WYOMING DEPARTMENT OF CORRECTIONS

Policy and Procedure #1.215
Code of Ethics

Authority: Wyoming Statute(s): 25-1-104; 25-1-105 ACA Standard(s): 4-4069 Revised 2-CO-1C-24	**Effective Date:** October 15, 2016 **Revision/Review History:** 08/01/15, 04/01/14, 04/01/13, 01/01/12, 07/01/10 **Summary of Revision/Review:** Updates existing policy pursuant to annual review.
Cross Reference of Policy: P&P #1.006, *Contact with Inmates and Offenders*; P&P #1.009, *Release of Information*; P&P #1.014, *Investigations*; P&P #1.205, *Workplace Harassment and Discrimination*; P&P #1.218, *Employee Performance Management* P&P #3.402; P&P 1.103, *Incident Reporting*; P&P #1.015, *Media and Public Relations*	**Supersedes Existing Policy:**
Approved: R.O. Lampert — 10-12-16 Robert O. Lampert, Director — Date	

This policy and procedure does not constitute an employment contract or a guarantee of continued employment. The Wyoming Department of Corrections reserves the right to change the provisions of these guidelines at any time. Nothing in this policy and procedure limits the Director's authority to establish or revise human resource policy. This policy and procedure is adopted to guide the internal operations of the Wyoming Department of Corrections and does not create any legally enforceable interest or limit the Director's or designee's authority to terminate any employee, in accordance with the State of Wyoming Personnel Rules.

REFERENCE

1. ATTACHMENTS

A. WDOC Form #119.1: *Affirmation of Code of Ethics*

2. OTHER

A. State of Wyoming Executive Order 1997-4: *Executive Branch Code of Ethics*

B. *State of Wyoming Personnel Rules*, Department of Administration and Information, Human Resources Division

PURPOSE

A. Code of Ethics. The purpose of this policy and procedure is to demonstrate that the Wyoming Department of Corrections (WDOC) recognizes workplace rules and standards are necessary to protect the health and safety of all employees, to uphold the expected higher standard, to ensure a productive work environment, and to protect the agency's goodwill and property.

B. Behavioral Expectations and Rules of Conduct. The purpose of this policy and procedure is to establish a uniform set of guidelines to be used by the WDOC to ensure employees are aware of the basic expectations for their behavior and establish formal rules of ethical conduct. These guidelines operate in conjunction with the appropriate state statutes, State of Wyoming Executive Order 1997-4: *Executive Branch Code of Ethics*, and the *State of Wyoming Personnel Rules*.

I. POLICY

A. General Policy. It is the policy of WDOC to require the highest level of conduct from all employees to protect the integrity of the department. WDOC employees shall adhere to the outlined standards of conduct.

1. All employees shall conduct themselves and perform their duties in such a way as to set a good example for inmates and offenders and thereby command their respect. (ACA 4-4069 Revised) Employees serve as role models for both the staff and inmates/offenders within the WDOC.

2. Employees are prohibited from using their official position to secure special privileges or advantages for themselves or others and from engaging in activities that constitute a conflict of interest. (ACA 4-4069 Revised; 2-CO-1C-24)

3. This code of ethics shall be available to all employees. (ACA 4-4069 Revised) To protect the integrity of the agency, its facilities and staff, all personnel must be familiar with and adhere to the code of ethics. The code of ethics shall be strictly enforced.

4. The standards of conduct established herein shall apply to all persons employed full or part-time by WDOC. Contractors, volunteers, interns, and persons from other organizations whose work is performed at any WDOC office or facility shall be held to the same ethical standards as employees.

i. WDOC may regulate the conduct of contractors through the contract. Personnel of other State agencies will be subject to WDOC policies while in WDOC facilities.

5. In accordance with WDOC Policy and Procedure #1.218, *Employee Performance Management,* violation of this policy may result in disciplinary action up to and including dismissal from employment.

II. DEFINITIONS

A. Chief Executive Officer (CEO): A CEO is identified, but not limited to, the following positions: Director, Deputy Director, division administrators, deputy administrators, wardens, district supervisors, adult community corrections coordinator, and adult community corrections directors.

B. Confidential Information: (*For this policy only.*) Information obtained through the course of professional duties that is protected by law from disclosure or is otherwise intended to be held in confidence.

