



APB

Public service with fairness and integrity

Arkansas Parole Board

Two Union Plaza Building
105 West Capitol Ste. 500
Little Rock, AR 72201-5731
Phone: 501-682-3850
Fax: 501-682-5351
www.paroleboard.arkansas.gov

July 2, 2019

Jessica Sutton, Attorney
Arkansas Legislative Council
Administrative Rules and Regulations Subcommittee
Via Email

RE: A.C.A. §16-93-210—Quarterly Administrative Directive Reporting

Greetings:

Enclosed is the Arkansas Parole Board's quarterly report on new and revised administrative directives, regulations, and memoranda issued in the previous quarter ending June 30, 2019. The report contains the following directive:

AD#	AD Title	Supersedes	Effective Date
19-02	Code of Ethics and Rules of Conduct	06-01 06-03	06/07/19

Should you have any comments or concerns, please do not hesitate to contact me.

Respectfully Submitted,

Brooke D. Cummings
Executive Administrator
Arkansas Parole Board

Cc: John Felts, Chairman



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EXECUTIVE SUMMARY

SUBJECT: 19-02 Code of Ethics and Rules of Conduct
SUPERSEDES: 06-01 Code of Ethics and Rules of Conduct
06-03 Conflicts of Interest

APPLICABILITY: This policy applies to Arkansas Parole Board and Staff members.

APPROVED: Chairman John Felts

EFFECTIVE DATE: 06/07/19

POLICY: It is the Board's policy to create and maintain a secure, professional, and productive work environment, where employees conduct themselves in a manner that does not impair the operation of the Board, compromise its authority, or erode public confidence; obey laws and departmental policies; uphold generally recognized standards of professional ethics and conduct as described in this directive; and demonstrate respect for the safety, rights, and dignity of others.

EXPLANATION: This policy has been updated to include information regarding employee responsibility in reporting suspected fraud, investigations of fraud, and evaluation of anti-fraud processes and controls. We've also added guidance regarding financial record organization.



Arkansas Parole Board
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(501) 682-3850 Fax: (501) 683-5381

ADMINISTRATIVE DIRECTIVE: **19-02 Code of Ethics and Rules of Conduct**

TO: **ARKANSAS PAROLE BOARD MEMBERS AND STAFF**

FROM: **JOHN FELTS, BOARD CHAIRMAN**

SUPERSEDES: **06-01 CODE OF ETHICS AND RULES OF CONDUCT**
 06-03 CONFLICTS OF INTEREST

APPROVED: **SIGNATURE ON FILE** **EFFECTIVE DATE: June 7, 2019**

- I. APPLICABILITY.** The Code of Ethics and Rules of Conduct described herein comprise the standards by which all members and staff of the Arkansas Parole Board ("APB" or "the Board") are to be governed. These policies support the culture of ethical and efficient service to the citizens of the State provided by the Board.
- II. POLICY.** It is the Board's policy to create and maintain a secure, professional, and productive work environment, where employees conduct themselves in a manner that does not impair the operation of the Board, compromise its authority, or erode public confidence; obey laws and departmental policies; uphold generally recognized standards of professional ethics and conduct as described in this directive; and demonstrate respect for the safety, rights, and dignity of others. This policy and associated guidance does not create a contract of employment or any legally-enforceable interest or limit the Chairman's authority to establish or revise human resource policies or affect his/her right to terminate employment pursuant to the at-will employment doctrine.
- III. GUIDELINES.** The Code of Ethics and Rules of Conduct represent the Board's commitment to ethical and efficient provision of services. They describe the expected behavior of the Board's employees while providing services and support the culture of ethical and efficient service provided to citizens. The Business Operations Manager will provide a copy, or access to a copy, of this policy during new employee orientation. Employees shall become familiar with and understand all portions of this administrative directive. Employees shall annually sign an acknowledgement stating their receipt and understanding of this policy during their performance evaluation. Any questions should be directed to your immediate supervisor.

- IV. GENERAL DISCIPLINARY MEASURES.** It is the policy of the Board that supervisors establish a work climate which promotes productivity. Supervisors will also communicate job expectations and behavioral expectations to all employees. Discipline applied by supervisors should be aimed at improving employee behavior. Behavior is defined as actions or lack of actions by employees related to work rules, office mission, and/or safety of themselves, co-workers, and the public.

The following suggested sequence of steps is provided as a guideline to assist supervisors with the disciplinary process:

1. Verbal warning recorded in the employee's disciplinary file.
2. Written warning recorded in the employee's disciplinary file.
3. Suspension up to five (5) days with or without pay, and/or probation up to ninety (90) days.
4. Termination.

Supervisors are required to:

1. Maintain good records and documentation.
2. Investigate the violation and circumstances surrounding the incident.
3. Equate the severity of the discipline to the violation, not the person.
4. Discipline in private.
5. Warn employee of the consequences of repeated offenses.

Should disciplinary measures be necessary, they should be applied immediately, consistently, and impartially.

The sequence of steps in the disciplinary process is recommended for most violations. However, some violations may initially require implementation of more severe disciplinary action including but not limited to immediate dismissal. Supervisors should consult with the HR/Fiscal Section or their Supervisor regarding extreme or severe situations.

Should an employee refuse to sign any documentation of disciplinary action, the supervisor should have another supervisor sign confirming the disciplinary action and the employee's refusal to sign. An employee shall comply with all corrective actions plans or instructions included as a part of a disciplinary action, whether the employee signs the documentation of disciplinary action or not. An employee's refusal to sign will not void the disciplinary action.

Note: Additional conduct and disciplinary standards may be added, or existing standards revised, at the direction of the Chairman, or by the Executive Administrator in consultation with the Chairman. Every effort will be made to adequately inform all Board employees of any such change.

