

ARKANSAS REGISTER

96 SEP 27 PM 3:08

Transmittal Sheet



SHARON PRIEST
SECRETARY OF STATE
STATE OF ARKANSAS

BY _____

Sharon Priest
Secretary of State
State Capitol Rm. 01
Little Rock, Arkansas 72201-1094

For Office Use Only:	Effective Date <u>10/7/96</u>	Code Number <u>004 00.96--003</u>
Name of Agency <u>Arkansas Department of Correction</u>		
Department <u>of Correction</u>		
Contact Person <u>Larry B. Norris, Director</u>	Phone <u>247-6344</u>	
Statutory Authority for Promulgating Rules <u>§ 12-27-105 and 16-93-1203 (Miche Suppl. 1993)</u>		

AR225 - Employee Conduct Standards

Date

Intended Effective Date

Legal Notice Published August 17-23, 1996

☐ Emergency

Final Date for Public Comment 8-12-96

☒ 10 Days After Filing

Filed With Legislative Council 8-26-96

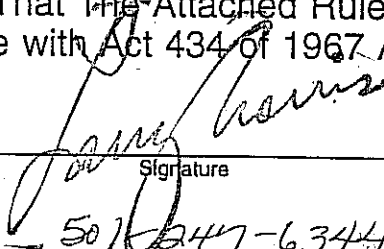
☒ Other

Reviewed by Legislative Council 9/12/96

The effective Date for this AR is 10/7/96 Adopted by State Agency 9/24/96

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1967 As Amended.


Signature
501-6344-6344
Phone Number

Director

Title

9/24/96

Date



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BOARD OF CORRECTION AND
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Reference:

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SUBJECT: Employee Conduct Standards

I. AUTHORITY:

The Board of Correction and Community Punishment (BCCP) is vested with the authority to promulgate this administrative regulation by Ark. Code Ann. ss 12-27-105 (Michie Supp. 1995).

II. PURPOSE:

The purpose of the ADC Employee Conduct Standards policy is to define Department Standards that each Unit/Division must adhere to. These policies are written so that any Unit/Division may adopt and implement with little or no change or adaptation required. Any changes and/or adaptations must have the Director's approval prior to implementation. Nothing herein is intended to imply that the standards are all inclusive. The standards are intended to identify "common" problems associated with employee conduct and through positive progressive actions to help the employee achieve success. After it has been determined that an employee has violated a standard or engaged in conduct warranting disciplinary action, the supervisor and manager shall follow the principle of progressive discipline, except in cases of offenses or extenuating circumstances under which management must react immediately - including discharge of the employee.

As described in this policy, all formal disciplinary action(s) are progressive in nature except when action(s) adversely affect security and the good order of departmental operations. In those situations, progressive disciplinary action(s) are unnecessary.

When applying progressive discipline, supervisors and managers should be consistent in all future decisions that are similar in nature. The Personnel Administrator may be contacted for consultation in applying disciplinary sanctions. A committee consisting of five members appointed by the Director may be utilized when applying disciplinary decisions. When necessary, the Personnel Administrator, who



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chairs the committee, and at least two other members shall confer.

III. APPLICABILITY:

To all employees of the Department of Correction.

IV. DEFINITIONS:

1. Conduct Standards: Rules of behavior by which employees must abide while on duty, while in uniform and/or on state property unless otherwise specified in this policy.
2. Personnel File: The document maintained by the Central Personnel Office which serves as the official copy of an employee's file.
3. Inmate: A person incarcerated within the Department of Correction, or one who has been released and is under release supervision by the Department.
4. Contraband: Any article not authorized nor issued to an employee for performance of duties nor authorized by unit/center standard operating procedure(s).

V. POLICY:

It is the policy of the Department of Correction to ensure that all conduct standards be administered in an objective and good-faith manner.

The ADC is an equal opportunity employer providing equal employment opportunities without regard to race, color, sex, religion, national origin, age, disability, or veteran status. This policy and practice relates to all phases of employment including, but not limited to recruiting, hiring, placement, promotion, transfer, layoff, recall, termination, rates of pay or other forms of compensation, training, use of



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all facilities and participation in all department-sponsored employee activities and programs.

A. SCOPE

Each employee shall be made fully aware of this policy upon employment. The Central Personnel Office will issue Employee Handbooks and AR 225: Employee Conduct Standards to all personnel (Form 225-1).

B. Responsibilities

1. Employee

- a. To be familiar with conduct standards.
- b. To clearly understand conduct standards.
- c. To strictly adhere to conduct standards.
- d. To participate, with good faith effort, in administrative investigations of standards violation.
- e. To carry out activities as defined in any penalty which may be assessed for violation of conduct standards.

2. Management

- a. To effectively provide notices to the employees of changes/revisions in the conduct policy through the appropriate chain of command. Revisions to this policy shall be made available to employees through their supervisor.
- b. To monitor employee conduct to determine compliance with conduct standards.



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- c. To establish and maintain a work environment to help assure employees can meet the conduct standards.
- d. To determine, based on guidelines and the individual employee's prior conduct and discipline record, the penalty to be assessed upon violations of standards.
- e. To administer all conduct standards and penalties in an objective and good-faith manner.

VI. PROCEDURES:

The principle of progressive discipline requires warnings of progressive penalties and assistance to be given in improving unacceptable behavior. Progressive discipline actions may include verbal warnings, written warnings, suspension, discharge, and other actions as specified in this policy.

