

**CHAPTER: 500**

**Personnel/Human Resources**

**DEPARTMENT ORDER:**

**501 – Employee Professionalism, Ethics  
and Conduct**

**OFFICE OF PRIMARY  
RESPONSIBILITY:**

**HR**

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**Arizona  
Department  
of  
Corrections  
Rehabilitation  
and Reentry**



**Department Order Manual**

A handwritten signature in black ink, appearing to read "Ryan Thornell", is written over a horizontal line.

**Ryan Thornell, Director**

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## **EXPECTED PRACTICES**

American Correctional Association (ACA) Expected Practices: 5-ACI-1A-24 and 5-ACI-1C-22

## **PURPOSE**

This Department Order ensures that the optimum level of professionalism is maintained by Department employees and that qualified persons are recruited, selected and employed based upon bona fide occupational qualifications. The Department expects the highest ethical standards of honesty, integrity, impartiality and conduct of its employees in their interaction with inmates, offenders, former inmates/offenders, other employees and the general public. To merit the public's continued respect and confidence, employees shall observe all laws while at and away from work. {5-ACI-1C-22}

Department Order #527, Employment Discrimination and Harassment, as related to "Employee Professionalism, Ethics and Conduct" issues have been placed in a separate Department Order in order to emphasize their importance.

## **PROCEDURES**

### **1.0 GENERAL RESPONSIBILITIES**

#### 1.1 All employees shall:

- 1.1.1 Accept responsibility and delegated authority to efficiently and effectively perform their assigned duties in a courteous, considerate and prompt manner.
- 1.1.2 Ensure their personal conduct is in accordance with this Department Order at all times.
- 1.1.3 Immediately report misconduct to their chain of command.
- 1.1.4 Cooperate with Department's official investigations.
- 1.1.5 Ensure they maintain a professional demeanor at all times.
- 1.1.6 Abide by the Department's Code of Ethics, as described in section 2.0.

#### 1.2 Approving authorities shall:

- 1.2.1 Consider knowledge and application of laws, rules, policies and procedures in preparing an employee's annual performance review.
- 1.2.2 Ensure their subordinates are prepared for compliance with this Department Order, and allegations of employee misconduct at any level are thoroughly investigated and resolved.
- 1.2.3 Model professional demeanor and appropriate supervision at all times.
- 1.2.4 Make available training and professional development for subordinate staff.
- 1.2.5 Investigate allegations of misconduct and administer appropriate corrective discipline for sustained employee misconduct, in accordance with Department Order #601, Administrative Investigations and Employee Discipline.

- 1.2.6 Take prompt and appropriate administrative action and/or corrective disciplinary action regarding criminal charges filed against subordinate staff, and related allegations of misconduct.
- 1.2.7 When appropriate and through coordination with the Criminal Investigation Unit, seek the prosecution of employees for:
  - 1.2.7.1 Failing to discharge their custodial responsibility, provided the failure resulted in the escape of an inmate or the serious physical injury or death of another person or inmate, pursuant to Arizona Revised Statute (A.R.S.) §13-2513.
  - 1.2.7.2 Engaging in sexual contact and/or intercourse with inmates or offenders under Department supervision, pursuant to A.R.S. §13-1419 and the Prison Rape Elimination Act of 2003.
    - 1.2.7.2.1 Employees and offenders on release status are exempt from this restriction, provided employees were legally married to the offenders prior to sentencing.
  - 1.2.7.3 Other violations of law.

## 2.0 CODE OF ETHICS

- 2.1 The Arizona Department of Corrections, Rehabilitation and Reentry is committed to a code of ethics that will guide the performance, conduct and behavior of its employees. This code will ensure that our professionalism is reflected in the operation and activities of the Department and is recognized by all interested parties.
- 2.2 In this light, the following principles are practiced:
  - 2.2.1 I shall maintain high standards of honesty, integrity, and impartiality, free from any personal considerations favoritism, or partisan demands.
  - 2.2.2 I shall be honest, courteous, considerate, and prompt when dealing with the public, realizing that we serve the public.
  - 2.2.3 I shall maintain mutual respect and professional cooperation in my relationships with other staff members of the Department of Corrections, Rehabilitation and Reentry.
  - 2.2.4 I shall be professional, fair, and consistent in the performance of my duties. I shall treat others with dignity, respect, and compassion and provide humane custody and care, void of all retribution, harassment, or abuse.
  - 2.2.5 I shall uphold the tenets of the United States Constitution, its amendments, the Arizona Constitution, Federal and State laws, rules and regulations, and policies of the Department.
  - 2.2.6 Whether on or off duty, in uniform or not, I shall conduct myself in a manner that will reflect positively on the Department of Corrections, Rehabilitation and Reentry and the State of Arizona.
  - 2.2.7 I shall report without reservation any corrupt or unethical behavior which could affect either inmates, employees, or the integrity of the Department of Corrections, Rehabilitation and Reentry.