V. ATTACHMENTS.

Attachment 1: Code of Ethics

Attachment 2: Rules of Conduct

Attachment 3: Employee Acknowledgement

ARKANSAS PAROLE BOARD CODE OF ETHICS

1. **Mission of the Board.** To effectively and efficiently serve the citizens of Arkansas through the conditional release of offenders via structured and evidence-based decision-making; thereby ensuring the public's safety, the empowerment of victims, and that offenders will be provided opportunities for positive behavioral change and held accountable for their actions upon release.
2. **Conduct Toward All Persons.** The Board subscribes to a policy of professionalism, equality, and fairness in the provision of services and the discharge of authorized duties. An employee shall respect and protect the civil and legal rights of all persons. Employees must comply with all applicable laws and regulations. The Arkansas Parole Board will not condone employee conduct that either violates, or has the appearance of violating, the law, including the ethical provisions. This includes receiving payments for illegal acts, indirect contributions, rebates, or bribery. If an employee is uncertain about the application or interpretation of any legal or procedural requirement, the employee should ask for guidance from his or her supervisor.
3. **Cooperation with Public Officials and Agencies.** An employee shall cooperate fully with other public officials and agencies in the discharge of authorized duties.
4. **Conflict of Interest.** Public employment is a public trust. An employee shall not attempt to realize personal gain or secure privileges or exemptions through the discharge of his/her duties for himself/herself or others. Employees should not engage in activities that would result in a conflict of interest between the Board and any other entity or person. APB employees shall perform their duties in an ethical manner and shall not use their positions or knowledge gained from their positions for private or personal advantage. Arkansas Code Annotated (A.C.A.) §21-8-304 lists certain activities that are ethically prohibited activities for State employees and officials. If an employee becomes involved in an activity that could be considered prohibited, the employee should immediately communicate the facts to his /her immediate supervisor. Nothing in this policy, however, should be construed as limiting communications between APB employees and any elected officials.
5. **Outside Activities, Employment, and Directorships.** Members of the Board's support staff should avoid acquiring any business interest or engaging or participating in outside employment or activity that would conflict with his/her official duties. Pursuant to State law, members of the Board are prohibited from holding outside employment unless it has been approved by the Chairman and found to have a limited time commitment.
6. **Relationships with Suppliers, Professional Clients, and Co-Workers.**
 - With Professional Clients and Suppliers. Employees must adhere to ACA §19-11-705 in their relationships with clients and suppliers to avoid any conflict of interest. In addition, any employee who has or obtains any benefit from a state contract with a business in which the employee has a financial interest shall make a disclosure to the Director of the Department of Finance and Administration (DFA) in accordance with ACA §19-11-706 and the Rules and Regulations for Implementing Governor's Executive Order 98-04.

- With Co-Workers.

(1) An employee shall not engage in sexual or intimate contact during assigned work hours or while on APB premises or in APB vehicles.

(2) An employee shall not enter into or continue associations or dealings with persons whom the employee knows or should know are current inmates, current offenders under parole supervision, or anyone engaged in criminal behavior, with the exception of associations or dealings necessary to perform official duties or when family relationships make such associations or dealings unavoidable.

(3) Intimate personal relationships and business relationships between supervisors and subordinates are prohibited. Personal relationships include dating, cohabitation, touching, requiring sexual performance for sexual gratification (even if it does not involving touching), and sexual relationship. Business relationships include loaning and borrowing money and business partnerships. Board employees at different levels of the same chain of supervision shall not engage in social relationships that are prejudicial to or compromising of good order and discipline.

7. **Gifts, Entertainment, Favors, and Gratuities.** Employees must not accept entertainment, gifts, personal favors or preferential treatment that could influence, or appear to influence, their decisions in performing their job functions. Specific procurement law addressing gratuities is codified in ACA §19-11-707 and included in Part 4 of the Procurement Law and Regulations promulgated by the DFA Office of State Procurement. Refer to Rules and Gifts issued by the Arkansas Ethics Commission for detailed rules on gifts at: http://arkansasethics.com/rules/Rules_on_Gifts.doc.
8. **Kickbacks and Prohibited Commissions.** Board employees shall not receive kickbacks, prohibited commissions or other prohibited payments from third parties. Violations of this rule will result in imposition of the penalties provided by law and disciplinary action. Specific procurement law addressing kickbacks and commissions is codified in ACA §§19-11-707 and 19-11-708 and included in Part 4 of the Procurement Law and Regulations promulgated by the DFA Office of State Procurement.
9. **Organizing Funds and Other Assets.** Employees who have access to the Board's funds in any form must follow the prescribed procedures for recording, handling, and protecting money as detailed in DFA's Financial Management Guide and/or other explanatory materials. If an employee has knowledge of fraud or waste of public assets the employee shall immediately advise his/her immediate supervisor and the Chairman. Personal use of Arkansas Parole Board funds or assets is strictly forbidden.
10. **Organizing Records and Communications.** The Arkansas Parole Board's books and records must reflect accurate and timely recording of all business transactions. Full disclosure of assets, liabilities, receipts, and disbursements must be made.

Employees must not make or engage in any false record or communication whether internal or external, including but not limited to:

- False expense, attendance, production, financial, or similar reports and statements
- False advertising, deceptive marketing practices, or other misleading representations

- 11. Agency Financial Records and Communications.** Employees shall not make or engage in any false internal or external record or communication (including but not limited to false expense, attendance, production, and/or financial or similar reports and statements) or false advertising (including but not limited to deceptive marketing practices and/or other misleading representations). The Board's books and records shall reflect accurate and timely recording of all business transactions. Full disclosure of the Board's assets, liabilities, receipts, and disbursements shall be made.
- 12. Dealing with Outside People and Organizations.** Employees shall not use their position or affiliation with the Board when communicating regarding matters not involving the Board's business. Employees shall not use organization identification, stationery, supplies, and/or equipment for personal or political matters. When communicating publicly on matters that involve the Board's business, employees shall not speak for the Board on any topic, unless they are certain that the views they express are those of the Board. When dealing with anyone outside the Board, including public officials, employees shall exercise care so as not to compromise the integrity or damage the reputation of the Board.
- 13. Partisan Political Activity.** Employees are encouraged to participate in election processes on their own time. Annual, compensatory, or holiday leave may be taken for this purpose. However, an employee shall not endorse candidates in his or her official capacity as a State employee or engage in partisan political activity during the hours he/she is performing work for the State of Arkansas. Political banners, posters, literature, or any other political materials shall not be displayed on State-owned or State-leased property.
- 14. Prompt Communications.** Board employees shall respond promptly and accurately to all requests for information and complaints regardless of the source and pursuant to agency policy.
- 15. Privacy and Confidentiality.** An employee shall not intentionally or unintentionally disclose to any unauthorized person any information declared by law, policy, rule, or regulation to be confidential or privileged, or use such information for his or her personal gain or benefit. When handling financial and/or personal information about the Board or others with whom the agency has dealings, the following principles must be observed:
- Collect, use, and retain only the personal information necessary for Board business. Whenever possible, obtain any relevant information directly from the person concerned. Use only reputable and reliable sources to supplement this information.
 - Retain information only for as long as necessary or as required by law. Protect the physical security of this information.
 - Limit internal access to personal information to those with a legitimate business reason to have the information. Use personal information only for the legitimate business purpose for which it was obtained. Release of any information to persons not involved with the stated business purpose should be made by management in response to a Freedom of Information Act request.
- 16. Discriminatory Behavior Prohibited.** The Board does not condone, permit, or tolerate discrimination of persons, whether other employees, applicants, victims, offenders, or members of the public, on any basis. An employee of the Board who knowingly permits, engages in, or incites such discrimination; interferes with an investigation, or retaliates against anyone who has filed a complaint will be subject to disciplinary action including but not limited to immediate termination of employment.