To the extent that is reasonable and within the scope of requirements of this policy, employees shall be given opportunity to alter negative behavior through the use of constructive corrective action.

A. Penalties

Penalties for violation of standards shall be administered by supervisors, managers, and administrators in a neutral, consistent, and non-discriminatory manner. Management is expected to use good judgement in determining the seriousness of violations and the disciplinary penalties. Supervisors must be able to justify by documented facts in each case that there has been a violation and that the penalty is appropriate. All mitigating circumstances must be considered before taking final action.



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1. Oral Warning: A verbal notice is to inform the employee that he or she has violated a conduct standard and that a more severe disciplinary action will be taken if an equal or more substantial violation occurs within a six month period from the date of the violation. The six month period will be considered an automatic probationary period.

A copy of the documentation of the oral warning will be placed in the supervisor's employee file.

2. Written Warning: The written notification must inform the employee that his or her violation of a standard has been documented and that a more severe disciplinary action will be taken if an equal or more substantial violation occurs within twelve months from the date of the violation. The twelve month period will be considered an automatic probationary period. A copy of the written warning will be placed in the employee's personnel file.
3. Suspension: A strong action to be used for major violations of standards, repeated violations of standards or when management determines that the charge and/or the job atmosphere or circumstances warrants the immediate removal of the employee for a specified period of time. A more severe disciplinary action will be taken if an equal or more substantial violation occurs within 18 months of the date of violation. The 18 month period will be considered an automatic probationary period.

Dates of suspension are to be scheduled as soon as possible following the imposition of the penalty. Suspension shall be without pay for a minimum of one working day but not to exceed a maximum of thirty working days. The suspensions shall be deducted in increments of days. The number of days will be determined by the seriousness of the



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violation. Within a twelve month period from the date of the first suspension, an employee may not be suspended more than twice or an accumulation of more than thirty working days. Further violations will result in discharge. The decision to suspend must be approved by the Unit/Division Administrator or the next level of management below the Director, if the Director chooses to delegate the authority.

4. Discharge: An action to be imposed against an employee where the nature of the violation affects the security and good order of departmental operations or the accumulation of violations has exhausted available disciplinary sanctions up to discharge.

A recommendation to discharge an employee may be made by the immediate supervisor after a thorough and documented administrative review of the situation, but the final decision to discharge must be approved by the appropriate Unit/Division Administrator or the next level of management below the Director, if the Director chooses to delegate the authority to that level of management. Any discharge must comply with the provisions of the Uniform Grievance Procedure and the Employee Handbook.

5. Cumulative Violations: Three violations that are active at the same time and call for the same penalty will automatically raise the penalty to the next level.

B. Appeal Process

Any employee against whom disciplinary and/or termination action has been taken may appeal such action as appropriate through the Grievance/Appeal Procedure. Employees within their initial one year probationary



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period have no appeal rights except in cases of alleged discrimination.

C. Documentation

Management will be responsible for documenting each disciplinary action taken. Appropriate documentation of standard violation(s) will be made the day the violation is verified and disciplinary action taken. Documentation will be specific and detailed in clear factual statements. Documentation in the records must include:

1. Cause for disciplinary action including nature of offense and the standard (rule) which has been violated.
2. Disciplinary action taken.
3. Assistance and/or advice given to employee to eliminate the need for more drastic future action.
4. Standards expected in the future. Specify date by which expectations are to be met.
5. Consequences if standards are not followed.
6. A signed acknowledgement by both the supervisor and employee (Form 225-2).
 - a. If the employee refuses to sign the acknowledgement, a third party shall witness the refusal.
 - b. With the exception of oral warnings, a copy of the documentation shall be placed in the employee's personnel file.

Documentation of an oral warning shall be signed and dated by the supervisor and employee and placed



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in the supervisor's employee file (notation should be made in the event an employee refuses to sign). At the request of the employee, documentation of an oral warning may be removed from the supervisor's employee file at the end of six months if no other infraction has occurred for the same conduct.

Documentation of written warning shall be signed and dated by the employee and the supervisor. A copy of the documentation will be placed in the employee's personnel file. If the employee refuses to sign the written warning a statement regarding the employee's refusal must be signed by the supervisor and added to the documentation.

Documentation of suspension must be signed and dated by the employee, supervisor and the appropriate Unit/Division Administrator or the next level of management below the Director if the Director has delegated the authority to suspend to that level of management. A copy of the documentation will be placed in the employee's personnel file.

After the below listed time periods, documented information regarding disciplinary action shall not be used as a consideration for further progressive disciplinary actions or other personnel actions. These time periods are considered to be an automatic probationary period.

Verbal Warnings - Six months from the date of disciplinary action;

Written Warnings - 12 months from the date of disciplinary action;

Suspensions - 18 months from the date of disciplinary action.



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Employees shall not be eligible for promotions for a six month period after receiving an oral warning, a 12 month period after receiving a written warning, nor an 18 month period after receiving a suspension. Any exception must be approved by the Director.

D. Conduct Standards and Penalties for Non-Compliance

Each employee of the Department of Correction shall be provided a copy of AR 225: Employee Conduct Standards. New employees will be given a copy of this policy at the time of employment or their first day on the job. Policy dissemination will be documented by the employee signing an acknowledgement of receipt of the policy. The receipt will be placed in the employee's personnel file. The employee is responsible for reviewing and becoming familiar with the conduct policy. If further explanation of the policy is needed, upon request of the employee, the immediate supervisor shall provide clarification.