- 2.2.8 I shall not use my official position for personal gain.
- 2.2.9 I shall maintain confidentiality of information that has been entrusted to me and designated as such.
- 2.2.10 I shall not permit myself to be placed under any kind of personal obligation which could lead any person to expect official favors.
- 2.2.11 I shall not accept or solicit from anyone, either directly or indirectly, anything of economic value such as a gift, gratuity, favor, entertainment, or loan, which is or may appear to be, designed to influence my official conduct.
- 2.2.12 I will not discriminate against any inmate, employee, or any member of the public on the basis of race, gender, creed, national origin, or sexual orientation.
- 2.2.13 I will not sexually harass or condone sexual harassment with or against any person.
- 2.2.14 When utilizing social media, I shall share details as a private party using judgment on any postings so as to not interfere with my duties, bring discredit to the Department or myself, or erode public trust and expectations.
- 2.2.15 I shall not engage in any disrespectful act or other act that diminishes the authority of a supervisor or other employee designated as in charge in a specific situation, such as by obeying an order while professing displeasure to other persons.

**3.0 SOCIAL MEDIA** - While Department employees are allowed to express themselves via social media and share details as private parties, judgment must be exercised so as to not interfere with their duties, bring discredit to the Department or themselves, or erode public trust and expectations.

- 3.1 Department supplied information and technology equipment (e.g., computers, cell phones, etc.) shall not be used for accessing social media except for official purposes or for incidental use.
- 3.2 When using personal social media, employees may express themselves as private parties, but shall not post, publish, transmit, share, or disseminate:
  - 3.2.1 Any posting that creates the impression that the employee is speaking on behalf of the Department;
  - 3.2.2 Official agency information;
  - 3.2.3 Any comments or information that negatively impact or unduly disrupt the operations of the Department or that unduly criticize the official decisions or actions of the Department and cause actual harm to Department operations as a result;
  - 3.2.4 Information that is confidential or is otherwise restricted from disclosure by law or Department policy;
  - 3.2.5 Any posting that is harassing or includes any threat of actual violence; or
  - 3.2.6 Any posting that ridicules, disparages, or negatively expresses bias or disrespect towards any race, religion, sex, gender, marital or familial status, sexual orientation, nationality, age, disability, or any other legally protected classification.

3.3 This Department Order does not prohibit employees from:

3.3.1 Reposting information, photographs, videos, or other materials that have been previously published or are otherwise available in the public domain (i.e., available to the public as a whole); or

3.3.2 Posting general information about their job, such as place of work, position, awards, etc.

#### **4.0 STAFF RELATIONSHIPS WITH INMATES, OFFENDERS AND FORMER INMATES/OFFENDERS**

4.1 Staff are expected to demonstrate professional respect and rapport at all times.

4.2 Employees shall limit relationships with inmates and their families to officially authorized activities. Employees shall refrain from unprofessional or non-work related relationships with current or former inmates/offenders and their family members. Employees are required at all times to maintain a professional boundary with current or former inmates/offenders and deal with them in a courteous and professional manner.

4.3 Employees shall:

4.3.1 Avoid being placed in situations that may compromise their professional integrity; compromise security; or cause embarrassment to the Department or the State of Arizona.

4.3.2 Avoid undue familiarity.

4.3.3 Report in writing all family relationships with current or former inmates/offenders to their Warden or Bureau Administrator.

4.3.4 Immediately report, both verbally and in writing, to their immediate supervisor any request to engage in an unauthorized activity, including, but not limited to:

4.3.4.1 Bribery.

4.3.4.2 Attempted bribery.

4.3.4.3 Solicitation of bribery.

4.3.4.4 Any attempt to jeopardize accepted employee-inmate relationships and/or any unauthorized contact.

4.3.5 Take corrective action on all inmate rule violations and offender violations of Conditions of Supervision to ensure impartiality and fairness with all inmates and offenders.