17. Professionalism. While on the job, an employee shall demonstrate professionalism as follows:

- Courteous, Patient, and Respectful Attitudes. An employee shall be patient, courteous, and respectful when dealing with other employees, offenders, victims, and the public. An employee shall be tactful in the performance of his or her duties, control his or her temper, exercise patience and discretion, and not become involved in arguments even in the face of provocation.
- Inappropriate Language and Gestures. An employee shall not use violent, profane, or insolent language or gestures while performing his or her duties.
- Inappropriate Actions. An employee shall not engage in horseplay, fighting, practical jokes, or any other conduct that endangers the safety of any individual while performing his or her duties.

18. Private Conduct. An employee shall conduct himself/herself at all times, both on and off the job, in such manner as to reflect favorably on the Board. Conduct unbecoming of an employee shall include conduct which damages the image of the Board as a criminal justice agency, reflects discredit upon the character of the employee as a member of the Board, and/or which impairs the Board's operations. An employee may be disciplined for detrimental private conduct.

19. Conformance to Laws and Rules. An employee shall not commit acts which he or she knows or should know constitutes a violation of any written or verbal rule, regulation, policy, procedure, directive, and/or memorandum. An employee shall strive to obey all federal, state, and local laws and regulations. The Board will not condone employee conduct that violates or has the appearance of violating the law and/or ethical provisions (including but not limited to receiving payments for illegal acts, indirect contributions, rebates or bribery, etc.). Since the conduct of an APB employee, on or off duty, may reflect upon the Board as a criminal justice agency, an employee shall conduct himself/herself in a manner that does not impair the operation or integrity of the Board or cause the public to lose confidence in it. Accordingly, an employee arrested for a violation of law shall immediately report the arrest to his/her immediate supervisor. A conviction or admission of any violation that interferes with or impairs an employee's duties, public trust, or the operations of the Board shall be considered evidence of a violation of this policy. However, lack of a criminal complaint, charge, disposition, or acquittal of a violation of law shall not preclude internal administrative investigation and disciplinary action.

20. Employee Responsibilities and Reporting Suspected Fraud. Employees are responsible for being familiar and complying with the Code of Ethics and Rules of Conduct and annually acknowledging their awareness and understanding of the policies by signature. Employees have a responsibility to report occurrences of ethical violations, fraud, waste, or abuse of the Board's resources that can be verified through investigation. Employees shall be protected against any form of retaliation, including discharge, for reporting, in good faith, occurrences of ethical violations, fraud, waste, or abuse of agency resources as stated in the Arkansas Whistleblower Act (ACA §§21-1-601 et seq.). Investigations to substantiate reported allegations will be conducted in a confidential manner. Allegations of ethical violations or fraud may be reported to the Arkansas State Employees' Fraud, Waste, and Abuse Report Center (1-800-952-8248) or to the Office of Internal Audit by telephone (501-682-0370). A complainant may also choose to report fraud, waste, or abuse by completing a Complaint Form obtained at the following web site:
<http://www.dfa.arkansas.gov/offices/internalaudit/Pages/FraudReporting.aspx>

Complaint forms can be emailed or mailed directly to the DFA Office of Internal Audit at the following addresses:

- Fraud Reporting Email Address: fraud@dfa.arkansas.gov
- Department of Finance and Administration
Office of Internal Audit
1515 West 7th St., Room 215
Little Rock, AR 72201

In addition, employees with supervisory fiduciary responsibility over all fiscal matters shall report any loss of public funds to Arkansas Legislative Audit within five (5) business days of the date that the employee learns of the loss of funds in accordance with ACA §25-1-124. This includes any apparent unauthorized disbursement of public funds or an apparent theft or misappropriation of public funds. In accordance with ACA §25-1-124, any employee with supervisory fiduciary responsibility over all fiscal matters who purposely fails to report the loss of funds within the five (5) business days to Arkansas Legislative Audit is guilty of a Class A misdemeanor. Employees with supervisory fiduciary responsibility include the Arkansas Parole Board Chairman, Executive Administrator, and Business Operations Manager.

21. Investigations of Fraud. The Arkansas Parole Board is committed to a thorough investigation of occurrences of alleged ethical violations, fraud, waste and abuse. In accordance with Governor's Executive Order 04-04, the DFA Office of Internal Audit will be available to assist agency management by coordinating an objective investigation and recommending controls to prevent or detect future occurrences. The DFA Office of Internal Audit is authorized to request assistance from Arkansas Parole Board employees that have the experience required to assist or perform such investigations. Investigations will be conducted in a confidential manner. If investigations indicate that a loss of state funds has occurred, then the amount shall be reported to Arkansas Legislative Audit in accordance with R1-19-4-2004 of the Arkansas Financial Management Guide. In addition, any loss of state funds involving criminal activity shall be reported to the Arkansas State Police for a criminal investigation.

22. Evaluation of Anti-Fraud Processes and Controls. In accordance with R1-19-505 of the Arkansas Financial Management Guide, the Arkansas Parole Board will reduce fraud opportunities by:

- Identifying fraud risks
- Mitigating fraud risks and
- Implementing preventative and detective internal controls.

