100et seq., §2.2-3700 et seq., §2.2-3800 et seq., §2.2-4300 et seq., §53.1 10	
ACA/PREA Standards 4-4024, 4-4056, 4-4069; 4-ACRS-3A-07, 4-ACRS-7D-30, 4-ACRS-7E-13; 4-APPS-3C-02; 2-CO-1A-29, 2-CO-1C-11, 2-CO-1C-24; 1-CTA-1C-12, 1-CTA-1C-14	
Office of Primary Responsibility Human Resources Director	

Subject
STANDARDS OF ETHICS AND CONFLICT OF INTEREST

Incarcerated Offender Access
Yes No

FOIA Exempt Yes No
Attachments Yes No

I. PURPOSE

This operating procedure ensures that all Department of Corrections staff and service providers understand and comply with requirements to act professionally and ethically, and to respect the privacy of fellow employees and individual offenders.

II. COMPLIANCE

This operating procedure applies to all units operated by the Department of Corrections (DOC). Practices and procedures shall comply with applicable State and Federal laws and regulations, Board of Corrections policies and regulations, ACA standards, PREA standards, and DOC directives and operating procedures.

III. DEFINITIONS

Contract - An agreement enforceable by law, between two or more competent parties, to do or not do something not prohibited by law; contracts include but are not limited to: state contracts, eVA purchase orders, DOC one-party and two-party contracts, vendor contracts, and memoranda of agreement.

Gang - A group of individuals who: (a) possess common characteristics that distinguish them from other persons or groups of persons and who, as an entity, pose a threat to the safety and security of staff, the facility, offenders or the community; (b) have a common distinctive goal, symbolism or philosophy; (c) possess identifiable skills or resources, or engage in unauthorized/illegal activities. Criminal street gangs, hate groups, cults, and domestic terrorists that meet these conditions are considered gangs.

Gang Member or Associate - A person whose self-proclamation, activity, behavior, or status as a recognized gang leader, member or associate, or whose activity or behavior indicates gang involvement.

No Conflict - Outside employment that will not influence the employee's conduct in the performance of their official duties as a DOC employee, nor allow the employee in being part of negotiations or procurement of a contract that involves the employer that they work for as a second job and DOC.

Personal Interest - A personal and/or financial benefit derived by an officer or employee or to a member of the employee's immediate family; this benefit is defined by reason of (i) ownership in a business if the ownership interest exceeds three percent of the total equity of the business; (ii) annual income that exceeds, or may reasonably be anticipated to exceed, \$10,000 from ownership in real or personal property or a business; (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or any combination thereof, paid or provided by a business that exceeds, or may reasonably be anticipated to exceed, \$10,000 annually; (iv) ownership of real or personal property if the interest exceeds \$10,000 in value and excluding ownership in a business, income, or salary, other compensation, fringe benefits or benefits from the use of property; or (v) personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business.

When an employee is employed by a contract vendor/company who provides services to the DOC, and the

employee does not own more than 3% of the vendor/company, the employee's income from the vendor/company may exceed \$10,000 provided the employee is not involved in negotiating or procuring contracts for or on the behalf of the DOC or the vendor/company. This also applies to any member of the employee's immediate family. The Office of the Attorney General may make a determination when there are questions regarding outside employment of DOC employees. No DOC employee, such as a doctor, nurse or architect, may enter into a separate contract for services with the DOC.

Personal Interest in a Contract - A personal interest an officer or employee has in a contract with a governmental agency, whether due to being a party to the contract or due to a personal interest in the firm, corporation, partnership, or other business entity that is a party to the contract.

Personal Interest in a Transaction - A personal interest an officer or employee has in any matter considered by his agency. Such personal interest will be deemed to exist where an officer or employee of an agency, or the spouse, or other relative of the officer or employee has a personal interest in property or in a firm, corporation, partnership or business entity that is participating or has interest (including representing same) in any part of the transaction or will benefit or suffer from any action of the agency considering the transaction.