4.3.6 Address an inmate professionally by their surname, for example "Smith" or "Jones."

4.4 Employees shall not:

4.4.1 Engage in intimate contact or other inappropriate behavior with a current or former inmate/offender.

4.4.2 Engage in sexual contact or sexual intercourse with an inmate or offender.

- 4.4.2.1 Employees and offenders on release status are exempt from section 4.3.2 and 4.3.3 above, provided the employee and offender were married prior to sentencing.
- 4.4.3 Engage in horseplay or wager with current or former inmates/offenders.
- 4.4.4 Enter any area, to which they are not assigned, except as is necessary in the performance of their assigned duties, or with the prior approval of the Warden, Deputy Warden, Bureau Administrator or Inspector General of the involved institution/location.
- 4.4.5 Take or send, except as required as part of their assigned duties, inmate or offender letters, writings, verbal or written message's, literature or reading matter or any other item without the written permission of the Warden, Deputy Warden or Bureau Administrator.
- 4.4.6 Have non-work related contact or communication without prior written Warden or Bureau Administrator approval.
- 4.4.7 Give inmates or offenders any food or beverage not part of their job responsibilities including food and beverages from inside or outside institutions without prior written Warden or Bureau Administrator approval.
- 4.4.8 Barter or deal with current or former inmates/offenders.
  - 4.4.8.1 Employees are prohibited from purchasing inmate arts and crafts in accordance with Department Order #906, Inmate Recreation/Arts and Crafts.
- 4.4.9 Lend, borrow, exchange, give, receive or deliver gifts, presents, cash or property to or from current or former inmates/offenders, or their family/friends without prior written Warden or Bureau Administrator approval.
- 4.4.10 Deal directly with, be involved in, or sponsor personal activities (e.g., taking inmates or offenders to a show, shopping or other activities) without official approval.
- 4.4.11 Discuss personal information and issues with current or former inmates/offenders or with other employees while in the presence of current or former inmates/offenders, mentors are exempt.
- 4.4.12 Submit verbal or written recommendations on the behalf of current or former inmates/offenders, unless as part of a Department process or program.
- 4.4.13 Be placed in situations where personal obligation and/or official favors are expected.
- 4.5 The Chief Learning Officer shall ensure comprehensive training is provided to employees regarding appropriate relations and supervisors will be responsible for ongoing support.

## 5.0 STAFF RELATIONSHIPS

- 5.1 Romantic or sexual relationships between supervisors and their subordinate employees is a violation of the standards of conduct of State employees.

- 5.2 If a romantic or sexual relationship between a supervisor and his or her subordinate employee does arise, the supervisor involved shall notify their immediate supervisor of the relationship. This includes the situation that arises upon the promotion of an employee to a supervisory position, including an acting position over a person with whom he or she is in a relationship.
  - 5.2.1 Upon receiving notification of a relationship, the supervisor will work with the appropriate chain of command to reassign the supervisor or staff, or recuse the supervisor from all matters affecting or appearing to affect the employee, once approved by the Warden or Bureau Administrator.
- 5.3 Managers in receipt of notification regarding romantic or sexual relationships of supervisors with subordinates shall not disclose the existence or details of the relationships to others in the workplace except on a need to know basis for the purpose of taking action consistent with this Department Order.
- 5.4 All employees, whether supervisors or not, who become romantically or sexually involved with another employee shall maintain a professional demeanor while on duty, in uniform, or on Arizona Department of Corrections, Rehabilitation and Reentry (ADCRR) property.
  - 5.4.1 It shall be the employee's responsibility to ensure that their relationship does not compromise their ability to carry out the duties and responsibilities of their respective positions.
  - 5.4.2 Employees in a romantic or sexual relationship shall not occupy a security position in the same unit.
  - 5.4.3 Management should assign employees to different work areas when possible.
    - 5.4.3.1 Employees shall notify their immediate supervisor if they are being temporarily posted or assigned to a unit where they are in a romantic or sexual relationship with another employee. Management should assign employees to different work areas when possible.

## **6.0 STAFF ARRESTS/NEGATIVE LAW ENFORCEMENT CONTACT**

- 6.1 Employees shall report immediately upon return to work/duty to their supervisor, a designee within their chain of command, or the institution Duty Officer, all contacts with law enforcement authorities that may cause negative attention to the Department or the State of Arizona by submitting an Information Report (IR), Form 105-2. This includes, but is not limited to:
  - 6.1.1 Arrests
  - 6.1.2 Citations for other than minor traffic violations
  - 6.1.3 Criminal summons
  - 6.1.4 Indictments
  - 6.1.5 Orders of Protection
  - 6.1.6 Orders Against Harassment