The identification of fraud risks will be conducted as part of the agency-wide risk assessment every two years. Arkansas Parole Board management will implement appropriate internal controls and change business processes when feasible to reduce fraud risks.

ARKANSAS PAROLE BOARD RULES OF CONDUCT

1. **Punctuality.** An employee shall be punctual in all his or her official engagements.
2. **Reporting for Duty.** An employee shall report for duty at the time and place required by assignment or orders and shall be physically and mentally fit to perform his/her duties. A non-exempt employee may not work beyond his/her regular day without prior supervisory approval. He/she shall be properly equipped and cognizant of information required for proper performance of duty so that he/she may immediately assume his/her duties.
3. **Ability to Perform.** An employee shall not falsely report illness or injury, misuse sick leave, or otherwise deceive or attempt to deceive agency officials as to the condition or status of his/her health.
4. **Work Performance.** In fulfilling job responsibilities, an employee shall act competently with reasonable diligence and a commitment to professional service. An employee has a duty to fully understand his or her job responsibilities and is obligated to seek assistance from superiors in matters of technicality or principle when they are not clear. Dereliction of duty or misrepresenting job performance violates this standard and subjects an employee to immediate and severe discipline.
5. **State Property.** State property shall be used for State business only. An employee shall accept responsibility for the proper care, accountability, and maintenance of State property. An employee shall not misuse, abuse, or allow misuse or abuse of State property.
6. **Change in Employee's Personal Information.** An employee shall notify the Business Operations Manager and Board Investigator within seventy-two (72) hours of a change in the employee's telephone number, address, emergency contacts, and any other information associated with Arkansas Continuity of Operations Program (ACCOOP). Employees shall not give other employees' non-work related personal information to non-employees.
7. **Attentiveness.** An employee shall remain alert at all times during business hours.
 - a. Prohibition of Sleeping. An employee shall remain awake while on duty. If an employee is unable to do so and is in danger of falling asleep, he or she shall report to a supervisor who shall immediately release the employee from duty and place him/her in appropriate leave status pending further supervisory review and appropriate action.
 - b. Inattentiveness. While on duty an employee shall not engage in any activities or personal business that causes him or her to neglect or be inattentive to his or her assigned tasks.
8. **Insubordination.** An employee shall promptly obey any lawful order of, and follow all reasonable instructions issued by, a supervisor or superior.

- 9. Truthfulness.** An employee responding to various agency fact-finding processes or other internal or administrative processes shall cooperate fully and truthfully. Furthermore, reports submitted by an employee will be truthful, complete, timely, and in accordance with established Board report writing procedures. No employee shall knowingly enter, or cause to be entered inaccurate, false, or improper information, nor shall an employee improperly alter or intentionally omit pertinent information on any document prepared in the performance of his/her job duties.
- 10. Abuse of Process.** An employee shall not knowingly make false accusations of employee misconduct or initiate any action against another employee in retaliation for his/her filing of a lawsuit or grievance or for any other purpose.
- 11. Garnishments and Unresolved Debt.** Employees are expected to honor their legal debts and avail themselves of services such as debt counseling and/or debt consolidation to avoid garnishments. Failure to honor debts acknowledged by a Board employee to be valid or reduced to judgment by a court is a rule of conduct violation. Multiple garnishments for different debts against an employee's wages will subject an employee to progressively more severe disciplinary action. Four garnishments (each for a different debt) within a two-year period are grounds for an employee's termination. If a garnishment is the result of another person's failure to honor a debt (e.g. employee co-signed for a relative), disciplinary action may be reduced accordingly. However, the Board will in no circumstance act as a collection agency or determine the validity or amount of contested debts. The existence of large amounts of unresolved debt can justly or unjustly make an employee vulnerable to conflict-of-interest charges and should be avoided.
- 12. Possession and Use of Drugs.** An employee shall not possess or use any controlled substance in violation of Arkansas or federal law or Board policy. Employees taking prescription drugs shall notify their immediate supervisor if any physical or pharmacological condition exists which causes physical or emotional impairment that could affect their ability to perform the essential functions of their duties safely. Impairment is considered to be a condition that can affect judgment, reaction time, or motor skills, as it may affect the ability to perform certain duties safely and proficiently or to operate a motor vehicle safely. In instances where an employee believes and/or medical personnel indicate that a medication may affect judgment and/or reaction time, authorization to perform certain essential duties and/or operate a motor vehicle will be suspended. Authorization will be reinstated upon the cessation of the effects of the medication. An employee may be required to take leave if the medication prevents the employee from performing the essential functions of his or her job.
- 13. Use of Alcohol While on the Job.** An employee shall not perform duties under the influence of intoxicants nor consume intoxicants during work hours (whether on or off State-owned or State-leased property, including lunch and break periods) or at any time while operating a State- issued vehicle.
- 14. Citizen Complaints and Requests for Information.** An employee shall courteously and promptly accept and, if needed, record in writing any request for information about, or citizen complaint against, the agency or any Board member or employee. An employee may attempt to resolve a complaint but shall never attempt to dissuade any citizen from lodging a complaint and shall immediately inform his or her supervisor of any complaint. All requests for information shall be handled pursuant to Board policy and procedure.

- 15. Safety.** Employees shall observe fire prevention and other safety rules. The employee shall also drive carefully and avoid accumulating excessive points on his/her driving record; otherwise, the employee may be prohibited from using a State vehicle and receiving personal mileage reimbursement or be terminated if driving is an essential function of the job.
- 16. Travel Reimbursement.** Employees who travel on agency business shall ensure that their travel plans have advance approval from the Chairman or Executive Administrator and that travel reimbursement requests are reasonable, true, accurate, and made in compliance with Arkansas law and DF&A and Board policy.

Employee Acknowledgement of Code of Ethics and Rules of Conduct

Please acknowledge by signing that you received, read, and understand the Arkansas Parole Board Administrative Directive:

19-02 Code of Ethics and Rules of Conduct

I understand it is my responsibility to read it thoroughly and ask questions of my supervisor if I don't understand it. I understand that my signature on this document indicates that I have read and fully understand the prohibited activities and my professional ethical conduct responsibilities as an employee of the Board as described herein.

I have signed and dated this acknowledgment and understand it will be maintained in my personnel file in the HR/Fiscal Section.