C. Conflict of Interest: (*For this policy only.*) A real or seeming incompatibility between one's private interests and one's public duties or responsibilities. A conflict of interest occurs when a person's relationship or responsibility to another party limits or seems to limit that person's ability to discharge his/her responsibility to the agency.

D. Personal Gain: (*For this policy only.*) To obtain something useful, advantageous or positive.

E. Professional: (*For this policy only.*) An individual's strict adherence to courtesy, honesty and responsibility when dealing with individuals in the work environment. A professional conducts themselves with integrity, accountability, and excellence. A professional communicates effectively using professional language and appropriately finds ways to be productive.

1. Professional language means to refrain from using profane, demeaning, indecent, sexually suggestive, ethnic, or other discriminatory language or references.

III. PROCEDURE

A. Expectations of Conduct

1. WDOC employees shall comply with federal, state, and local law in the performance of their official duties.

2. WDOC employees shall comply with all state policies, including but not limited to: *State of Wyoming Personnel Rules*, State of Wyoming Executive Order 1997-4: *Executive Branch Code of Ethics*, State of Wyoming Executive Order 2000-4: *Anti-Discrimination Policy*, State of Wyoming Executive Order 2001-1: *Work Place Violence Policy*, policies established by the Department of Enterprise Technology Services for the use and management of electronic resources (*e.g.*, 1200-P143 *Internet Acceptable Use Policy*, 3400-P010 *Email Policy*), policies established by the Department of Administration and Information (*e.g.*, *Vehicle Use Policy*, *Purchasing Policy*), and policies established by the State Auditor's Office.

3. WDOC employees shall comply with all department policy, including policy promulgated at both the department level and the division/facility level.

4. No employee shall use or permit the use of State property for other than official activities. Employees shall protect and conserve State property, equipment, and supplies entrusted or issued to them.

5. No employee shall pursue personal gain in violation of the public trust.

i. Any effort to realize personal gain through employment with the department, beyond remuneration provided by the department, is a violation of public trust, as is any conduct which would create a justifiable impression in the public mind that such trust is being violated.

6. No employee shall influence another person to violate standards of ethical conduct established in this policy, in any other state or department policy, or law.

i. Any effort, by an employee, to influence any person to violate standards of ethical conduct set forth in this policy or to engage in conduct which would create justifiable impression in the public mind that the public trust is being violated, shall constitute a violation of these ethical standards.

7. As a representative of the WDOC each employee should strive to present themselves in a positive and professional manner to include, but not limited to, the following:

i. Utilizing effective interpersonal and management skills to influence and promote the accomplishment of identified objectives, as well as the organizational mission and goals;

ii. Holding yourself accountable in order to achieve established performance expectations;

iii. Managing and resolving conflicts and disagreements in a constructive manner;

iv. Dealing effectively with pressure; and

v. Remaining optimistic, persistent and professional, even under adversity.

8. Confidential Information

i. No employee or other person authorized to receive information shall use confidential information obtained in the course of official duty for any purpose outside his/her duties of employment. Confidential information shall be protected in accordance with WDOC Policy and Procedure #1.009, *Release of Information* and all applicable law.

ii. Action may be taken against an employee or other person found to have dispensed confidential information in violation of WDOC rules, or state or federal statutes. Any disciplinary action taken against an employee shall be in accordance with the *State of Wyoming Personnel Rules* and Policy and Procedure #1.218, *Employee Performance Management*.

9. All employees shall conduct themselves in a professional, responsible manner. Employees who fail to correct individual deficiencies or who violate the WDOC Code of Ethics may be subject to disciplinary action, including dismissal and if circumstances warrant, referral to appropriate authorities for investigation and prosecution. Examples of professional and ethical conduct to which WDOC employees are expected to adhere include, but are not limited to the following:

i. Employees are expected to be knowledgeable of all procedural requirements related to their job duties, as established by policy or law.

ii. Employees are expected to comply in a timely manner with written or verbal orders or instruction of their supervisor or anyone who

has the authority to issue instruction to them, unless such instructions or orders are in violation of the law. Employees are expected to report illegal orders or instruction in accordance with Policy and Procedure #1.014, *Investigations*.

iii. Employees will maintain an attitude of respect for, and protection of the rights of offenders.

iv. Employees will adhere to requirements for timely attendance and report to work as scheduled.

v. Employees are expected to be truthful at all times in the performance of their professional duties and in matters relating to their employment with WDOC. Dishonesty constitutes grounds for disciplinary action.

vi. Employees shall maintain professional deportment at all times and, in doing so, shall refrain from engaging in unprofessional or illegal behavior both on and off duty that could in any manner reflect negatively on the WDOC.