- 6.2 Employees shall submit monthly Information Reports to their supervisors when there has been no case activity or when there are status developments in their case or Order of Protection, including final disposition.
- 6.3 Upon being advised of staff arrests involving subordinates, supervisors shall:
  - 6.3.1 Immediately notify their chain of command, up to the appropriate Assistant Director, Inspector General or designee.
  - 6.3.2 Submit a Significant Information Report (SIR) detailing employees' actions and law enforcement contact, in accordance with Department Order #105, Information Reporting.
    - 6.3.2.1 Staff arrest SIRs shall serve as notifications to the Administrative Investigations Unit (AIU) to obtain police reports and initiate the administrative investigative process, in accordance with Department Order #601, Administrative Investigations and Employee Discipline.
- 6.4 Criminal activity involving employees as suspects or victims, but not involving Department operations, shall be immediately reported to local law enforcement agencies having jurisdiction. The location of alleged offenses, on or off state property, is not a factor in whether or not incidents are reported to local law enforcement.
  - 6.4.1 Criminal activity involving Department operations shall be reported to the Criminal Investigations Unit (CIU).
  - 6.4.2 CIU shall coordinate with the local law enforcement agency to ensure incidents are investigated pursuant to A.R.S. §41-1604, B.i.
  - 6.4.3 Questions of alleged offenses involving Department operations shall be resolved by the Inspector General and local law enforcement agencies.
  - 6.4.4 In all cases, coordination with local law enforcement agencies shall be through the Inspector General in accordance with this Department Order.
- 6.5 Employees shall direct their questions concerning corrective discipline in staff arrest/negative law enforcement contact situations to the Employee Relations Unit.

**7.0 SECONDARY EMPLOYMENT** – Secondary employment, outside official work hours, is permitted provided no conflict of interest exists between the employee's job responsibilities within the Department and the secondary employment.

- 7.1 Prior to accepting secondary employment, the employee shall submit a completed Notification of Secondary Employment Form, Form 501-5, to their immediate supervisor.
- 7.2 The notification shall be reviewed by the employee's immediate supervisor to determine if:
  - 7.2.1 There is a "conflict of interest," as outlined in the criteria listed in section 8.0.
  - 7.2.2 The secondary employment has an adverse impact on the Department.
    - 7.2.2.1 The secondary employment would impair the employee's capacity to perform the duties and responsibilities of the employee's job in an acceptable manner.

- 7.3 The supervisor shall recommend or not recommend the secondary employment and forward the completed Notification of Secondary Employment, through the chain of command to the appropriate Warden or Bureau Administrator for final approval.
- 7.4 The Warden or Bureau Administrator shall review the notification, decide if a conflict of interest does or does not exist, sign the notification and forward the decision to the employee's supervisor.
- 7.5 Upon receipt of the signed notification form from the Warden or Bureau Administrator, the employee's supervisor shall meet with and advise the employee whether a conflict does or does not exist.
  - 7.5.1 If a conflict exists, the employee shall decide where they want to work the primary employment with the Department or the secondary employment.
    - 7.5.1.1 The employee shall communicate his/her decision to the immediate supervisor within three workdays.
      - 7.5.1.1.1 If the employee refuses to choose between the two jobs, the Department shall take appropriate disciplinary action, in accordance with Department Order #601, Administrative Investigations and Employee Discipline guidelines.
- 7.6 If, at any time, the secondary employment adversely impacts on the Department or impairs the employee's capacity to perform the duties and responsibilities of the job, the supervisor shall advise the employee that he or she is required to resign from the secondary employment or from the Department within three workdays.
  - 7.6.1 If a decision is not made within the established time frame or the employee refuses to choose between the two jobs, the supervisor shall take appropriate disciplinary action up to and including dismissal.

**8.0 CONFLICT OF INTEREST** – It is the responsibility of all employees to learn the requirements of, and comply with general conflict of interest statutes, rules and policies; recognize conflict of interest situations and take the required action in each conflict of interest situation.

- 8.1 Conflict of interest is defined as any activity or conduct prohibited by Arizona Administrative Codes, A.R.S. and Department Orders, to include positions:
  - 8.1.1 Involving investigative responsibilities pertaining to the Department's activities, offender information or contractual agreements.
  - 8.1.2 Requiring the employee to do work that may be construed by the public to be an official act of a Department employee, without prior approval from the Director, Deputy Director or appropriate Assistant Director.
  - 8.1.3 Preventing or limiting an employee from being able to perform their duties, when such duties are conditions of employment with the Department.
  - 8.1.4 Placing an employee in direct control over an inmate or in positions where an employee is affiliated with an inmate family member.

8.1.5 In which the employee would have direct or indirect financial and/or ownership interest in any contract, sale, purchase or service involving the Department.