Real Property - Tangible assets including but not limited to land or equipment that have value (monetary, charitable, historical, etc.) as determined by the DOC.

Significant Other - Spouses, life partners, cohabitating adults, individuals in personal relationships that exceed professional or casual acquaintance relationships; includes family members

Subordinate - An employee in a lower position or rank, generally subject to or under the authority of a person in a higher position or with higher rank.

Supervisor - An employee in a higher position or rank, generally overseeing or directing the work of others, or in a direct administrative relationship to someone in a lower level position.

Transaction - Any matter (business, trust, recommendation, or exchange of currency, goods or services) considered by any governmental or advisory agency upon which official action is taken or contemplated.

IV. PROCEDURE

A. P.R.I.D.E.

1. The Department of Corrections has adopted [P.R.I.D.E.](#) as the Department of Corrections Code of Ethics to guide its employees, contract employees, volunteers, and interns on the performance of their duties.
2. The Virginia Department of Corrections is an ethical and professional organization that prides itself in serving the Commonwealth of Virginia.

P. R. I. D. E.: Professionalism, Respect, Integrity, Dignity, Excellence

Professionalism: I will carry out my duties in an objective and competent manner with respect for humanity.

Respect: I will respect the rights of all people. All individuals will be valued for their own uniqueness and treated with dignity.

Integrity: I will conduct myself in a trustworthy and honest manner and make decisions consistent with the values and principles of the Department.

Dignity: I will uphold the criminal justice system and perform my professional responsibilities with poise and self-respect.

Excellence: I will always do my best as a Corrections professional.

B. General Conduct

1. Employees of the Department of Corrections shall conduct themselves by the highest standards of ethics so that their actions will not be construed as a conflict of interest or conduct unbecoming an

- employee of the Commonwealth.
2. The DOC is an organization that conforms to high professional, ethical, and moral standards of conduct.
 3. This operating procedure applies to and is available to all employees, contract personnel, consultants, hourly wage employees, volunteers, interns and any other person providing services to offenders of the DOC. (4-APPFS-3C-02; 1-CTA-1C-12)
 4. All organizational units will ensure that all employees, contract personnel, consultants, hourly wage employees, volunteers, interns and any other person providing services to offenders under the purview of DOC will be advised of and comply with policies, procedures, protocols, and regulations governing standards of ethics and conflict of interest including but not limited to:
 - a. Operating Procedure 010.3, *Correspondence Management and Customer Service*
 - b. Operating Procedure 025.1, *Public Access to Hearings, Meetings, and Public Records*
 - c. Operating Procedure 038.2, *Reporting & Investigation of Alleged Abuse Against Aged or Incapacitated Offenders*
 - d. Operating Procedure 038.3, *Prison Rape Elimination Act (PREA)*
 - e. Operating Procedure 101.2, *Equal Employment Opportunity*
 - f. Operating Procedure 130.1, *Rules of Conduct Governing Employees Relationships with Offenders*
 - g. Operating Procedure 130.2, *Alcohol and Other Drug Testing*
 - h. Operating Procedure 130.3, *Workplace Violence*
 - i. Operating Procedure 135.1, *Standards of Conduct*
 - j. Operating Procedure 170.1, *Recruitment, Selection & Appointment*
 - k. Occupational group professional standards of ethics
 5. DOC employees shall conduct themselves and perform their duties in such a way as to set a good example for offenders and thereby command their respect. Employees shall not use their official position to secure privileges for themselves or others, or engage in activities that constitute a conflict of interest. (4-4069; 4-ACRS-3A-07; 4-APPFS-3C-02; 2-CO-1C-24; 1-CTA-1C-12)
 6. DOC facilities and equipment are provided for official business use only.
 - a. The DOC has the right to monitor offices and facilities as needed to ensure the safety and security of staff and offenders and to protect public safety.
 - b. "Rapid Eye" and other DOC approved security video monitor equipment may be used to monitor and record employee, visitor, and offender movements and actions.
 - c. Intercom systems and other audio systems may be used to monitor and record employee, visitor, and offender conversations.
 - d. Monitoring of computer systems and data may include but is not limited to network traffic, application and data access, keystrokes, user commands, email and Internet usage, and message and data content.
 7. This operating procedure is available to all employees through the Virtual Library and locations where hardcopies of DOC procedures are available.
- C. Prohibited Conduct - Staff, contractors, interns, and volunteers are prohibited from engaging in activities that constitute a conflict of interest that adversely affects the DOC. (4-APPFS-3C-02; 2-CO-1C-24) The rules listed below are intended to be illustrative, but not all-inclusive examples of prohibited conduct. No employee, contractor, intern, or volunteer of the DOC shall:
1. Solicit or accept money or other things of value for services performed within the scope of their official duties, except the compensation, expenses, or other remuneration paid by the DOC. This does not prohibit the acceptance of special benefits that may be authorized by law. It does prohibit the acceptance of frequent flyer points or other similar benefits from airlines or hotels for the