_____ Employee Printed Name	_____ Employee Signature	_____ Date
_____ Supervisor Printed Name	_____ Supervisor Signature	_____ Date



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ADMINISTRATIVE DIRECTIVE: 19-02 Code of Ethics and Rules of Conduct

TO: PAROLE BOARD EMPLOYEES-ARKANSAS PAROLE BOARD MEMBERS AND STAFF

FROM: JOHN FELTS, BOARD CHAIRMAN

SUBJECT: CODE OF ETHICS, DISCIPLINARY STANDARDS, AND RULES OF CONDUCT

SUPERSEDES: 06-01 CODE OF ETHICS AND RULES OF CONDUCT
06-03 CONFLICTS OF INTEREST

APPROVED: — SIGNATURE ON FILE — **EFFECTIVE:** — June 7, 2019

- I. APPLICABILITY.** The Code of Ethics, ~~Disciplinary Standards, and Rules of Conduct~~ described herein comprise the standards by which all ~~employees, members and staff of the~~ Arkansas Parole Board (“APB” or “the Board”) are to be governed. These policies support the culture of ethical and efficient service to the citizens of the State provided by the Board.
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- III. GUIDELINES.** The Code of Ethics (~~Attachment I~~), ~~Disciplinary Standards (Attachment II), and Rules of Conduct (Attachment III)~~ represent the Board’s commitment to ethical and efficient provision of services. They describe the expected behavior of the Board’s employees while providing services; and support the culture of ethical and efficient service provided to citizens and clients. The ~~HR/Fiscal Supervisor~~ Business Operations Manager will provide a copy, or access to a copy, of this policy during new employee orientation. Employees shall become familiar with and understand all portions of this administrative directive. Employees shall annually sign an acknowledgement stating their receipt and understanding of this policy during their performance evaluation. Any questions should be directed at ~~to your~~ their immediate supervisor.

IV. GENERAL DISCIPLINARY MEASURES It is the policy of the Board that management supervisors establish a work climate that which promotes productivity. Management Supervisors will also communicate job expectations and behavioral expectations to all employees.

Discipline applied by supervisors should be aimed at improving employee behavior, ~~not punishing the employee~~. Behavior is defined as actions or lack of actions by employees related to work rules, office mission, and/or safety of themselves, co-workers, and the public.

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Note: Additional conduct and disciplinary standards may be added, or existing standards revised, at the direction of the Chairman, or by the Board Executive Administrator in consultation with the Chairman. Every effort will be made to adequately inform all Board employees of any such change.

V. ATTACHMENTS.

Attachment I1: Code of Ethics and Rules of Conduct

Attachment II: ~~Disciplinary Standards~~ Supplemental Guidance for Specific Activities

Attachment III2: Rules of Conduct

Attachment IV3: ~~Acknowledgment of the Code of Ethics, Disciplinary Standards, and Rules of Conduct.~~ Employee Acknowledgement

Arkansas Parole Board
ARKANSAS PAROLE BOARD CODE OF ETHICS

CODE OF ETHICS

1. **Mission of the Board.** The Board's mission is to promote public safety by the return of the offenders into the community through supervised, conditional release. To further the mission, each employee is expected to make a dedicated effort to conduct his/her official and private life in a manner that fosters public confidence in the Board. To effectively and efficiently serve the citizens of Arkansas through the conditional release of offenders via structured and evidence-based decision-making; thereby ensuring the public's safety, the empowerment of victims, and that offenders will be provided opportunities for positive behavioral change and held accountable for their actions upon release.
2. **Conduct Toward All Persons.** The Board subscribes to a policy of professionalism, equality, and fairness in the provision of services and the discharge of authorized duties. An employee shall respect and protect the civil and legal rights of all persons. Employees must comply with all applicable laws and regulations. The Arkansas Parole Board will not condone employee conduct that either violates, or has the appearance of violating, the law, including the ethical provisions. This includes receiving payments for illegal acts, indirect contributions, rebates, or bribery. If an employee is uncertain about the application or interpretation of any legal or procedural requirement, the employee should ask for guidance from his or her supervisor.
3. **Cooperation with Public Officials and Agencies.** An employee shall cooperate fully with other public officials and agencies in the discharge of authorized duties.
4. **Conflict of Interest.** Public employment is a public trust. An employee shall not attempt to realize personal gain or secure privileges or exemptions through the discharge of his/her duties for himself/herself or others. Employees should not engage in activities that would result in a conflict of interest between the Board or and any other entity or person. APB employees shall perform their duties in an ethical manner, and shall not use their positions or knowledge gained from their positions for private or personal advantage. Arkansas Code Annotated (A.C.A.) §21-8-304 lists certain activities that are ethically prohibited activities for State employees and officials. If an employee becomes involved in an activity that could be considered as prohibited, the employee should immediately communicate the facts to his /her immediate supervisor. Nothing in this policy, however, should be construed as limiting communications between APB employees and any elected officials.
5. **Outside Activities, Employment, and Directorships.** Members of the Board's Support staff should avoid acquiring any business interest, or engaging, or participating in outside employment or activity that would conflict with his/her official duties. Pursuant to State law, members of the Board are prohibited from holding outside employment unless it has been approved by the Chairman to have limited time commitment.
6. **Relationships with Suppliers, Professional Clients, and Co-workers.**
 - With Professional Clients and Suppliers. Employees shall adhere to ACA §19-11-705 in their relationships with clients and suppliers to avoid any conflict of interest. In addition, any

employee who has or obtains any benefit from a state contract with a business in which the employee has a financial interest shall make a disclosure to the Director of the Department of Finance and Administration (DFA) in accordance with ACA §19-11-706 and the Rules and Regulations for Implementing Governor's Executive Order 98-04.

- **With Co-workers**

(1) An employee shall not engage in sexual or intimate contact during assigned work hours or while on APB premises or in APB vehicles.

(2) The employee shall not enter into or continue associations or dealings with persons whom the employee knows or should know are current inmates, and are current offenders under parole supervision, or anyone engaged in criminal behavior, with exception of associations or dealings necessary to perform official duties or when family relationships make such associations or dealings unavoidable.