8.1.6 Which, directly or indirectly, provide compensation for services rendered on behalf of a contractor or agents/employees of a contractor doing business with the Department pursuant to A.R.S. §31-204, if the duties of the position require the incumbent to:

8.1.6.1 Participate in the preparation of a Request for Sealed Proposal or bid evaluation.

8.1.6.2 Negotiate or approve a contract.

8.1.6.3 Audit a contractor's performance.

8.1.6.4 Directly facilitate delivery of a contractor's services to the Department.

8.2 Related Party Transactions – The management of each State agency is charged with the responsibility of safeguarding public funds and using resources wisely. A major factor in the fulfillment of this responsibility is to ensure adequate internal controls exist. The monitoring of related party transactions can increase the awareness of and compliance with conflict of interest and related party transaction requirements.

8.2.1 Employees holding the positions below must read the applicable General Accounting Office's (GAO) Related Party Transactions Technical Bulletin and complete the Annual Declaration and Disclosure Form annually, whether or not there is a conflict of interest; and an Amended Form within 15 calendar days of any change in financial interest:

8.2.1.1 Director

8.2.1.2 Deputy Director

8.2.1.3 Chief of Staff

8.2.1.4 Assistant Directors

8.2.1.5 Purchasing Manager

8.2.2 The Technical Bulletin and Disclosure Form can be found on the General Accounting Office's website.

**9.0 ORGANIZATIONS** – Department employees may join and remain members of a Qualifying Employee Organization or an Other Employee Organization and be free from any form of harassment, intimidation, coercion, threats of force or reprisal by the Department and any Employee Organization. It is understood and agreed upon employees have the equal right to refrain from any or all Employee Organization affiliation, and to stay out of or resign from membership free from any form of harassment, intimidation, coercion, threats of force or reprisal.

9.1 Qualifying Employee Organization – Qualifying Employee Organization (QEO) is the employee organization meeting the criteria in A.R.S. §38-612 and Executive Order 2008-13 and therefore eligible to participate in meetings involving meet and confer.

- 9.1.1 Qualifying Employee Organization (QEO) recognition requirements – To receive recognition as a QEO, the organization shall:
  - 9.1.1.1 Represent at least 50 percent of all Department employees who participate in payroll deduction for Employee Organizations.
  - 9.1.1.2 Have Department employees as the majority of its executive board, elected representatives and members. The Employee Organization Representative shall be an employee of the Department, as defined in the Glossary of Terms.
  - 9.1.1.3 Enhance or promote, as expressed in its bylaws, any or all of the following:
    - 9.1.1.3.1 Public safety
    - 9.1.1.3.2 Employee safety
    - 9.1.1.3.3 Professional Development
    - 9.1.1.3.4 The development of the Corrections field
    - 9.1.1.3.5 Relationship building between the Department and other correctional agencies
  - 9.1.1.4 Provide a written request to the Director which includes the QEO's:
    - 9.1.1.4.1 Name and address.
    - 9.1.1.4.2 Charter, constitution and by-laws, if available.  
  
Elected officer's information including names, titles, addresses and telephone numbers.
    - 9.1.1.4.3 Statement that membership is open to all eligible Department employees and does not deny anyone based on race, color, sex (including pregnancy, sexual orientation and gender identity), religion, national origin, age, disability status, military obligation, veteran status, or genetic information.
  - 9.1.1.5 Once the organization is certified as a QEO, the certification shall remain in effect for a one-year period.
- 9.1.2 Reporting - A QEO shall provide a report to the Director at the beginning of each fiscal year on July 1, which includes information on the number of current members; the names and position titles of elected officers, and any update to its by-laws.
- 9.1.3 Quarterly meetings with Executive staff designated by the Director – QEOs shall meet quarterly with the Director or the Executive staff designated by the Director. The Director may schedule additional meetings as necessary. The Director may be available for additional meetings as warranted, and upon request of the QEO.
  - 9.1.3.1 Topics – Quarterly meetings with the Director may cover a variety of topics, including but not limited to:

