



Operating Procedure

Effective Date August 1, 2016	Number 135.3
Amended	Operating Level Department
Supersedes Operating Procedure 135.3 (101.3) (3/1/14)	
Authority COV §2.2-2900 et. seq., §2.2-3100 et seq., §2.2-3700 et seq., §2.2-3800 et seq., §2.2-4300 et seq., §53.1-10	
ACA/PREA Standards 4-4024, 4-4047, 4-4048, 4-4056, 4-4069; 4-ACRS-3A-07, 4-ACRS-6A-05, 4-ACRS-7D-30, 4-ACRS-7E-13; 4-APPFS-3C-02; 2-CO-1A-29, 2-CO-1C-11, 2-CO-1C-24; 1-CTA-1C-01, 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

Public Access 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

Business - Any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit. (COV §2.2-3101)

Conflict of Interest - A set of circumstances that creates a risk that professional judgment or actions regarding official duties will be unduly influenced by personal interests.

Contract - Any agreement to which a governmental agency is a party, or any agreement on behalf of a governmental agency that involves the payment of money appropriated by the General Assembly whether or not such agreement is executed in the name of the Commonwealth. Contract includes a subcontract only when the contract of which it is a part is with the employee's own governmental agency. (COV §2.2-3101) Contracts include but are not limited to: state contracts, eVA purchase orders, vendor contracts, and memoranda of agreement.

Dependent - Son, daughter, father, mother, brother, sister or any other individual, whether or not related by blood or marriage, if such individual receives from an employee or provides to an employee more than one half of their financial support

Employee - Any individual that is employed by a Department of Corrections (DOC) Organizational Unit and is covered by the Virginia Personnel Act, COV §2.2-2900 et seq. or is employed on an at will basis or appointed by the Governor.

Fair Market Value - The price that a good or service would bring between a willing seller and a willing buyer in the open market after negotiations; if the fair market value cannot be determined, the actual price paid for the good or service shall be given consideration.

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, neighborhood cliques, 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.

Gift - Any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value; it includes services as well as gifts of transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred. (COV §2.2-3101)

Immediate Family - The employee's spouse, regardless of whether they reside in the same household as the employee, any individual residing in the same household as the employee who is a dependent of the employee, any individual who has a child in common with the employee whether or not the employee and that individual have been married or have resided together at any time as long as there is a legally enforceable financial relationship between them, and any individual who cohabits or who within the previous 12 months has cohabitated with the employee and any children of either of them residing in the same household as the employee. With regard to the receipt of gifts, "immediate family" also shall mean an officer's or employee's child, grandchild, parent, grandparent, brother, sister, or brother's or sister's spouse or children, if such individual knew or should have known that the gift was given because of the officer's or employee's position as an officer or employee. (Executive Order 2 (2014))

Legitimate Public Purpose - Any activity that is intended to promote the interests of the DOC including but not limited to attendance at training and educational events and conferences designed to improve the efficiencies and effectiveness of public service or to enhance the knowledge and skills of employees relative to their official duties

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 to be 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 financial benefit or liability accruing to an 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, \$5,000 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 or governmental agency that exceeds, or may reasonably be anticipated to exceed, \$5,000 annually; (iv) ownership of real or personal property if the interest exceeds \$5,000 in value and excluding ownership in a business, income, or salary, other compensation, fringe benefits or benefits from the use of property; (v) personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business; or (vi) an option for ownership of a business or real or personal property if the ownership interest will consist of clause (i) or (iv) above. (COV §2.2-3101)

Personal Interest in a Contract - A personal interest an 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 a business that is a party to the contract. (COV §2.2-3101)

Personal Interest in a Transaction - A personal interest of an employee in any matter considered by the DOC; such personal interest exists where an employee or a member of their immediate family has a personal interest in property or a business or governmental agency, or represents or provides services to any individual or business and such property, business or represented or served individual or business (i) is the subject of the transaction or (ii) may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action of the agency considering the transaction. (COV §2.2-3101)

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 - Spouse, life partner, cohabitating adult, individual in a personal relationship that exceeds a professional or casual acquaintance relationship; 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, whether in a committee, subcommittee, or other entity of that agency or before the agency itself, on which official action is taken or contemplated (COV §2.2-2101)

Value - The actual cost or fair market value of an item or items, whichever is greater; if the Fair Market Value cannot be determined, the actual amount paid for the item shall be given consideration. For food and beverages, the value includes a proportional amount of any tip, a portion of which was for the food item or beverage.