(3) ~~Business and intimate~~ personal relationships between supervisors and subordinates are prohibited. Personal relationships include dating, cohabitation, touching, ogling, requiring some sexual performance for sexual gratification – even if it does not involving touching, and sexual relationship. Business relationships include loaning and borrowing money and business partnerships. Agency Board employees at different levels of the same chain of supervision shall not engage in social relationships that are prejudicial to or compromising of good order and discipline.

7. **Gifts, Entertainment, Favors, and Gratuities.** An employee shall not solicit, demand, accept, or agree to accept any personal gift, entertainment, favor, gratuity or preferential treatment that could be reasonably interpreted as or creates the appearance of influencing the employee's judgment or decisions in the discharge of his or her duties.
8. **Kickbacks and Prohibited Commissions.** Board employees shall not receive kickbacks, commissions or other payments from third parties involved in Board business. Violations of this rule will result in imposition of the penalties provided by law and disciplinary action.
9. **Organizing Funds and Other Assets.** Employees who have access to the Board's funds in any form shall follow the prescribed procedures for recording, handling, and protecting money as detailed in DFA's Financial Management Guide and/or other explanatory materials ~~Or both~~. If an employee has knowledge of fraud or waste of public assets, the employee ~~should~~ shall immediately advise his/her immediate supervisor and the Chairman.
10. **Organizing Records and Communications.** The Arkansas Parole Board's books and records must reflect accurate and timely recording of all business transactions. Full disclosure of assets, liabilities, receipts, and disbursements must be made.

Employees must not make or engage in any false record or communication whether internal or external, including but not limited to:
 - False expense, attendance, production, financial, or similar reports and statements
 - False advertising, deceptive marketing practices, or other misleading representations
- 10.11. **Agency Financial Records and Communications.** Employees shall not make or engage in any false record or communication, internal or external, such as false expense, attendance, production, financial or similar reports and statements; and false advertising, deceptive marketing practices, or other misleading representations. The Board's books and records shall reflect

accurate and timely recording of all business transactions. Full disclosure of the Board's assets, liabilities, receipts and disbursements shall be made.

11.12. Dealing with Outside People and Organizations. Employees shall not use their position or affiliation with the Board when communicating regarding matters not involving the Board's business. Employees shall not use organization identification, stationery, supplies, and equipment for personal or political matters. When communicating publicly on matters that involve the Board's business, employees shall not speak for the Board on any topic, unless they are certain that the views they express are those of the Board. When dealing with anyone outside the Board, including public officials, employees shall take care not to compromise the integrity or damage the reputation of the Board.

12.13. Partisan Political Activity. Employees are encouraged to participate in election processes on their own time. Annual, compensatory or holiday leave may be taken for this purpose. However, an employee shall not endorse candidates in his or her official capacity as a State employee or engage in partisan political activity during the hours he/she is performing work for the state of Arkansas. Political banners, posters, literature, or any other political materials shall not be displayed on State-owned or -leased property.

13.14. Prompt Communications. Board employees shall respond promptly and accurately to all requests for information and complaints regardless of the source and pursuant to agency policy.

14.15. Privacy and Confidentiality. An employee shall not intentionally or unintentionally disclose to any unauthorized person any information declared by law, policy, rule, or regulation to be confidential or privileged or use such information for his or her personal gain or benefit.

15.16. Discriminatory Behavior Prohibited. The Board does not condone, permit nor tolerate discrimination of persons--whether other employees, applicants, victims, offenders, or members of the public on any basis. An employee of the Board who knowingly permits, engages in or incites such discrimination, interferes with an investigation, or retaliates against anyone who has filed a complaint will be subject to disciplinary action up to and including immediate termination of employment.

16.17. Professionalism. While on the job, an employee shall demonstrate professionalism as follows:

- Courteous, Patient, and Respectful Attitudes. An employee shall be patient, courteous, and respectful when dealing with other employees, offenders, victims, and the public. An employee shall be tactful in the performance of his or her duties, control his or her temper, exercise patience and discretion, and not become involved in arguments even in the face of provocation.
- Inappropriate Language and Gestures. An employee shall not use violent, profane, or insolent language or gestures while performing their duties.
- Inappropriate Actions. An employee shall not engage in horseplay, fighting, practical jokes, or any other conduct that endangers the safety of any individual while performing their duties.

17.18. Private Conduct. An employee shall conduct him/herself at all times, both on and off the job, in such manner as to reflect favorably on the Board. Conduct unbecoming an employee shall include that conduct which damages the image of the Board as a law enforcement/criminal justice

agency or reflects discredit upon the character of the employee as a member of the Board, or which impairs the Board operations. To be clear, an employee may be disciplined for detrimental private conduct.

18.19. Conformance to Laws and Rules. An employee shall not commit or omit acts which he or she knows, or should know, would constitute a violation of any written or verbal rules, regulations, procedures, directives, and memorandums. An employee shall strive to obey all federal, state, and local laws and regulations. The Board will not condone employee conduct that either violates or has the appearance of violating the law and ethical provisions, such as receiving payments for illegal acts, indirect contributions, rebates or bribery, etc. Since the conduct of an APB employee, on or off duty, may reflect upon the Board as a law enforcement/criminal justice agency, an employee shall conduct him/herself in a manner that does not impair the operation or integrity of the Board or cause the public to lose confidence in it. Accordingly, an employee arrested for a violation of law shall immediately report that fact to a member of his/her immediate supervisor. A conviction or admission of any violation that interferes with or impairs an employee's duties, public trust, or the operations or efficiency of the Board shall be considered evidence of a violation of this policy. However, lack of a criminal complaint, charge, or disposition, or an acquittal of a violation of law, shall not preclude internal administrative investigation and disciplinary action.