- 9.1.3.1.1 Hours and conditions
- 9.1.3.1.2 Employee safety issues
- 9.1.3.1.3 Department disciplinary policies
- 9.1.3.1.4 Staff recognition and employee morale issues
- 9.1.3.1.5 Department budget strategy and requests
- 9.1.3.2 Scheduling, guidelines and attendance – The QEO shall be granted sufficient on duty time per calendar quarter for attendance at such meetings with the Director.
  - 9.1.3.2.1 Efforts shall be made to schedule quarterly meetings with the QEO prior to Legislative sessions; legislative and budgetary proposal submissions; Annual strategic plan updates and other strategic events which may impact Department employees.
  - 9.1.3.2.2 The Director’s Office shall schedule quarterly meetings and provide the QEO no less than 15 calendar days’ notice prior to the scheduled meeting date.
  - 9.1.3.2.3 The QEO shall provide a list of questions and/or requested agenda items to the Director’s Office no less than 10 calendar days prior to the meeting. Meetings may be delayed or rescheduled if this information is not submitted on time.
  - 9.1.3.2.4 Attendance at quarterly meetings shall be limited to the QEO President or equivalent and up to two member employees. Names of scheduled employee attendees shall be provided to the Director’s Office no less than 10 calendar days prior to the meeting.
  - 9.1.3.2.5 The QEO Representative shall inform the organization’s authorized attendees.
  - 9.1.3.2.6 The Director’s Office shall notify each authorized meeting attendee’s chain of command.
  - 9.1.3.2.7 Use of an available state vehicle is authorized for approved attendees only when traveling in order to attend meetings with the Director. No mileage reimbursement is authorized for private vehicle usage.
- 9.1.3.3 The meetings with the Director shall not be construed to affect or limit the existing right of the Department to:
  - 9.1.3.3.1 Direct the work of Department employees.
  - 9.1.3.3.2 Hire, promote, demote, transfer, assign, and retain Department employees.

- 9.1.3.3.3 Suspend, discharge or discipline Department employees.
- 9.1.3.3.4 Maintain efficiency of governmental operations.
- 9.1.3.3.5 Relieve Department employees from job responsibilities due to the lack of work or other legitimate reasons.
- 9.1.3.3.6 Invalidate or limit other rights, remedies or procedures of this State relating to any issue of employment of Department employees.
- 9.1.3.4 Formal minutes shall be produced and posted on employee bulletin boards and e-briefings. When discussions involve issues or concerns that cannot be immediately addressed or answered, written feedback shall be provided as soon as possible.
  - 9.1.3.4.1 In accordance with Recording Conversations section of Department Order #104, Communications System, meetings between the QEO and the Director shall not be recorded.
- 9.1.3.5 Mediation – If a disagreement arises between the QEO and the Director concerning a condition of employment at the Department, and the possibility of resolution is remote after the parties meet and confer for a reasonable period of time, the Director or the QEO Representative may make a request for mediation in writing. The mediation shall:
  - 9.1.3.5.1 Be voluntary and nonbinding.
  - 9.1.3.5.2 Use a neutral third-party mediator to assist the parties in reaching a voluntary agreement.
  - 9.1.3.5.3 Ensure each party agrees to make a good faith attempt to resolve the issues, cooperate with the mediator and be open, candid and complete.
  - 9.1.3.5.4 Be facilitated by a mediator who does not adjudicate issues.
  - 9.1.3.5.5 Be documented once an agreement has been reached and the information be submitted to the Director of the Arizona Department of Administration (ADOA).
  - 9.1.3.5.6 Be ultimately resolved by the ADOA Director if the mediation process is unable to resolve all disputed issues between the parties.
- 9.1.4 Meetings with Wardens – Wardens shall meet monthly with an eligible Department employee, ordinarily the complex’s chapter president, of the QEO to discuss and informally resolve whenever possible employee safety or working conditions concerns.
  - 9.1.4.1 These meetings shall be no more than one hour each month.

- 9.1.4.2 When the QEO is unable to resolve the discussed issue or concern, the QEO's Executive President or designee may meet with Regional Operations Directors as the circumstances warrant.
  - 9.1.4.3 Each eligible Department employee shall be granted sufficient on duty time per month for meeting attendance.
  - 9.1.4.4 Use of an available state vehicle is authorized for an eligible Department employee only when traveling to and attending meetings with the Warden or Bureau Administrator, if the Warden or Bureau Administrator works in different location than the eligible Department employee. No mileage reimbursement is authorized for private vehicle usage.
- 9.2 Other Employee Organizations – Other Employee organizations (OEOs) are Employee Organizations representing Department members which do not meet the QEO recognition requirements provided in Executive Order 2008-13.
- 9.2.1 OEO recognition requirements – To receive recognition as an OEO, the organization shall:
    - 9.2.1.1 Have Department employees as the majority of its executive board, elected representatives and members. The Employee Organization Representative shall be an employee of the Department, as defined in the Glossary of Terms.
    - 9.2.1.2 Enhance or promote, as expressed in its bylaws, any or all of the following:
      - 9.2.1.2.1 Public safety
      - 9.2.1.2.2 Employee safety
      - 9.2.1.2.3 Professional Development
      - 9.2.1.2.4 The development of the Corrections field
      - 9.2.1.2.5 Relationship building between the Department and other correctional agencies
    - 9.2.1.3 Provide a written request to the Director which includes the OEO's:
      - 9.2.1.3.1 Name and address
      - 9.2.1.3.2 Charter, constitution and by-laws, if available
      - 9.2.1.3.3 Elected officer's information including names, titles, addresses and telephone numbers
      - 9.2.1.3.4 Statement specifying membership is open to all eligible Department employees and does not deny anyone based on race, color, sex (including pregnancy, sexual orientation and gender identity), religion, national origin, age, disability status, military obligation, veteran status, or genetic information.