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 all employees, contract personnel, consultants, hourly wage employees, volunteers, interns, and any other person providing services to offenders of the DOC. This operating procedure is available through the Virtual Library and locations where hardcopies of DOC operating procedures are available. (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 102.2, *Recruitment, Selection & Appointment*
 - f. Operating Procedure 135.1, *Standards of Conduct*
 - g. Operating Procedure 135.2, *Rules of Conduct Governing Employees Relationships with Offenders*
 - h. Operating Procedure 135.4, *Alcohol and Other Drug Testing*
 - i. Operating Procedure 135.5, *Workplace Violence*
 - j. Operating Procedure 145.3, *Equal Employment Opportunity*
 - k. Operating Procedure 220.1, *Gifts and Donations*
 - l. 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. No person connected with the Department of Corrections shall use their official position to secure special privileges or advantages 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 employees, contract personnel, consultants, hourly wage employees, volunteers, interns, and any other person providing services to offenders of the DOC are prohibited from knowingly accepting any gift or gratuity from, or engaging in personal business transactions that would provide them a benefit not available to the general public with an offender or an offender's immediate family. (4-APPFS-3C-02)
 7. 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.
 8. The *Virginia Conflict of Interest and Ethics Advisory Council* is required to accept requests for and issue formal advisory opinions on conflict of interest and ethics issues.

C. Prohibited Conduct

1. 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)
2. 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:
 - a. 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,
 - b. Offer or accept money or any other thing of value for or in consideration of obtaining

employment, appointment, or promotion of any person with any governmental or advisory agency.

- c. Offer or accept any money or other thing of value for or in consideration of the use of their public position to obtain a contract for any person or business with any governmental or advisory agency
- d. Use for their personal economic benefit or that of another party any confidential information that has been acquired by reason of their position but that is not available to the public.
- e. Accept any money, loan, gift, favor, service, or business or professional opportunity that reasonably tends to influence the employee in the performance of their official duties. (See the *Gifts to Employees* section of this operating procedure)
- f. Accept a gift from a person who has interests that may be substantially affected by the performance of the employee's official duties under circumstances where the timing and nature of the gift would cause a reasonable person to question the employee's impartiality in the matter affecting the donor.
- g. Accept gifts from sources on a basis so frequent as to raise an appearance of the use of their public office for private gain.
- h. Accept any business or professional opportunity when the employee knows that there is a reasonable likelihood that the opportunity is being afforded to influence their conduct in the performance of official duties.
- i. Use their public position to retaliate or threaten to retaliate against any person for expressing views on matters of public concern or for exercising any right that is otherwise protected by law, provided, however, that this subdivision shall not restrict the authority of any public employer to govern conduct of its employees, and to take disciplinary action, in accordance with applicable law.

D. Gifts to Employees

1. No DOC employee or a member of their immediate family shall solicit, accept, or receive any single gift with a value in excess of \$100 or any combination of gifts with an aggregate value in excess of \$100 within any calendar year for themselves or a member of their immediate family from any person that they or a member of their immediate family knows or has reason to know is (i) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4; (ii) a lobbyist's principal as defined in § 2.2-419; or (iii) a person, organization, or business who is or is seeking to become a party to a contract with the DOC or over which he has the authority to direct DOC activities. Gifts with a value of less than \$20 are not subject to aggregation for purposes of this prohibition. (2.2-3103.1)
 - a. Gifts shall include any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It shall include services as well as gifts of transportation, local travel, lodgings, and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.
 - b. An employee may be reimbursed for legitimate travel and related expenses incurred while engaging in an activity that serves a legitimate public purpose.
2. Employees and their immediate family may accept unsolicited gifts valued at less than \$100.00, from any one source whether as a single gift or a cumulative total of gifts over the course of calendar year, unless a reasonable person having knowledge of the circumstances would conclude that the employee may unduly favor the source or be influenced by the source when performing the employee's official duties. Gifts with a value of less than \$20 are not subject to aggregation for purposes of this prohibition.
3. The following items do not constitute a gift and are not subject to requirements of this operating procedure.
 - a. Printed informational or promotional material
 - b. A gift that is not used and, no later than 60 days after receipt, is returned to the donor or delivered to a charitable organization or to a state governmental or advisory agency and is not claimed as a