10. Safety and security is a critical part of effective job performance; employees shall remain alert, aware of, and responsive to their surroundings while on duty; acts that jeopardize the security of facility, the health, safety or welfare of offenders, employees, or the public, and acts that are unresponsive to offender needs are prohibited.

11. Employees are expected to maintain appropriate, professional boundaries with inmates/offenders as outlined in WDOC Policy and Procedure #1.006, *Contact with Inmates and Offenders*:

i. No employee shall fraternize with any inmate or offender or an inmate's/offender's family;

ii. Close personal relationships such as engagements, marriages and cohabitation with a person currently under the supervision of WDOC is strictly prohibited unless such association existed prior to conviction; and

iii. Notice of any pre-existing relationship with an inmate or offender or an inmate's/offender's family is required in writing to the employee's supervisor.

12. Employees are expected to maintain a proper relationship with the public and the media as outlined in Policy and Procedure #1.015, *Media and Public Relations.*

13. Procedures for authorizing, using and releasing information, records, or documents are described in WDOC Policy and Procedure #1.009, *Release of Information*.

14. Employees are expected to maintain professional relationships with fellow employees, contractors, volunteers, and others performing services on behalf of the WDOC. Workplace harassment and discrimination are strictly prohibited in accordance with WDOC Policy and Procedure #1.205, *Workplace Harassment and Discrimination*.

i. Employees shall not engage in hostile or abusive behavior in the performance of official duties or in connection with their official capacity. Further, employees shall not engage in spreading rumors about staff, contractors, visitors, inmates, or offenders.

15. Employees are expected to cooperate in investigations conducted by WDOC or other law enforcement officials.

i. Employees retain all rights granted to them by law, state and agency policy, including but not limited to WDOC Policy and Procedure #1.014, *Investigations*.

ii. Employees don't have to cooperate if doing so would violate a right of the staff member as referenced in WDOC Policy and Procedure #1.014, *Investigations*.

B. **Work Rules.** The following are a set of rules to be followed by an employee in an effort to avoid violation of the WDOC Code of Ethics.

1. **Law Enforcement Contact**

i. Any employee who is arrested and/or formally charged with any criminal offense, including driving while intoxicated or under the influence, shall notify his/her supervisor (or the next person within the chain of command) of the charges by the next business day (*i.e.*, Monday through Friday, excluding holidays). The supervisor shall advise the Chief Executive Officer (CEO) of any such charges within a reasonable time thereafter but no later than forty-eight (48) hours after receipt of initial notification.

a. Minor traffic violations received in a personal vehicle are not required to be reported, minor traffic violations include but are not limited to parking, speeding, and moving violations.

b. Minor traffic violations received while in a state-owned vehicle should be reported to the employee's supervisor.

c. Offenses related to reckless driving, and other serious misdemeanors must be reported.

d. The employee shall notify his/her supervisor upon final disposition of the case as to whether or not he/she was convicted in a court of law. Such notice shall be made by the next business day after the final disposition.

e. The supervisor shall notify the CEO and Director's office immediately with this information.

ii. Formal charges may constitute grounds for administrative action. An employee may be placed on administrative review leave with pay pending disposition of formal charges.

iii. Employees who are incarcerated are not eligible to use any form of paid leave to cover the absence. Absences from work due to incarceration are unexcused and subject to disciplinary action up to and including dismissal.

iv. A conviction may constitute grounds for disciplinary action up to and including dismissal depending on the nature of the crime and the employee's job responsibilities.

a. POST-Certified Employees: WDOC will submit any criminal convictions to the Director of the Wyoming Peace Officer Standards and Training Commission (POST) for their determination of any administrative actions regarding the employee's POST certification. Employees who are de-certified as a result of a criminal conviction and such certification is required for the position they hold, will be removed from that position.