employee's personal use, but they may be accepted and used for future business purposes. Acceptance of such benefits must be reported to the Organizational Unit Head. In accordance with State Travel Regulations, the Organizational Unit Head must report balances and business uses on a quarterly basis to the agency fiscal officer,

2. Offer or accept money or any other thing of value for or in consideration of obtaining employment, appointment, or promotion within the DOC.
3. Willfully use for their economic benefit or that of another party any confidential information that has been acquired by reason of his or her position but that is not available to the public.
4. Accept any money, loan, gift, favor, or service from anyone doing business with the DOC. This does not include unsolicited promotional items of nominal or low value, normally less than \$25.00. Employees are encouraged to use prudent and reasonable judgment in these matters.
5. Accept any business or professional opportunity wherein the employee may gain a financial benefit where the opportunity being afforded may influence their conduct in the performance of official duties.
6. Any financial transactions between offenders, offenders and staff, or offenders and volunteers must be approved by the Organizational Unit Head. (4-ACRS-7D-30; 4-APPFS-3C-02)

D. Prohibited Contracts

1. No DOC employee shall have a personal interest in a contract with the DOC, other than negotiated contracts for employment (specific positions only). Employees cannot be part of negotiations or procurement of a contract that involves an employer that they work for as a second job.
2. No DOC employee shall have a personal interest in a contract with any other agency of state government unless such contract is:
 - a. Awarded as a result of competitive sealed bidding or competitive negotiation as defined in [COV §2.2-4301](#); or
 - b. Awarded after a finding, in writing, by the administrative head of the governmental agency that competitive bidding or negotiation is contrary to the best interest of the public.

E. Employment of Family Members

1. No employee shall be employed in a position where they serve as a direct supervisory or administrative role to their spouse, significant other, or any other relative residing in the same household.
2. There may be periodic or emergency situations of short duration in which a supervisor may be required to supervise a significant other, i.e. acting as "duty officer" at a facility, and may have management responsibilities for their significant other.
3. In instances where the significant other (family member, etc) may be involved in disciplinary matters, the supervisor is advised to remove himself or herself from the responsibility of issuing *Standards of Conduct*, counseling, or other disciplinary-related measures against the significant other (family member, etc).
 - a. Responsibility in this instance should pass to the supervisor's immediate supervisor.
 - b. Employment situations that involve indirect line of supervision reporting relationships should be treated similarly for *Standards of Conduct* and other disciplinary matters.

F. Consensual Personal Relationships/Sexual Harassment in the Workplace

1. All units within the DOC will provide a workplace environment that reflects its values, and is equitable, fair, and free from pressure or sexually harassing conduct and intimidation.
2. Dating or intimate romantic relationships between supervisors and subordinates undermines the respect for supervisors with the other staff, undermines the supervisor's ability to make objective decisions, may result in favoritism or perceived favoritism, may lower morale among co-workers, or

open supervisors to future charges of harassment or retaliation claims. Additionally, supervisory/subordinate relationships may bring about complaints from co-workers and create a liability for the DOC.