- charitable contribution for federal income tax purposes
- c. A gift or inheritance from the following individuals provided the individual is not acting as an agent or intermediary for someone other than the individuals authorized below.
 - i. Employee's spouse, child, nephew, niece, aunt, uncle, first cousin
 - ii. Employee or their spouse's parent, grandparent, grandchild, brother, sister, step-parent, step-grandparent, step-grandchild, step-brother, step-sister, or their spouse
 - iii. The brother or sister of the employee's spouse
 - iv. Any individual with whom the employee is engaged to be married
 - d. Anything of value provided by an individual on the basis of a personal friendship unless there is reason to believe that, under the circumstances, the gift was provided due to the employee's official position and not the personal relationship.
 - i. The following circumstances shall be considered when making a determination as to whether a gift was given on the basis of personal friendship.
 - (a) History of the relationship to include any previous exchange
 - (b) Whether the employee knew that the individual giving the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift
 - (c) Whether the employee knew that the individual giving the gift also gave the same or similar gifts to other state employees
 - ii. It shall be the responsibility of the employee to show that the gift was given on the basis of a personal friendship.
 - e. Any offer of a ticket, coupon, or other admission or pass unless the ticket, coupon, admission pass is used.
 - f. Honorary degrees
 - g. Payment or reimbursement of reasonable legitimate travel and related expenses to include:
 - i. Expenses incurred by an employee in order to engage in an activity that serves a legitimate public purpose including but not limited to air, train, bus, and taxi fare or rental car charges
 - ii. The cost of meals and lodging, and expenses related to attendance at an event that has a legitimate public purpose such as costs of registration, admission, tickets, food, refreshments, instruction, and materials
 - iii. Food or beverages consumed while attending an event at which the employee is performing their official duties related to their public service
 - iv. Food and beverages received at or registration or attendance fees waived for any event at which the employee is a featured speaker, presenter, or lecturer.
 - v. Travel paid for or provided by the government of the United States, any of its territories, or any state, or any political subdivision of such state.
 - vi. Travel related to an official meeting of the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to 26 U.S. Code §501(c) (3) of the Internal Revenue Code affiliated with such entity to which such person has been appointed or elected or is a member by virtue of their employment.
 - vii. See Operating Procedure 240.1, *Travel*, for specific guidance on travel approval and for application of State Travel Regulations for travel expenses, advances, and reimbursements.
 - h. Attendance by an employee at a widely attended event that is open to the public or to a wide range of individuals and where attendance serves a legitimate public purpose or the employee attends by virtue of being the spouse of an invited public official who attends without charge
 - i. A DOC employee or a member of their immediate family may accept or receive a gift of food and beverages, entertainment, or the cost of admission with a value in excess of \$100 when such gift is accepted or received while in attendance at a widely attended event and is associated with the event.
 - ii. Widely attended event means an event at which at least 25 persons have been invited to attend or there is a reasonable expectation that at least 25 persons will attend the event and the event

- is open to individuals (i) who share a common interest, (ii) who are members of a public, civic, charitable, or professional organization, (iii) who are from a particular industry or profession, or (iv) who represent persons interested in a particular issue. (COV §2.2-3103.1)
- i. Attendance by an employee at a political or inaugural event where the employee is invited to attend by the elected official, the candidate, or their authorized representative
 - j. Any athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private school, institution of higher education, or other educational program pursuant to such school, institution, or program's financial aid standards and procedures applicable to the general public
 - k. Something of value given to an employee by a governmental or advisory agency related to the employee's service as an employee or upon their retirement
 - l. Unsolicited award of appreciation or recognition in the form of a plaque, trophy, wall memento, or similar item that is given in recognition of public, civic, charitable, or professional service
 - m. A prize in a competition that was widely available, or an award from a charitable, religious, civic, or educational group
 - n. A gift of a value of less than \$20.00
4. In the context of this operating procedure anything of value shall include:
- a. Pecuniary items to include money or a bank bill or note
 - b. A promissory note, bill of exchange, order, draft, warrant, check, or bond given for the payment of money
 - c. A contract, agreement, promise, or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money
 - d. A stock, bond, note, or other investment interest in an entity
 - e. A receipt given for the payment of money or other property
 - f. A gratuity, favor, special privilege, or exception
 - g. The provision of services
 - h. Lodging
 - i. A meal, or other food or beverage, or both
 - j. Entertainment, including a ticket to an event, or hospitality
 - k. The provision of travel or the payment or reimbursement of travel expenses
 - l. A right in action
 - m. A tangible good, property, or an interest in a tangible good or property
 - n. A loan or forgiveness of indebtedness
 - o. A work of art, antique, or collectible
 - p. An automobile or other means of personal transportation
 - q. Real property or an interest in real property, including title to realty, a fee simple or partial interest, present or future, contingent or vested within realty, a leasehold interest, or other beneficial interest in realty
 - r. An honorarium or compensation for services
 - s. A rebate or discount in the price of anything of value unless the rebate or discount is made in the ordinary course of business to a member of the public without regard to that person's status as an employee of the DOC, or the sale or trade of something for reasonable compensation that would not be available to a member of the public
 - t. A promise or offer of employment
 - u. Any other thing of value that is pecuniary or compensatory in value to a person
5. DOC employees must comply with COV §2.2-4371 concerning acceptance of personal gifts.