2. **Conflicts of Interest.** Employees are prohibited from using their official position to engage in any activity which directly or indirectly constitutes a conflict of interest.

i. An employee with an interest, financial or otherwise, in any business entity shall not participate in a departmental decision or action affecting such business entity or knowingly participate in any such decision or action affecting his/her immediate family.

ii. No employee shall act as an attorney, agent, broker, representative or employee for, or receive compensation or anything of value from, any person, firm, or corporation transacting any business of any kind with the WDOC.

iii. Employees are prohibited from using their official position to secure privileges (financial or otherwise) for themselves or others.

3. **Personal Relationships.** WDOC strongly supports a work environment where employees maintain clear boundaries between employee personal and professional interactions and is most effective for ensuring the good order of the agency. Although this policy does not prevent the development of friendships or romantic relationships between co-workers, it does establish boundaries as to how relationships are conducted within the work environment.

i. Employees in supervisory or managerial roles, and those with authority over others are subject to more stringent requirements under this policy due to their status as role models, their access to sensitive information, and their ability to affect the terms and conditions of employment of individuals in subordinate positions.

a. Supervisors and managers are prohibited from dating or establishing romantic relationships with subordinates or anyone directly in their own chain of command and may be disciplined for such actions, up to and including dismissal.

ii. Employees are expected to conduct themselves in an appropriate workplace manner that does not interfere with others or with overall productivity. Employees are strictly prohibited from engaging in physical contact that would in any way be deemed inappropriate while at work.

a. If a personal relationship between employees becomes romantic, intimate or sexual in nature and impacts the workplace or causes a conflict of interest, then it is the responsibility and obligation of the employees involved to disclose the existence of the relationship to their supervisor and/or Human Resources.

iii. WDOC reserves the right to take prompt action if an actual or potential conflict of interest arises concerning individuals who engage in a personal relationship which may affect terms and conditions of employment. When a conflict or the potential for conflict arises because of a personal relationship between employees, even if there is no line of authority or reporting involved, WDOC will work with the parties involved to consider options for resolution.

iv. **Employee Marriage.** If two present employees of the department marry each other, they both may be allowed to continue employment in the WDOC with the approval of the Director and prior written notification to the A&I Human Resources Division Administrator, provided one does not supervise or have any authority over the other that could affect the terms or conditions of employment.

4. **Dual Employment.** An employee desiring to work for another employer shall provide his/her supervisor with a written request to do so. The supervisor shall communicate this request to the CEO and Director along with any recommendation regarding the request.

i. The Director, in consultation with the employee's supervisor and/or CEO may allow an employee to work for another employer so long as:

a. The employee performs satisfactorily;

b. There is no conflict of interest; and

c. The employee understands their job with the WDOC is the primary position.

ii. Only the Director or designee may grant permission for dual employment.

iii. No employee shall engage in outside employment or other activity which may reflect negatively on the WDOC.

iv. No employee shall engage in outside employment which is incompatible with the efficient and proper performance of WDOC duties or which tends to impair capacity to perform duties and responsibilities in an acceptable manner.

C. **Training.** To ensure familiarity with the code of ethics, this policy will be made available to all employees, and will be covered in on-boarding/orientation, pre-service and in-service training.

1. Upon review all employees shall be required to sign Form #119.1, *Affirmation of Code of Ethics*, to indicate that they have read and understood this policy. Signed affirmations will be maintained in the employee's personnel file.

D. **Reporting Code Violations.** It is the responsibility of every employee to promptly report to supervisors, other management personnel or administrators, investigations major, or human resources staff any violation of this policy. Such reporting shall be consistent with Policy and Procedure #1.014, *Investigations* and Policy and Procedure #1.013, *Incident Reporting*.

IV. TRAINING POINTS

A. What are the conditions for conflict of interest?

B. What should an employee do if they are formally charged or convicted of an offense?

C. Can an employee work two jobs?

D. What are some examples of professional and ethical conduct that employees are expected to adhere to?

E. True or False? Employees are expected to comply in a timely manner with the legal written or verbal orders or instruction of their supervisor or anyone who has the authority to issue instruction to them.