Accordingly, all employees of the Department shall be expected to abide by the following standards which are established as guidelines to give a measure of consistency in the administering of discipline within the Department and any other conduct standards which may be subsequently adopted by the Department.

NOTE: Disciplinary rules pertaining to abuse/neglect of inmates and failure to report same will be as specified within administrative regulation(s) pertaining to treatment of inmates. In the absence of specific administrative regulation(s), this policy will apply.



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ORAL WRITTEN SUSPENSION DISCHARGE

1. Employees are expected to go about their work quietly, remain at their assigned duty station and/or work site during working hours, restrict personal phone calls to a minimum and strive for high quality productivity.

a. Loitering, visiting, excessive personal use of telephone. X X X X

b. Disruptive horseplay and/or practical jokes. X X X

c. Unauthorized leaving or not reporting to one's duty station and/or work site.

1. Leaving duty station or work site.

a. Non-security staff X X X

b. Security to include non-security staff who are responsible for the supervision of inmates. X X

c. Armed post X

2. Not reporting as scheduled to duty station/work site or giving proper notification within three working days. X

2. The Federal Wage Garnishment Law prohibits an employer from



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discharging any employee because his/her earnings have been subject to garnishment for any one indebtedness. The term "one indebtedness" refers to a single debt, regardless of the number of levies made or the number of proceedings brought for its collection.

a. Garnishment of wages - each step of progression is for a different indebtedness. X X X X

3. Authorization by administrator/manager is mandatory for an employee to solicit or sell goods to other employees. (Unauthorized solicitation or selling goods to inmates is prohibited.)

a. Unauthorized selling to and/or solicitation of employees during work time. X X X X

b. Unauthorized solicitation of and/or selling goods to inmates. X

4. Posting of notices on bulletin boards will be confined to job duties, or if not job-related, authorized by Central Personnel, or Unit Administrator/Personnel Officer.



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ORAL WRITTEN SUSPENSION DISCHARGE

- a. Posting personal items, or altering or removing business notices without authorization. X X X X
5. Employees are expected to perform at a level commensurate with the job specifications, performance standards, and other duties as assigned.
- a. Unsatisfactory work performance. X X X or X
- b. Inability to perform assigned duties. X X X or X (or Reassignment which may include reduction in pay and/or grade)
- c. Gross Malfeasance - deleted
- d. Gross Negligence - deleted
6. Employees are expected to report immediately to their supervisor when unable to be at duty station. Time away from duty station must have prior approval. Working hours and lunch periods will be strictly observed. Each action will be considered an independent violation.
- a. Unauthorized absence. X X X
- b. Verified misuse of sick leave. X X X
- c. Failure to adhere to work hours. X X X X



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- d. Abandonment of job. X
7. Employees will maintain a courteous and respectful attitude in dealing with co-workers, subordinates, supervisors, inmates, and members of the public.
- a. Discourteous treatment to others. X X X
- b. Actions abusive to any person which in any way take advantage (actual or attempted) for any personal gain. X X X
- c. Retaliation against employees or inmates who have filed lawsuits or grievances. X X X
8. Employees will refrain from any racial and/or sexual discrimination or harassment toward employees, inmates, or public.
- a. Discrimination or willful harassment. X
- b. Non-willful action resulting in the effect of discrimination or harassment. X X
9. Employees are expected to remain alert at all times during business hours.



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- a. Sleeping while on duty. X
(Sleeping while on duty may be substantiated by firsthand witness testimony or circumstantial evidence which shows that employee's actions were so significantly failing to meet the standards of being alert, that there can be found no substantive difference between the alleged behavior in question and the behavior of one who would be found asleep under the same circumstances.)
- b. Inattentiveness while on duty. X X X
10. Employees shall exercise reasonable and responsible care of Department equipment, materials, property and facilities. Possession of Department equipment must have proper approval from their supervisor.
- a. Unauthorized possession, misuse or abuse of equipment, materials, property or facilities. X X X
11. Employees are to be familiar with and adhere to common-sense health and safety rules. Any on-the-job injury will be reported immediately. Likewise, employees are responsible for reporting inmate injuries according to established policies.
- a. Failure or delay in reporting injury of employees or injury X X X



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or illness of inmates.

- b. Practical jokes/horseplay that result or could result in harm and/or injury to employee or inmate.

X X X

12. Employees are expected to perform work assignments within the scope of the job descriptions and follow all reasonable instructions issued by supervisors. Refusal to perform or carry out such duties, responsibilities or instructions will be construed as insubordination.

- a. Failure to perform or carry out work related instructions, when such instructions are reasonable and within the employee's ability to perform and would not pose a safety or welfare hazard to the employee.

X X X

- b. Refusal to respond to supervision by lack of cooperation with, and/or being argumentative to supervisor(s).

X X X

13. Employees are required to give a clear, complete and accurate picture in completing applications, work records, written statements/verbal information, inmate records, investigations, and claims for reimbursement.



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- a. Falsification of work records, employment applications, other forms or applications. X
- b. Falsification of written/verbal statements/information. X
- c. Falsification of inmate information and/or files. X
- d. Fraudulent claims for reimbursement or benefit. X
- 14. The property of others will be respected by all employees. All funds are to be properly handled as required by Department accounting system.
 - a. Theft and/or mishandling of Department funds. X
 - b. Theft of property. X
- 15. Employees will be familiar with rules and regulations regarding confidential information in Department records. Information in these records will be used only to conduct Department business.
 - a. Unauthorized release of confidential/sensitive information/reports. X
 - b. Disclosure of confidential X



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information, records/files of
Department, inmates and/or
personnel.