- 9.2.2 Reporting – The OEO shall provide a report to the Director at the beginning of each fiscal year on July 1, which includes information on the number of current members; the names and position titles of elected officers, and any update to its by-laws.
  - 9.2.3 The Director also affords the opportunity to meet with OEOs quarterly and more frequently if warranted. These meetings shall be scheduled and conducted as outlined in 9.1.3.1 through 9.1.3.4.1 of this section.
  - 9.2.4 Meetings with Wardens and Bureau Administrators - Wardens and Bureau Administrators shall meet monthly with an eligible Department employee, ordinarily the complex’s chapter president, of the OEO to discuss and informally resolve whenever possible employee safety or working conditions concerns.
- 9.3 OEO and OEO presentation at Correctional Officer Training Academy (COTA) Recruitment – Though recruitment of cadets is prohibited, QEOs and OEOs may make an education presentation to cadets jointly at a time and date pre-scheduled by the COTA Commander not to exceed 15 minutes per organization. The Chief Human Resources Officer or designee shall pre-approve the QEOs and OEOs presentations. These presentations shall:
- 9.3.1 Describe to the cadets the organizations’ function and history.
  - 9.3.2 Have no more than two presenters per organization at one time.
  - 9.3.3 Be presented during cadet off duty hours, before or after the training day.
  - 9.3.4 Be monitored by Academy staff.
  - 9.3.5 Be voluntary, not required, attendance for cadets.
  - 9.3.6 Include an explanation by Academy Staff of Arizona’s “right to work” law.
  - 9.3.7 Explain to cadets they are able to join an employee organization after reporting to duty.
    - 9.3.7.1 Any information presented by a QEO or OEO during the presentations that is deemed inappropriate by the COTA Commander may result in the employee organizations being suspended from presenting to the COTA classes for 90 days. Any resulting challenges to such removal may be pursued by appealing to the Director.
- 9.4 Institutional Solicitation/Recruitment
- 9.4.1 QEOs and OEOs may solicit and recruit members by handing out materials and answering employees’ questions at any of the Department’s facilities in outdoor locations which do not interfere with or impede facility operations or staff.
  - 9.4.2 QEOs and OEOs shall coordinate and receive the approval of the Warden or designee at least one week prior to any institution or recruitment activity.
- 9.5 Bulletin Board Use
- 9.5.1 QEOs and OEOs are authorized to share up to one-quarter of all designated Department employee bulletin boards in each facility for approved purposes. QEOs and OEOs shall have access to the electronic version of the bulletin board available on the ADCnet.



9.5.2 QEOs and OEOs may post the following organization information on the Department’s bulletin boards to which they are authorized access:

9.5.2.1 Recreational, social, labor relations and related news bulletins

9.5.2.2 Notices of scheduled meetings

9.5.2.3 Election information

9.5.2.4 Reports from their committees or executive boards

9.5.2.5 Newsletters

9.5.3 Each Department employee bulletin board shall be identified by the affected Warden/Bureau Administrator and clearly marked as the employee bulletin board.

9.5.4 All materials posted on designated Department employee bulletin boards and the electronic version of the bulletin board as provided above shall be clearly identified by the respective QEO or OEO as organizational material, and submitted to Warden/Bureau Administrator for review prior to posting. All approved postings shall contain the date of posting and the signature of the member of the Employee Organization posting the material.

9.5.5 Any material posted on a bulletin board by a QEO or OEO deemed inappropriate by the Warden/Bureau Administrator may be removed and the QEO or OEO advised of the removal and the reason.

9.5.5.1 Any resulting challenges to such removal may be pursued by appealing to the Director.

9.6 Abuse of Privilege – It is the responsibility of all Employee Organizations to accurately represent the status and authority of their Organization and to be otherwise accurate and ethical in all of their representations.

9.6.1 The Director reserves the right to rescind any and all privileges provided to an Organization other than those expressly afforded pursuant to Executive Order 2008-13 when the conduct of the Organization and/or its representatives demonstrates a pattern of abuse of privilege.

9.7 QEO and OEO Representatives may request to use accrued annual leave or compensatory leave to conduct organization business. Use of annual leave or compensatory leave must be approved by the employee’s supervisor and not interfere with agency operations. When a QEO and OEO Representative is on annual leave or compensatory leave for organization business, the representative may provide representation in the workplace, but shall not be considered on duty.