- a. Supervisors are prohibited from dating or engaging in personal romantic or sexual relationships with subordinates. Initiation of, or engagement in an intimate romantic or sexual relationship with a subordinate is a violation of the *Standards of Conduct* and will be treated as a Group I, Group II, or Group III offense depending on its effect on the work environment.
 - b. A subordinate includes anyone in a supervisor's direct chain of command. If the unit head determines that the routine work environment is adversely affected by the romantic, intimate, or sexual relationship of a supervisor and subordinate who is in an indirect line of supervision (i.e. corrections officer and sergeant on different shifts and breaks), such relationships may be deemed inappropriate for the workplace and may be grounds for discipline under the Operating Procedure 135.1, *Standards of Conduct*.
 - c. All employees are responsible for compliance with this operating procedure regarding consensual personal relationships in the workplace. The Organizational Unit Head will determine the appropriate disciplinary action to be taken and the reassignment or transfer of the supervisor or employee to alleviate the supervisor/subordinate work problems the relationship may create.
 - d. Personal relationships, even between peers, within the same work unit may create similar problems and reassignment of one or both parties should be considered if such a relationship influences or effects the work environment or the work performance of any of the parties involved.
 - e. Regardless of the supervisory/subordinate or peer/peer working relationship, staff involved in a romantic relationship with a co-worker should advise the work unit head of their involvement to address potential employment issues.
 - f. Relationships with offenders who are DOC employees shall be guided by Operating Procedure 130.1, *Rules of Conduct Governing Employees Relationships with Offenders*
3. The DOC prohibits acts of sexual harassment or inappropriate behavior by any staff. Appropriate action will be taken against persons who engage in sexual harassment. (4-4056; 2-CO-1C-11; 1-CTA-1C-14)
- G. Real Property - No employee on behalf of the DOC may participate in the sale, lease or exchange of real property when the employee has a real interest in the property.
- H. Prohibited Transactions - DOC employees having a personal interest in any transaction involving the DOC shall disqualify themselves from acting on behalf of the DOC in such transaction. The employee's disqualification shall be noted in the DOC record of the transaction.
- I. Disclosure Statements
1. Employees in positions designated by the Governor shall file a disclosure statement of personal interests on appropriate forms as furnished by the Secretary of the Commonwealth.
 2. All vacancies advertised for recruitment for those positions designated as "State filers" (see [Governor's Executive Order 16\(2006\)](#)) must indicate the requirement of filing a personal financial statement in accordance with [COV §2.2-3100 et seq. State & Local Gov Conflict of Interests Act](#).
 3. All "State filers" are required to complete training regarding the [State and Local Government Conflict of Interests Act](#) and the [Virginia Public Procurement Act](#). The Office of Attorney General in conjunction with the DOC will coordinate this mandated training for "State filers".
- J. Political Activities (4-4024; 4-ACRS-7E-13; 4-APPFS-3C-02; 2-CO-1A-29)
1. DOC employees are encouraged to exercise their right to vote for the political candidates of their choice. Because of the potential for conflict or apparent conflict of interest; the possibility of compromising the neutrality, efficiency, or integrity of DOC programs; and to comply with Federal law, an officer or employee of the DOC may not:

- a. Use their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office
 - b. Directly or indirectly coerce, attempt to coerce, command, or advise a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes
2. Employees in DOC supervisory and managerial positions shall be especially mindful of how their words and deeds might be construed or might influence other DOC employees.
 3. Any DOC employee whose salary is financed in whole or in part by appropriations, loans, or grants made by the United States or a Federal agency is prohibited from being a candidate for public elective office in any partisan election. Partisan elections are defined by participation of political parties in the election.