16. The personal conduct of an employee shall be such as to pose no threat to himself/herself and/or others or interfere in any way with the operation of the Unit/Division.

- | | | | |
|---|---|--|---|
| a. Bribery | | | X |
| b. Gambling | X | X | X |
| c. Abuse of other employee(s),
other employee(s), inmates
and/or member(s) of the public. | | | |
| 1. Verbal abuse | X | X | X |
| 2. Unnecessary use of force | X | X | X |
| 3. Physical abuse | | | X |
| d. Unauthorized possession of
firearms and/or other weapons
deemed to be lethal. | | X | X |
| e. Reporting for work under the
influence of illegal drugs or
alcohol and/or possession or
use of illegal drugs or
alcohol during working hours
or while in uniform. | | X* | X |
| | | *Referral for assis-
tance/treatment to
be made if requested
by the employee. | |
| f. A positive result in a specimen
provided by the employee used to | | X* | X |



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identify illegal drug usage.

*Requires enrollment in
Employee Assistance Program.

g. Refusal or failure to provide
urine sample pursuant to
departmental policy(ies)

X X

h. Conviction or admission of
guilt after an arrest criminal
offense.

(1) Felony

X

(2) Class A misdemeanor*

X X X

*Progression of dis-
cipline will depend
upon the adverse
impact on the
Department, inmates
and/or other employ-
ees.

i. Failure to report incidents of
arrests in accordance with the
administrative directive regarding
employee arrests.

X X X

17. The conduct of the employee shall
be such that duties and behavior
will be conducted in conformance
with policies and regulations
related to:

a. Simultaneous violation of more

X X X



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than one rule.

- | | | | | |
|---|---|--|---|----|
| b. Failure to carry out duties | | X | X | X |
| c. Careless or unsafe handling of firearms or other equipment. | | X | X | X* |
| | | *(If injury or death or threat of injury or death occurred.) | | |
| d. Sexual misconduct (during working hours). | | X | X | X |
| e. Failure to submit to polygraph as prescribed by existing policies. | | X | X | X |
| f. Trafficking and/or unauthorized trading with inmates. | | X | X | X |
| g. Violation of established uniform dress codes. | X | X | X | X |
| h. Possession of contraband. | X | X | X | X |
| i. Conduct unbecoming a public employee while on duty, while in uniform, or while acting as a representative of the agency. | X | X | X | X |
| j. Willful violations of regulations, directives or policy statements. | X | X | X | X |
| k. Willful destruction of evidence. | | | | X |
| l. Violation of published regulations/policies/procedures governing employee relationships | | X | X | X |



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with inmates, parolees, and
persons on release supervision.

- m. Employees may not personally
accept and/or receive any gifts,
compensation, donations, etc.,
for their services rendered or
on behalf of employees under their
supervision or inmates under
direction other than those legally
provided by the state. Any
attempted action of this sort shall
be reported to the supervisor
immediately.

X

X

VI. A.C.A. REFERENCES:

3-4067

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960826

DIRECTOR



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Larry Harris

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960826

EMPLOYEE ACKNOWLEDGEMENT OF RECEIPT
OF THE ARKANSAS DEPARTMENT OF CORRECTION
ADMINISTRATIVE REGULATION 225
EMPLOYEE CONDUCT STANDARDS

I HAVE RECEIVED A COPY OF THE ARKANSAS DEPARTMENT OF CORRECTION ADMINISTRATIVE REGULATION 225, EMPLOYEE CONDUCT STANDARDS, AND UNDERSTAND THAT IT IS MY RESPONSIBILITY TO READ AND BECOME FAMILIAR WITH ALL STANDARDS CONTAINED HEREIN.

I FURTHER UNDERSTAND THAT I AM EXPECTED TO ABIDE BY THESE STANDARDS WHILE EMPLOYED BY THE ARKANSAS DEPARTMENT OF CORRECTION AND IF I HAVE QUESTIONS REGARDING THIS INFORMATION, IT IS MY RESPONSIBILITY TO CONTACT MY IMMEDIATE SUPERVISOR FOR ASSISTANCE AND/OR EXPLANATION.

SHOULD MY EMPLOYMENT WITH THE ARKANSAS DEPARTMENT OF CORRECTION BE TERMINATED FOR ANY REASON, I UNDERSTAND THAT THIS DOCUMENT MUST BE TURNED IN TO MY IMMEDIATE SUPERVISOR.