- a. No DOC employee having official responsibility for a procurement transaction shall solicit, demand, accept, or agree to accept from a bidder, offeror, contractor, or subcontractor any payment, loan, subscription, advance, deposit of money, services, or anything of more than nominal or minimal value, present or promised, unless consideration of substantially equal or greater value is exchanged. The DOC may recover the value of anything conveyed in violation of this subsection.
- b. No bidder, offeror, contractor, or subcontractor shall confer upon any DOC employee having official responsibility for a procurement transaction any payment, loan, subscription, advance, deposit of money, services, or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value is exchanged.

E. Prohibited Transactions

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.
3. 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.
4. 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.
5. Any financial transactions between offenders, offenders and staff, or offenders and volunteers must be approved by the Organizational Unit Head. (4-4047; 4-ACRS-7D-30; 4-APPFS-3C-02)
6. No DOC employee, such as a doctor, nurse, or architect, may enter into a separate contract for services with the DOC.

F. 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 33(2014)*) must indicate the requirement of filing a personal financial statement in accordance with COV §2.2-3100 et seq. *State & Local Government 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*. This training is offered through the *Virginia Conflict of Interest and Ethics Advisory Council*.

G. 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 spouse, significant other, or any other relative residing in the same household may be involved in disciplinary matters, the supervisor is advised to remove themselves from the responsibility of issuing *Standards of Conduct*, counseling, or other disciplinary-related measures against the employee. (1-CTA-1C-01)
 - 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.

H. 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 and intimate romantic relationships between supervisors and subordinates undermine the respect for supervisors with the other staff, undermine 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 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 135.2, *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; 4-ACRS-6A-05; 2-CO-1C-11; 1-CTA-1C-14)
- #### I. Political Activities (4-4024, 4-4048; 4-ACRS-7E-13; 4-APPFS-3C-02; 2-CO-1A-29; 1-CTA-1C-01)
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.

J. 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 say is their individual opinion and not that of the DOC.

K. 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*.

L. Outside Activity

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.

6. 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*.
7. 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.
8. Employees may not accept payment for services from any person 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](#) 135_F2.
9. 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.
10. Failure to obtain permission for outside employment may result in disciplinary action under the Standards of Conduct.
11. 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. The Office of the Attorney General or the *Virginia Conflict of Interest and Ethics Advisory Council* may make a determination when there are questions regarding outside employment of DOC employees.

M. 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.
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. 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 affiliation.
4. 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.
5. Applicants who are gang members or associated with a gang will not be employed by the Department of Corrections.

N. 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 (i.e., Deferred Compensation, Long Term Care) may be permitted to address staff meetings 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

Executive Order 2 (2014), *Personnel Directive Prohibiting the Receipt of Certain Gifts; Establishment of Executive Branch Ethics Commission*

Executive Order 33 (2014), *Designation of Executive Branch Officers and Employees Required to File Financial Disclosure Statements*

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 102.2, *Recruitment, Selection & Appointment*

Operating Procedure 135.1, *Standards of Conduct*

Operating Procedure 135.2, *Rules of Conduct Governing Employees Relationships with Offenders*

Operating Procedure 135.4, *Alcohol and Other Drug Testing*

Operating Procedure 135.5, *Workplace Violence*

Operating Procedure 145.3, *Equal Employment Opportunity*

Operating Procedure 220.1, *Gifts and Donations*

Operating Procedure 240.1, *Travel*

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*

VI. FORM CITATIONS

[Request for Permission to Secure Employment Outside Regular Working Hours](#) 135_F2

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

7/7/16

N. H. Scott, Deputy Director of Administration

Date