K. Public Presentations

1. When employees are representing the DOC, writings and presentations concerning the DOC shall be considered regular work for which no additional compensation may be accepted.
2. When employees are not representing the DOC, employees shall clearly identify that what they are saying is their individual opinion and not that of the DOC.

L. Ownership of Data

1. Data collected or property invented or created by DOC employees as part of DOC employment, using DOC resources, shall be the property of the Commonwealth, and shall be available for use as needed by any authorized DOC employee.
2. Non-authorized release of such data is prohibited.
3. Data may be released to the public if such is dictated by a Freedom of Information Request and is in compliance with COV §2.2-3800 et seq. [Data Collection & Dissemination Practices Act](#)

M. Outside Activity - The DOC considers itself the primary employer for all its employees. Therefore any outside employment including ownership of a business must be approved by the DOC.

1. An employee who performs work for or receives compensation from a person or business that is performing contract work for a DOC unit should ensure that this situation does not create a violation of this operating procedure or COV §2.2-3100 et seq. [State and Local Government Conflict of Interests Act](#). Employees and Unit Heads should consult their Human Resources Manager for guidance.
2. Employees approved to work outside employment, second jobs, or own a business (through an approved *Request for Permission to Secure Employment Outside Regular Working Hours*) must ensure that business relationships cannot be perceived or construed as being a conflict of interest.
3. No employee shall engage in any other employment or activity that is prejudicial to the DOC's operations, either in another agency or outside of the state service, or in any private business, or in the conduct of a profession during the hours for which he or she is employed to work, or outside such hours in a manner or to an extent that affects or is deemed by the employing agency as likely to affect their usefulness as an employee or that is likely to be in violation of the [State and Local Government Conflict of Interests Act](#). Outside employment or business relationships between supervisors and subordinates may create a conflict of interest and must be disclosed and approved.
4. The Department of Corrections is a unique work environment. Its mission, in part, is to house and/or supervise offenders who have violated the laws of the Commonwealth. As such, DOC staff are expected to conduct themselves in a manner, either directly or indirectly, that will not bring reproach on the DOC. This extends to activities while working as well as activities outside of the employee's DOC work hours. As such, management has the right to deny a request for a second job if that activity may be viewed as inconsistent with the mission of the DOC.

5. Regardless of the outside employment being considered, any outside employment request may be denied if it is in violation of the [State and Local Government Conflict of Interests Act](#).
6. No full-time salaried or hourly wage employee of a P&P Office, Detention Center or Diversion Center shall be approved for outside employment with any agency or organization which is engaged in the investigation, supervision, or provision of treatment services to alleged or active juvenile or adult criminal offenders without the written approval of the Organizational Unit Head and Regional Operations Chief. If approval is granted based on a finding of "no conflict," the employee may obtain outside employment that provides custodial, educational, or treatment services to persons or groups which may include alleged or active juvenile or adult criminal offenders.
7. Employees may not accept payment for services from any person(s) or organization other than the Department of Corrections without written approval of the Organizational Unit Head documented on a [Request for Permission to Secure Employment Outside Regular Working Hours](#) 101_F1.
8. The written approval shall only be made for a maximum of one year or a specified period less than one year. The DOC will give the employee two weeks' notice in writing if conditions change with the employee's employment with the DOC so that a withdrawal of the outside employment authorization is required.
9. Failure to obtain permission for outside employment may result in disciplinary action under the Standards of Conduct.
10. Any questions regarding the propriety of a DOC employee's outside work or activity should be directed to the Human Resources Director, Regional Operations Chief, or designee.

N. Gang Membership or Affiliation

1. Gang involvement by staff undermines the safety and security of our facilities, supervision of offenders in the community, and the operations of the DOC. We must be vigilant (1) in identifying any staff or vendors who are gang members or have gang affiliations and (2) in our recruitment and selection of future employees and vendors to ensure that we do not employ people who are gang members or have gang affiliations.
2. Gang membership or association with a gang is prohibited for employees of the Department of Corrections. It is considered a Group III Offense under the *Standards of Conduct* and requires termination.
3. Gang membership or association with a gang is prohibited for employees of other agencies, volunteers, interns, or vendors who work within the confines of a facility or who work with offenders under DOC supervision.
4. Applicants who are gang members or associated with a gang will not be employed by the Department of Corrections.