19.— 20. Employees Responsibilities and Reporting Suspected Fraud. Employees are responsible for being familiar and complying with the Code of Ethics and Rules of Conduct and annually acknowledging their awareness and understanding of the policies by signature. Employees have a responsibility to report occurrences of ethical violations, fraud, waste or abuse of the Board's resources that can be verified through investigation. Employees are also responsible for being familiar and complying with the Code of Ethics, Disciplinary Standards, and Rules of Conduct, and annually acknowledging their awareness (by signature) and understanding of it. Employees shall be protected against any form of retaliation, including discharge, for reporting, in good faith, occurrences of ethical violations, fraud, waste, or abuse of agency resources as stated in the Arkansas Whistleblower Act (ACA §§21-1-601 et seq.). Investigations to substantiate reported allegations will be conducted in a confidential manner. Allegations of ethical violations or fraud may be reported to the Arkansas State Employees' Fraud, Waste, and Abuse Report Center (1-800-952-8248) or to the Office of Internal Audit by telephone (501-682-0370). A complainant may also choose to report fraud, waste, or abuse by completing a Complaint Form obtained at the following web site: <http://www.dfa.arkansas.gov/offices/internalaudit/Pages/FraudReporting.aspx>

Complaint forms can be emailed or mailed directly to the DFA Office of Internal Audit at the following addresses:

- Fraud Reporting Email Address: fraud@dfa.arkansas.gov
- Department of Finance and Administration
Office of Internal Audit
1515 West 7th St., Room 215
Little Rock, AR 72201

In addition, employees with supervisory fiduciary responsibility over all fiscal matters shall report any loss of public funds to Arkansas Legislative Audit within five (5) business days of the date that the employee learns of the loss of funds in accordance with ACA §25-1-124. This includes any apparent unauthorized disbursement of public funds or an apparent theft or misappropriation of public funds. In accordance with ACA §25-1-124, any employee with supervisory fiduciary responsibility over all fiscal matters who purposely fails to report the loss of funds within the five (5) business days to Arkansas Legislative Audit is guilty of a Class A

misdemeanor. Employees with supervisory fiduciary responsibility include the Arkansas Parole Board Chairman, Executive Administrator, and Business Operations Manager.

21. Investigations of Fraud. The Arkansas Parole Board is committed to a thorough investigation of occurrences of alleged ethical violations, fraud, waste and abuse. In accordance with Governor's Executive Order 04-04, the DFA Office of Internal Audit will be available to assist agency management by coordinating an objective investigation and recommending controls to prevent or detect future occurrences. The DFA Office of Internal Audit is authorized to request assistance from Arkansas Parole Board employees that have the experience required to assist or perform such investigations. Investigations will be conducted in a confidential manner. If investigations indicate that a loss of state funds has occurred, then the amount shall be reported to Arkansas Legislative Audit in accordance with R1-19-4-2004 of the Arkansas Financial Management Guide. In addition, any loss of state funds involving criminal activity shall be reported to the Arkansas State Police for a criminal investigation.

22. Evaluation of Anti-Fraud Processes and Controls. In accordance with R1-19-505 of the Arkansas Financial Management Guide, the Arkansas Parole Board will reduce fraud opportunities by:

- Identifying fraud risks
- Mitigating fraud risks and
- Implementing preventative and detective internal controls.

The identification of fraud risks will be conducted as part of the agency-wide risk assessment every two years. Arkansas Parole Board management will implement appropriate internal controls and change business processes when feasible to reduce fraud risks.

Arkansas Parole Board
DISCIPLINARY STANDARDS — Supplemental Guidance for Specific Activities

Abuse and/or excessive use or unauthorized absenteeism of any type of leave is not acceptable within the APB. Documented abuse and/or excessive use or unauthorized absenteeism of any type of leave shall be cause for disciplinary action.

Leave types are established by Arkansas State laws.

Abuse: — Inappropriate use or misuse of any type of leave; also includes unauthorized use of leave.

Example: Using sick leave for a purpose other than intended by the law and/or policy.

Excessive: Taking leave in inappropriate amounts; chronic absenteeism (may be indicated by patterns of attendance or lack of attendance).

———— **Example:** Use of leave soon after accrual (may result in a zero balance)

If a pattern of sick leave abuse or excessive use is identified, an employee may be required to furnish a certificate from an attending physician for any use of sick leave.

The following disciplinary measures may be implemented when an employee is absent from work without authorization or abuses/excessively uses leave.

Unauthorized Absenteeism

1st Occurrence Verbal Warning. On the occasion of the first occurrence, the supervisor will counsel the employee regarding the unauthorized absence and the consequences of repeat absences without authorization. The verbal warning is to be recorded in writing, signed by the employee acknowledging receipt of the warning, and placed in the employee's disciplinary file.

2nd Occurrence Written Warning. On the occasion of the second occurrence, the supervisor will prepare a written warning to be recorded, signed by the employee acknowledging receipt of the warning, and placed in the employee disciplinary file. The written warning shall reference the first occurrence/verbal warning and define the disciplinary action for further unauthorized occurrences.

3rd Occurrence Probation Period at the Supervisors discretion up to 90 days or Suspension without pay for three days. (For Exempt Employees, probation up to 60 days or Five Day Minimum Suspension is required). On the occasion of the third occurrence, the supervisor will prepare a written disciplinary action referencing the two previous unauthorized occurrences, stating the dates of the suspension or probation, and defining the disciplinary action for the fourth occurrence. It is to be signed by the employee acknowledging receipt and placed in the employee's disciplinary file.

~~4th Occurrence Termination.~~ ~~On the fourth occurrence, the supervisor will prepare a written disciplinary action referencing the three previous unauthorized occurrences and state the date of termination.~~

~~If a pattern of sick leave abuse or excessive use is identified, an employee may be required to furnish a certificate from an attending physician for any use of sick leave.~~

Arkansas Parole Board
ARKANSAS PAROLE BOARD RULES OF CONDUCT

1. **Punctuality.** An employee shall be punctual in all his or her official engagements.
2. **Reporting for Duty.** An employee shall report for duty at the time and place required by assignment or orders and shall be physically and mentally fit to perform his/her duties. A non-exempt employee may not work beyond his/her regular day without prior supervisory approval. He/she shall be properly equipped and cognizant of information required for proper performance of duty so that he/she may immediately assume his/her duties.
3. **~~Absenteeism~~ Ability to Perform.** An employee shall not falsely report illness or injury, misuse sick leave or otherwise deceive or attempt to deceive agency officials as to the status condition or status of his/her health.
4. **Work Performance.** In fulfilling job responsibilities, an employee shall act competently, with reasonable diligence, and a commitment to professional service. An employee has a duty to fully understand his or her job responsibilities and is obligated to seek assistance from superiors in matters of technicality or principle when they are not clear. Dereliction of duty or misrepresenting job performance violates this standard and subjects an employee to immediate and severe discipline.
5. **State Property.** State property shall be used only for State business. An employee shall accept responsibility for the proper care, accountability, and maintenance of State property. An employee shall not misuse, abuse, or allow misuse or abuse of State property.
6. **Change in Employee's Personal Information.** An employee shall notify the HR/Fiscal Supervisor and Board Investigator within seventy-two (72) hours of a change in the employee's telephone number, address, emergency contacts, and any other information associated with Arkansas Continuity of Operations (ACOO) Program. Employees shall not give other employees' non-work related personal information to non-employees.
7. **Attentiveness.** An employee shall remain alert at all times during business hours.
 - a. **Prohibition of Sleeping.** An employee shall remain awake while on duty. If unable to do so, and in danger of falling asleep, he or she shall report to a supervisor, who shall immediately release the employee from duty, and place him/her in appropriate leave status pending further supervisory review and appropriate action.
 - b. **Inattentiveness.** While on duty, an employee shall not engage in any activities or personal business that causes him or her to neglect or be inattentive to his or her assigned tasks.