EMPLOYEE SIGNATURE

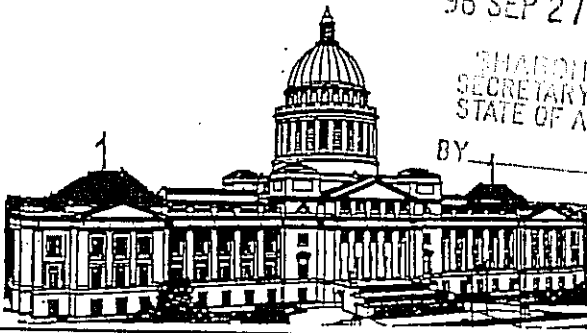
DATE

EMPLOYEE NAME (PRINTED)

ROUTING: ORIGINAL TO CENTRAL PERSONNEL OFFICE
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ARKANSAS REGISTER

Transmittal Sheet



96 SEP 27 PM 3:08

SHARON PRIEST
SECRETARY OF STATE
STATE OF ARKANSAS

BY

Sharon Priest
Secretary of State
State Capitol Rm. 01
Little Rock, Arkansas 72201-1094

For Office Use Only: Effective Date 10/7/96 Code Number 004.00:96--003

Name of Agency Arkansas Department of Correction

Department of Correction

Contact Person Larry B. Norris, Director Phone 247-6344

Statutory Authority for Promulgating Rules § 12-27-105 and 16-93-1203 (Miche Suppl. 1993)

AR225 - Employee Conduct Standards

	Date
Intended Effective Date	Legal Notice Published August 17-23, 1996
<input type="checkbox"/> Emergency	Final Date for Public Comment 8-12-96
<input checked="" type="checkbox"/> 10 Days After Filing	Filed With Legislative Council 8-26-96
<input checked="" type="checkbox"/> Other	Reviewed by Legislative Council 9/2/96
The effective Date for this AR is 10/7/96 Adopted by State Agency 9/24/96	

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1967 As Amended.

[Signature]
Signature

501-6344-6344
Phone Number

Director
Title

9/24/96
Date

**ADMINISTRATIVE REGULATIONS****STATE OF ARKANSAS
BOARD OF CORRECTION AND
COMMUNITY PUNISHMENT**

Section Number:

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SUBJECT: Employee Conduct Standards**I. AUTHORITY:**

The Board of Correction and Community Punishment (BCCP) is vested with the authority to promulgate this administrative regulation by Ark. Code Ann. ss 12-27-105 (Michie Supp. 1995).

II. PURPOSE:

The purpose of the ADC Employee Conduct Standards policy is to define Department Standards that each Unit/Division must adhere to. These policies are written so that any Unit/Division may adopt and implement with little or no change or adaptation required. Any changes and/or adaptations must have the Director's approval prior to implementation. Nothing herein is intended to imply that the standards are all inclusive. The standards are intended to identify "common" problems associated with employee conduct and through positive progressive actions to help the employee achieve success. After it has been determined that an employee has violated a standard or engaged in conduct warranting disciplinary action, the supervisor and manager shall follow the principle of progressive discipline, except in cases of offenses or extenuating circumstances under which management must react immediately - including discharge of the employee.

As described in this policy, all formal disciplinary action(s) are progressive in nature except when action(s) adversely affect security and the good order of departmental operations. In those situations, progressive disciplinary action(s) are unnecessary.

When applying progressive discipline, supervisors and managers should be consistent in all future decisions that are similar in nature. The Personnel Administrator may be contacted for consultation in applying disciplinary sanctions. A committee consisting of five members appointed by the Director may be utilized when applying disciplinary decisions. When necessary, the Personnel Administrator, who



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chairs the committee, and at least two other members shall confer.

III. APPLICABILITY:

To all employees of the Department of Correction.

IV. DEFINITIONS:

1. Conduct Standards: Rules of behavior by which employees must abide while on duty, while in uniform and/or on state property unless otherwise specified in this policy.
2. Personnel File: The document maintained by the Central Personnel Office which serves as the official copy of an employee's file.
3. Inmate: A person incarcerated within the Department of Correction, or one who has been released and is under release supervision by the Department.
4. Contraband: Any article not authorized nor issued to an employee for performance of duties nor authorized by unit/center standard operating procedure(s).

V. POLICY:

It is the policy of the Department of Correction to ensure that all conduct standards be administered in an objective and good-faith manner.

The ADC is an equal opportunity employer providing equal employment opportunities without regard to race, color, sex, religion, national origin, age, disability, or veteran status. This policy and practice relates to all phases of employment including, but not limited to recruiting, hiring, placement, promotion, transfer, layoff, recall, termination, rates of pay or other forms of compensation, training, use of



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all facilities and participation in all department-sponsored employee activities and programs.

A. SCOPE

Each employee shall be made fully aware of this policy upon employment. The Central Personnel Office will issue Employee Handbooks and AR 225: Employee Conduct Standards to all personnel (Form 225-1).

B. Responsibilities

1. Employee

- a. To be familiar with conduct standards.
- b. To clearly understand conduct standards.
- c. To strictly adhere to conduct standards.
- d. To participate, with good faith effort, in administrative investigations of standards violation.
- e. To carry out activities as defined in any penalty which may be assessed for violation of conduct standards.

2. Management

- a. To effectively provide notices to the employees of changes/revisions in the conduct policy through the appropriate chain of command. Revisions to this policy shall be made available to employees through their supervisor.
- b. To monitor employee conduct to determine compliance with conduct standards.



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- c. To establish and maintain a work environment to help assure employees can meet the conduct standards.
- d. To determine, based on guidelines and the individual employee's prior conduct and discipline record, the penalty to be assessed upon violations of standards.
- e. To administer all conduct standards and penalties in an objective and good-faith manner.

VI. PROCEDURES:

The principle of progressive discipline requires warnings of progressive penalties and assistance to be given in improving unacceptable behavior. Progressive discipline actions may include verbal warnings, written warnings, suspension, discharge, and other actions as specified in this policy.

To the extent that is reasonable and within the scope of requirements of this policy, employees shall be given opportunity to alter negative behavior through the use of constructive corrective action.