O. Solicitation Rules for DOC Work Locations

1. Neither employees nor other representatives may solicit in person for profit-making entities (for example, Amway, Avon, catalogue companies, cell phone companies, to include self employment, etc.) within any DOC work location including the parking lots. Nor shall representatives or employees be allowed to deliver goods within the building or facility.
2. Supplemental Insurance Companies (approved vendors) who have been approved for payroll deductions, colleges, and universities and Virginia Governmental Employees' Association (VGEA) may be allowed to solicit for business within DOC Units (within a general area of the administration building) but may not attend staff meetings nor visit employees at their workstations.
 - a. Such visits must be coordinated with the Human Resource Officer (HRO) at major institutions or designated staff member or Unit Head at a worksite other than a major institution or Headquarters.
 - b. Employees can be allowed to see these representatives before or after work hours, during breaks,

during lunch periods, or if approved by their supervisor, during work time.

- c. These organizations may be allowed to visit Community Corrections locations at the discretion of the Unit Head.
3. Companies that administer State Benefits (Deferred Compensation, Long Term Care) may be permitted to address staff meetings and/or meet with employee groups to explain specific state benefits. This also includes the Virginia Credit Union.
4. Employees may solicit for non-profit and not-for-profit entities (for example, BSA, Indian Guides, School Bands etc.) as long as the solicitation is not done on state time for either the seller or the buyer.
 - a. Unit Heads may set a general policy on whether they will allow employees to solicit for non-profit or not-for-profit entities but may not allow some and deny others.
 - b. A display in the work area of a box of candy, etc. does not constitute solicitation but the purchase cannot be done on state time by either the buyer or seller.
 - c. The Unit Head may choose to not allow displays for non-profit and not-for-profit entities within the work unit.
5. The following will be allowed to solicit funds on state time as part of the state and DOC sponsorship of these organizations:
 - a. The Commonwealth Virginia Campaign (CVC)
 - b. Special Olympics
 - c. DOC Employee Assistance Fund
 - d. Any other charitable organizations designated by the Regional Operations Chief or Director's Staff Member
 - e. Any other charitable organizations designated by the Director
6. Notifications from companies (discount clubs, financial institutions, entertainment venues) offering discounts to state or DOC employees may be posted on bulletin boards or in common areas for periods not to exceed 30 days or a time period established by the Unit Head.

V. REFERENCES

State Travel Regulations CAAP Manual Topic [20335](#)

[U. S. Code Sections: 1501-1508, Federal Hatch Political Activities Act 401, Federal Election Campaign Act Amendments of 1974](#)

Operating Procedure 010.3, *Correspondence Management and Customer Service*

Operating Procedure 025.1, *Public Access to Hearings, Meetings, and Public Records*

Operating Procedure 038.2, *Reporting & Investigation of Alleged Abuse Against Aged or Incapacitated Offenders*

Operating Procedure 038.3, *Prison Rape Elimination Act (PREA)*

Operating Procedure 101.2, *Equal Employment Opportunity*

Operating Procedure 130.1, *Rules of Conduct Governing Employees Relationships with Offenders*

Operating Procedure 130.2, *Alcohol and Other Drug Testing*

Operating Procedure 130.3, *Workplace Violence*

Operating Procedure 135.1, *Standards of Conduct*

Operating Procedure 170.1, *Recruitment, Selection & Appointment*

VI. FORM CITATIONS

[Request for Permission to Secure Employment Outside Regular Working Hours](#) 101_F1

VII. REVIEW DATE

The office of primary responsibility shall review this operating procedure annually and re-write it no later than three years from the effective date.

Signature Copy on File

1/31/14

N. H. Scott, Deputy Director of Administration

Date