8. **Insubordination.** An employee shall promptly obey any lawful order of, and follow all reasonable instructions issued by, a supervisor or superior.
9. **Truthfulness.** An employee responding to various agency fact-finding processes or other internal or administrative processes shall cooperate fully and truthfully. Furthermore, reports submitted by an employee will be truthful, complete, timely, and in accordance with established agencies report writing procedures. No employee shall knowingly enter or cause to be entered inaccurate, false or improper information nor improperly alter or intentionally omit pertinent information on any document prepared in the performance of his/her job duties.
10. **Abuse of Process.** An employee shall not knowingly make false accusations of employee misconduct or initiate any action against other employees in retaliation for their filing of a lawsuit or grievance or for any other purpose.
11. **Garnishments and Unresolved Debt.** Employees are expected to honor their legal debts and avail themselves of services such as debt counseling and/or debt consolidation to avoid garnishments. Failure to honor debts acknowledged by a Board employee to be valid or reduced to judgment by a court is a rule of conduct violation. Multiple garnishments, for different debts, against an employee's wages will subject an employee to progressively, more severe disciplinary action. Four garnishments-each for a different debt-within a two-year period are grounds for an employee's termination. If a garnishment is the result of another person's failure to honor a debt (e.g., employee co-signed for a relative), disciplinary action may be reduced accordingly. However, the Board will in no circumstance act as a collection agency or determine the validity or amount of contested debts. The existence of large amounts of unresolved debt can justly or unjustly make an employee vulnerable to conflict-of-interest charges and should be avoided.
12. **Possession and Use of Drugs.** An employee shall not possess or use any controlled substance in violation of State or federal law or Board policy. Employees taking prescription drugs shall notify their immediate supervisor if any physical or pharmacological condition exists which causes physical or emotional impairment that could affect their ability to perform the essential functions of their duties safely. Impairment is considered to be a condition that can affect judgment, reaction time, or motor skills, as it may affect the ability to perform certain duties safely and proficiently or to operate a motor vehicle safely. In instances where an employee believes and/or medical personnel indicate that a medication may affect judgment and/or reaction time, authorization to perform certain essential duties and/or operate a motor vehicle will be suspended. Authorization will be reinstated upon the cessation of the effects of the medication. An employee may be required to take leave if the medication prevents the employee from performing the essential functions of his or her job.
13. **Use of Alcohol While on the Job.** An employee shall not perform duties under the influence of intoxicants nor consume intoxicants during work hours, whether on or off state-owned or state-leased property, including lunch and break periods; or at any time while operating a state- issued vehicle.
14. **Citizen Complaints and Requests for Information.** An employee shall courteously and promptly accept and, if needed, record in writing any request for information about, or citizen complaint against, the agency or any Board member or employee. An employee may attempt to resolve a complaint, but shall never attempt to dissuade any citizen from lodging a

complaint and shall immediately inform his or her supervisor of any complaint. All requests for information shall be handled pursuant to Board policy and procedure.

15. **Safety.** Employees shall observe fire prevention and other safety rules. The employee shall also drive carefully and avoid accumulating excessive points on his/her driving record, otherwise, the employee may be prohibited from using a State vehicle and receiving personal mileage reimbursement or be terminated if driving is an essential function of the job.
16. **Travel Reimbursement.** Employees who travel on agency business shall ensure that their travel plans have advance approval from the Chairman or Board Administrator and that travel reimbursement requests are reasonable, true, accurate, and made in compliance with State law and DF&A and Board policy.

TO: _____ **Parole Board Employees**

FROM: _____ **John Felts, Chairman**

RE: _____ **Acknowledgment of the Administrative Directive on the Code of Ethics,
Disciplinary Standards, and Rules of Conduct**

DATE: _____

I understand that the Code of Ethics, Disciplinary Standards, and Rules of Conduct policy referenced above is located on the APB web site and is available for my review or printing during business hours. My supervisor and I have reviewed and discussed the Board's Code of Ethics, Disciplinary Standards, and Rules of Conduct.

I understand it is my responsibility to read it thoroughly and ask questions of my supervisor if I don't understand it. I understand that my signature on this document indicates that I have read and fully understand the prohibited activities and my professional ethical conduct responsibilities as an employee of the Board as described herein. I understand that nothing contained in the Board's policies, handbooks, applications and other documents, or the granting of any interview, or the placement in a probationary status, or any other administrative act, creates a contract between myself and the Board for either employment or the provision of benefits.

I have signed and dated this acknowledgment and understand it will be maintained in my personnel file in the HR/Fiscal Section.

Employee Signature _____ Supervisor Signature _____

Date _____ Date _____

Employee Acknowledgement of Code of Ethics and Rules of Conduct

Please acknowledge by signing that you received, read, and understand the Arkansas Parole Board Administrative Directive:

19-02 Code of Ethics and Rules of Conduct

I understand it is my responsibility to read it thoroughly and ask questions of my supervisor if I don't understand it. I understand that my signature on this document indicates that I have read and fully understand the prohibited activities and my professional ethical conduct responsibilities as an employee of the Board as described herein.

I have signed and dated this acknowledgment and understand it will be maintained in my personnel file in the HR/Fiscal Section.

Employee Printed Name	Employee Signature	Date
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Supervisor Printed Name	Supervisor Signature	Date
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