A. Penalties

Penalties for violation of standards shall be administered by supervisors, managers, and administrators in a neutral, consistent, and non-discriminatory manner. Management is expected to use good judgement in determining the seriousness of violations and the disciplinary penalties. Supervisors must be able to justify by documented facts in each case that there has been a violation and that the penalty is appropriate. All mitigating circumstances must be considered before taking final action.



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1. Oral Warning: A verbal notice is to inform the employee that he or she has violated a conduct standard and that a more severe disciplinary action will be taken if an equal or more substantial violation occurs within a six month period from the date of the violation. The six month period will be considered an automatic probationary period.

A copy of the documentation of the oral warning will be placed in the supervisor's employee file.

2. Written Warning: The written notification must inform the employee that his or her violation of a standard has been documented and that a more severe disciplinary action will be taken if an equal or more substantial violation occurs within twelve months from the date of the violation. The twelve month period will be considered an automatic probationary period. A copy of the written warning will be placed in the employee's personnel file.

3. Suspension: A strong action to be used for major violations of standards, repeated violations of standards or when management determines that the charge and/or the job atmosphere or circumstances warrants the immediate removal of the employee for a specified period of time. A more severe disciplinary action will be taken if an equal or more substantial violation occurs within 18 months of the date of violation. The 18 month period will be considered an automatic probationary period.

Dates of suspension are to be scheduled as soon as possible following the imposition of the penalty. Suspension shall be without pay for a minimum of one working day but not to exceed a maximum of thirty working days. The suspensions shall be deducted in increments of days. The number of days will be determined by the seriousness of the



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violation. Within a twelve month period from the date of the first suspension, an employee may not be suspended more than twice or an accumulation of more than thirty working days. Further violations will result in discharge. The decision to suspend must be approved by the Unit/Division Administrator or the next level of management below the Director, if the Director chooses to delegate the authority.

4. Discharge: An action to be imposed against an employee where the nature of the violation affects the security and good order of departmental operations or the accumulation of violations has exhausted available disciplinary sanctions up to discharge.

A recommendation to discharge an employee may be made by the immediate supervisor after a thorough and documented administrative review of the situation, but the final decision to discharge must be approved by the appropriate Unit/Division Administrator or the next level of management below the Director, if the Director chooses to delegate the authority to that level of management. Any discharge must comply with the provisions of the Uniform Grievance Procedure and the Employee Handbook.

5. Cumulative Violations: Three violations that are active at the same time and call for the same penalty will automatically raise the penalty to the next level.

B. Appeal Process

Any employee against whom disciplinary and/or termination action has been taken may appeal such action as appropriate through the Grievance/Appeal Procedure. Employees within their initial one year probationary



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period have no appeal rights except in cases of alleged discrimination.

C. Documentation

Management will be responsible for documenting each disciplinary action taken. Appropriate documentation of standard violation(s) will be made the day the violation is verified and disciplinary action taken. Documentation will be specific and detailed in clear factual statements. Documentation in the records must include:

1. Cause for disciplinary action including nature of offense and the standard (rule) which has been violated.
2. Disciplinary action taken.
3. Assistance and/or advice given to employee to eliminate the need for more drastic future action.
4. Standards expected in the future. Specify date by which expectations are to be met.
5. Consequences if standards are not followed.
6. A signed acknowledgement by both the supervisor and employee (Form 225-2).
 - a. If the employee refuses to sign the acknowledgement, a third party shall witness the refusal.
 - b. With the exception of oral warnings, a copy of the documentation shall be placed in the employee's personnel file.

Documentation of an oral warning shall be signed and dated by the supervisor and employee and placed



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in the supervisor's employee file (notation should be made in the event an employee refuses to sign). At the request of the employee, documentation of an oral warning may be removed from the supervisor's employee file at the end of six months if no other infraction has occurred for the same conduct.

Documentation of written warning shall be signed and dated by the employee and the supervisor. A copy of the documentation will be placed in the employee's personnel file. If the employee refuses to sign the written warning a statement regarding the employee's refusal must be signed by the supervisor and added to the documentation.

Documentation of suspension must be signed and dated by the employee, supervisor and the appropriate Unit/Division Administrator or the next level of management below the Director if the Director has delegated the authority to suspend to that level of management. A copy of the documentation will be placed in the employee's personnel file.

After the below listed time periods, documented information regarding disciplinary action shall not be used as a consideration for further progressive disciplinary actions or other personnel actions. These time periods are considered to be an automatic probationary period.

Verbal Warnings - Six months from the date of disciplinary action;

Written Warnings - 12 months from the date of disciplinary action;

Suspensions - 18 months from the date of disciplinary action.



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Employees shall not be eligible for promotions for a six month period after receiving an oral warning, a 12 month period after receiving a written warning, nor an 18 month period after receiving a suspension. Any exception must be approved by the Director.

D. Conduct Standards and Penalties for Non-Compliance

Each employee of the Department of Correction shall be provided a copy of AR 225: Employee Conduct Standards. New employees will be given a copy of this policy at the time of employment or their first day on the job. Policy dissemination will be documented by the employee signing an acknowledgement of receipt of the policy. The receipt will be placed in the employee's personnel file. The employee is responsible for reviewing and becoming familiar with the conduct policy. If further explanation of the policy is needed, upon request of the employee, the immediate supervisor shall provide clarification.