**10.0 RESIGNATION OF EMPLOYEES SEEKING ELECTED PUBLIC OFFICE** – An employee becomes a “candidate for nomination or election” upon the filing of nomination papers. None of the preliminary steps toward becoming a candidate, including circulating petitions and forming campaign committee, make the employee a “candidate for nomination or election.” A covered state employee seeking elected public office need not resign from his or her state position until filing the nomination papers. However, upon doing so, the employee shall resign his or her state position, pursuant to A.R.S. §41-771. {5-ACI-1A-24}

## **DEFINITIONS/GLOSSARY**

Refer to the Glossary of Terms for the following:

- Approving Authority
- Bona Fide Occupational Qualifications
- Compliance
- Corrective Disciplinary Action
- Custodial Responsibility
- Eligible Department Employee
- Employee
- Employee Organization (EO)
- Employee Organization Representative
- Employment Discrimination
- Employment Discrimination Complaint
- Equal Opportunity Liaison
- Equal Opportunity Officer
- Hiring/Approving Authorities
- Immediate Family
- Initial Administrative Action
- Inmate
- Misconduct
- Offender
- On-Duty Allowance
- Other Employee Organization (OEO)
- Personnel Transaction (Employment Decision)
- Professional Demeanor
- Qualifying Employee Organization (QEO)
- Relative (Inmate)
- Serious Traffic Violation
- Sexual Harassment
- Staff Arrest
- Unauthorized Behavior

## **FORMS LIST**

501-5, Notification of Secondary Employment

## **AUTHORITY**

A.R.S. §13-1419, Unlawful Sexual Conduct; Correctional Facilities; Classification; Definition  
A.R.S. §13-2513, Failure to Discharge Duties; Classification; Definition  
A.R.S. §31-203, Persons Disqualified as Officers or Employees  
A.R.S. §31-204, Interest of Employee in Contracts; Gifts To or From Prisoner; Penalty  
A.R.S. §31-231, Unauthorized Communication with Prisoner; Classification; Definition  
A.R.S. §35-131, Accounting System; Reports; Notice of Deficiency; Forms  
A.R.S. §38-501, Application of Article  
A.R.S. §38-502, Definitions  
A.R.S. §38-503, Conflict of Interest; Exemptions; Employment Prohibition

A.R.S. §38-504, Prohibited Acts  
A.R.S. §38-505, Additional Income Prohibited For Services  
A.R.S. §38-506, Remedies  
A.R.S. §38-508, Authority of Public Officers and Employees to Act  
A.R.S. §38-509, Filing of Disclosures  
A.R.S. §38-510, Penalties  
A.R.S. §38-511, Cancellation of Political Subdivision and State Contracts; Definition  
A.R.S. §38-532, Prohibited Personnel Practice; Violation; Reinstatement; Exceptions; Civil Penalty  
A.R.S. §38-612, Administration of Payroll Salary Deductions  
A.R.S. §41-703, Duties of Director  
A.R.S. §41-722, Powers and Duties Relating to Finance  
A.R.S. §41-752, Protections of Civil or Political Liberties; Prohibition; Civil Penalty; Violation; Classification  
A.R.S. §41-753, Unlawful Acts; Violation; Classification  
A.R.S. §41-772, Reduction in Force Procedure in Covered Service  
A.R.S. §41-773, Causes for Dismissal or Discipline for Employee in Covered Service  
A.R.S. §41-1401 et seq., Civil Rights Division and Civil Rights Advisory Board  
A.R.S. §41-1463 et seq., Discrimination in Employment  
A.R.S. §41-1602, State Department of Corrections; Purpose  
A.R.S. §41-1604, Duties and Powers of Director  
A.A.C. R2-5A-501, Standards of Conduct  
A.A.C. R2-5A-901, Complaint System  
A.A.C. R2-5A-902, Complaint Procedures  
U.S. Civil Rights Act of 1964, Title VII, 703, as amended, 42 U.S.C. 2000e-2  
5 U.S.C., Sections 1501 to 1508 (Hatch Act prohibiting improper political activity by public employees.)  
28 CFR, Part 36; 29 CFR, Parts 1602, 1627 and 1630, The Americans With Disabilities Act of 1990 (ADA)  
29 CFR, Chapter 14, Part 1607, Uniform Guidelines on Employment Procedure (1978), et seq.  
Governor's Executive Order 2003-22, Confirming Equal Opportunity Opportunities  
Prison Rape Elimination Act of 2003