Accordingly, all employees of the Department shall be expected to abide by the following standards which are established as guidelines to give a measure of consistency in the administering of discipline within the Department and any other conduct standards which may be subsequently adopted by the Department.

NOTE:

Disciplinary rules pertaining to abuse/neglect of inmates and failure to report same will be as specified within administrative regulation(s) pertaining to treatment of inmates. In the absence of specific administrative regulation(s), this policy will apply.



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ORAL WRITTEN SUSPENSION DISCHARGE

1. Employees are expected to go about their work quietly, remain at their assigned duty station and/or work site during working hours, restrict personal phone calls to a minimum and strive for high quality productivity.

- | | | | | |
|--|---|---|---|---|
| a. Loitering, visiting, excessive personal use of telephone. | X | X | X | X |
| b. Disruptive horseplay and/or practical jokes. | | X | X | X |

- c. Unauthorized leaving or not reporting to one's duty station and/or work site.

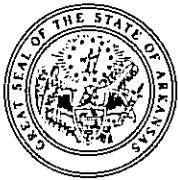
1. Leaving duty station or work site.

- | | | | |
|---|---|---|---|
| a. Non-security staff | X | X | X |
| b. Security to include non-security staff who are responsible for the supervision of inmates. | | X | X |

- c. Armed post

2. Not reporting as scheduled to duty station/work site or giving proper notification within three working days.

2. The Federal Wage Garnishment Law prohibits an employer from



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discharging any employee because his/her earnings have been subject to garnishment for any one indebtedness. The term "one indebtedness" refers to a single debt, regardless of the number of levies made or the number of proceedings brought for its collection.

a. Garnishment of wages - each step of progression is for a different indebtedness. X X X X

3. Authorization by administrator/manager is mandatory for an employee to solicit or sell goods to other employees. (Unauthorized solicitation or selling goods to inmates is prohibited.)

a. Unauthorized selling to and/or solicitation of employees during work time. X X X X

b. Unauthorized solicitation of and/or selling goods to inmates. X

4. Posting of notices on bulletin boards will be confined to job duties, or if not job-related, authorized by Central Personnel, or Unit Administrator/Personnel Officer.



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- a. Posting personal items, or altering or removing business notices without authorization. X X X X
5. Employees are expected to perform at a level commensurate with the job specifications, performance standards, and other duties as assigned.
- a. Unsatisfactory work performance. X X X or X
- b. Inability to perform assigned duties. X X X or X (or Reassignment which may include reduction in pay and/or grade)
- c. Gross Malfeasance - deleted
- d. Gross Negligence - deleted
6. Employees are expected to report immediately to their supervisor when unable to be at duty station. Time away from duty station must have prior approval. Working hours and lunch periods will be strictly observed. Each action will be considered an independent violation.
- a. Unauthorized absence. X X X
- b. Verified misuse of sick leave. X X X
- c. Failure to adhere to work hours. X X X X



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- d. Abandonment of job. X
7. Employees will maintain a courteous and respectful attitude in dealing with co-workers, subordinates, supervisors, inmates, and members of the public.
- | | | | |
|---|---|---|---|
| a. Discourteous treatment to others. | X | X | X |
| b. Actions abusive to any person which in any way take advantage (actual or attempted) for any personal gain. | X | X | X |
| c. Retaliation against employees or inmates who have filed lawsuits or grievances. | X | X | X |
8. Employees will refrain from any racial and/or sexual discrimination or harassment toward employees, inmates, or public.
- | | | | |
|--|---|--|---|
| a. Discrimination or willful harassment. | | | X |
| b. Non-willful action resulting in the effect of discrimination or harassment. | X | | X |
9. Employees are expected to remain alert at all times during business hours.



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a. Sleeping while on duty.
(Sleeping while on duty may be substantiated by firsthand witness testimony or circumstantial evidence which shows that employee's actions were so significantly failing to meet the standards of being alert, that there can be found no substantive difference between the alleged behavior in question and the behavior of one who would be found asleep under the same circumstances.)

X

b. Inattentiveness while on duty.

X

X

X

10. Employees shall exercise reasonable and responsible care of Department equipment, materials, property and facilities. Possession of Department equipment must have proper approval from their supervisor.

a. Unauthorized possession, misuse or abuse of equipment, materials, property or facilities.

X

X

X

11. Employees are to be familiar with and adhere to common-sense health and safety rules. Any on-the-job injury will be reported immediately. Likewise, employees are responsible for reporting inmate injuries according to established policies.

a. Failure or delay in reporting injury of employees or injury

X

X

X



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or illness of inmates.

- b. Practical jokes/horseplay that result or could result in harm and/or injury to employee or inmate.

X X X

12. Employees are expected to perform work assignments within the scope of the job descriptions and follow all reasonable instructions issued by supervisors. Refusal to perform or carry out such duties, responsibilities or instructions will be construed as insubordination.

- a. Failure to perform or carry out work related instructions, when such instructions are reasonable and within the employee's ability to perform and would not pose a safety or welfare hazard to the employee.

X X X

- b. Refusal to respond to supervision by lack of cooperation with, and/or being argumentative to supervisor(s).

X X X

13. Employees are required to give a clear, complete and accurate picture in completing applications, work records, written statements/verbal information, inmate records, investigations, and claims for reimbursement.



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- a. Falsification of work records, employment applications, other forms or applications. X
 - b. Falsification of written/verbal statements/information. X
 - c. Falsification of inmate information and/or files. X
 - d. Fraudulent claims for reimbursement or benefit. X
14. The property of others will be respected by all employees. All funds are to be properly handled as required by Department accounting system.
- a. Theft and/or mishandling of Department funds. X
 - b. Theft of property. X
15. Employees will be familiar with rules and regulations regarding confidential information in Department records. Information in these records will be used only to conduct Department business.
- a. Unauthorized release of confidential/sensitive information/reports. X
 - b. Disclosure of confidential X



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information, records/files of
Department, inmates and/or
personnel.

16. The personal conduct of an employee shall be such as to pose no threat to himself/herself and/or others or interfere in any way with the operation of the Unit/Division.

- a. Bribery X
- b. Gambling X X X

- c. Abuse of other employee(s),
other employee(s), inmates
and/or member(s) of the public.

1. Verbal abuse X X X

2. Unnecessary use of force X X X

3. Physical abuse X

- d. Unauthorized possession of
firearms and/or other weapons
deemed to be lethal. X X

- e. Reporting for work under the
influence of illegal drugs or
alcohol and/or possession or
use of illegal drugs or
alcohol during working hours
or while in uniform. X* X
*Referral for assis-
tance/treatment to
be made if requested
by the employee.

- f. A positive result in a specimen
provided by the employee used to X* X



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identify illegal drug usage.

*Requires enrollment in
Employee Assistance Program.

g. Refusal or failure to provide
urine sample pursuant to
departmental policy(ies)

X

X

h. Conviction or admission of
guilt after an arrest criminal
offense.

(1) Felony

X

(2) Class A misdemeanor*

X

X

X

*Progression of dis-
cipline will depend
upon the adverse
impact on the
Department, inmates
and/or other employ-
ees.

i. Failure to report incidents of
arrests in accordance with the
administrative directive regarding
employee arrests.

X

X

X

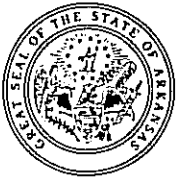
17. The conduct of the employee shall
be such that duties and behavior
will be conducted in conformance
with policies and regulations
related to:

a. Simultaneous violation of more

X

X

X



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than one rule.

b. Failure to carry out duties		X	X	X
c. Careless or unsafe handling of firearms or other equipment.		X	X	X*
*(If injury or death or threat of injury or death occurred.)				
d. Sexual misconduct (during working hours).		X	X	X
e. Failure to submit to polygraph as prescribed by existing policies.		X	X	X
f. Trafficking and/or unauthorized trading with inmates.		X	X	X
g. Violation of established uniform dress codes.	X	X	X	X
h. Possession of contraband.	X	X	X	X
i. Conduct unbecoming a public employee while on duty, while in uniform, or while acting as a representative of the agency.	X	X	X	X
j. Willful violations of regulations, directives or policy statements.	X	X	X	X
k. Willful destruction of evidence.				X
l. Violation of published regulations/policies/procedures governing employee relationships		X	X	X



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Dated:
7/30/93

Reference:

Effective Date:
10/7/96

SUBJECT:Employee Conduct Standards

ORAL WRITTEN SUSPENSION DISCHARGE

with inmates, parolees, and
persons on release supervision.

- m. Employees may not personally
accept and/or receive any gifts,
compensation, donations, etc.,
for their services rendered or
on behalf of employees under their
supervision or inmates under
direction other than those legally
provided by the state. Any
attempted action of this sort shall
be reported to the supervisor
immediately.

X

X

VI. A.C.A. REFERENCES:

3-4067

DATE

AR225
960826

DIRECTOR

EMPLOYEE ACKNOWLEDGEMENT OF RECEIPT
OF THE ARKANSAS DEPARTMENT OF CORRECTION
ADMINISTRATIVE REGULATION 225
EMPLOYEE CONDUCT STANDARDS

I HAVE RECEIVED A COPY OF THE ARKANSAS DEPARTMENT OF CORRECTION ADMINISTRATIVE REGULATION 225, EMPLOYEE CONDUCT STANDARDS, AND UNDERSTAND THAT IT IS MY RESPONSIBILITY TO READ AND BECOME FAMILIAR WITH ALL STANDARDS CONTAINED HEREIN.

I FURTHER UNDERSTAND THAT I AM EXPECTED TO ABIDE BY THESE STANDARDS WHILE EMPLOYED BY THE ARKANSAS DEPARTMENT OF CORRECTION AND IF I HAVE QUESTIONS REGARDING THIS INFORMATION, IT IS MY RESPONSIBILITY TO CONTACT MY IMMEDIATE SUPERVISOR FOR ASSISTANCE AND/OR EXPLANATION.

SHOULD MY EMPLOYMENT WITH THE ARKANSAS DEPARTMENT OF CORRECTION BE TERMINATED FOR ANY REASON, I UNDERSTAND THAT THIS DOCUMENT MUST BE TURNED IN TO MY IMMEDIATE SUPERVISOR.

EMPLOYEE SIGNATURE

DATE

EMPLOYEE NAME (PRINTED)

ROUTING: ORIGINAL TO CENTRAL PERSONNEL OFFICE
COPY RETAINED BY UNIT PERSONNEL AND TRAINING OFFICER



ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
BOARD OF CORRECTION AND
COMMUNITY PUNISHMENT

Section Number:

225

Page Number:

20 of 22

Board Approval Date:

9/24/96

Supersedes:

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DATE

9/24/96

DIRECTOR

Larry Davis

AR225
960826