



*State of North Carolina*  
*Department of Correction*  
*Division of Prisons*

Chapter: A  
Section: .0200  
Title: **Conduct of Employees**  
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**POLICY & PROCEDURES**

**.0201 GENERAL**

Employees of the Division of Prisons must be persons of sound moral character. In dealing with inmates and the public, they must firmly establish authority yet show themselves worthy of trust by maintaining unimpeachable conduct on and off duty.

**.0202 CONDITIONS OF CONTINUED EMPLOYMENT**

- (a) The Conditions of Continued Employment for employees in the Division of Prisons are detailed in DOC Personnel policy in the Disciplinary Policy and Procedure section. Employees are required to report civil and criminal charges, as well as, court dispositions in accordance with that personnel policy. A guilty plea, plea of no contest, prayer for judgement continued, or any form of deferred prosecution, may be considered as evidence in this investigation. The following standards apply when Division of Prisons employees are found to have operated a motor vehicle after consuming a sufficient amount of alcohol to exceed the legal limit:
- (1) First incident of operating a motor vehicle after consuming a sufficient amount of alcohol to exceed the legal limit. --- If an independent investigation determines that any Division of Prisons employee operates a motor vehicle after consuming a sufficient amount of alcohol to exceed the legal limit, thereby endangering public safety, that employee will be issued a written warning unless the investigation determines there are aggravating factors which dictate demotion or dismissal.
  - (2) Second incident of operating a motor vehicle after consuming a sufficient amount of alcohol to exceed the legal limit. -- If within seven years of the occurrence of the first incident, an independent investigation determines that any Division of Prisons employee operates a motor vehicle after consuming a sufficient amount of alcohol to exceed the legal limit, thereby endangering public safety, the employee will be dismissed. (Note: If the offense occurs after seven years from the first offense, it will be treated as a first incident.)
- (b) Use of Drugs and Alcohol by Employees. Guidelines to deal with the abuse of drugs and alcohol by Division of Prisons employees are detailed in the DOC Personnel Manual in the Disciplinary Policy and Procedure section, the Drug Testing section, and the Alcohol and Drug Testing Policy section.

- (c) Debts of Employees. Employees are expected to pay their just debts and to handle their financial obligations in such a manner as not to embarrass the Division of Prisons. The division must not be placed in the position of acting as a collection agency. Whenever it is brought to the attention of the division that an employee of the Division of Prisons evades the payment of his/her lawful debts, or is otherwise financially irresponsible, such fact may be cause for disciplinary action up to and including dismissal.
- (d) Use of Inmate Labor, State Owned Supplies and Equipment.
- (1) No work will be done in any shop or by any inmate for the private purposes of any employee or any other person, except as specifically authorized by law or regulation. No employee shall derive any direct or indirect benefit from the use of inmate labor. Further, no other person may derive either direct or indirect benefit from the use-of inmate labor that is not specifically authorized by law or regulation.
  - (2) No employee will consume or use equipment, facilities, or supplies, including scrap material, except as he/she may be legally entitled to do. All equipment, facilities, and supplies provided by the department will be used according to design and instructions for the safety of inmates, personnel, and other persons. Provided, the transfer and disposition of all surplus state property, including scrap material, shall be conducted in accordance with procedures established by the Department of Administration, Auxiliary Services section, codified at 1 NCAC 4G .0100 through 4G .0500. No state-owned property will be transferred or sold without written authorization of the Auxiliary Services Director. Food, cleansers, and other supplies will be used according to recipes and instructions.
  - (3) Motor vehicles, firearms, and other equipment will be handled and operated as authorized in accordance with safety rules and instructions and with the use of all safety devices provided. All facilities will be used according to design.
  - (4) All division employees are instructed and warned that any climbing or jumping over custodial fences or other fences is not authorized and will not be permitted, and that gates, doors, locks, steps, and other means provided for proper passage through or over fences, bars, or walls will be used according to design and instructions at all times.
- (e) Discrimination, Harassment and Racial Issues
- (1) Employees will treat all inmates with equal dignity and courtesy. No decision regarding discipline, transfer, selection of inmates for work assignments or rehabilitative programs will be made on the basis of race, creed, color or national origin, sex, disability or political views.

- (2) Employees should be provided training in human relations so that cultural barriers impeding effective communication between inmates and staff may be removed, and tension reduced. Incidents involving racial harassment or intimidation will be reported in accordance with personnel policy. Those employees involved in such incidents will be disciplined in accordance with personnel policy up to and including dismissal.
  - (3) Employees are required to treat one another in a professional manner at all times. Guidelines are detailed in the Department of Correction's Unlawful Workplace Harassment Policy.
- (f) Personal Dealings with Inmates.
- (1) Employees will maintain a quiet but firm demeanor in their dealings with inmates and will not indulge in undue familiarity with them. Whenever there is reason for discussing an inmate's problems with him, employees will exhibit a helpful but professional attitude. No employee will discuss his or her personal affairs with an inmate.
  - (2) Employees will not borrow anything from or lend anything to nor accept gifts or personal services from, nor barter or trade with any inmate, except as specifically authorized by law, regulations, or directive. Employees will not tip an inmate. Employees will not make gifts or perform personal services for inmates not in keeping with authorized operations. Any employee involved in such personal dealings with inmates will be subject to disciplinary action up to and including dismissal.
  - (3) It is a criminal offense for any person to sell or give any inmate any intoxicating drink, barbiturate or stimulant drug, or any narcotic, poison or poisonous substance, except upon the prescription of a physician, or to convey to or from an inmate any letters or oral messages or any instrument or weapon by which to effect an escape, or that will aid in an assault or insurrection, or to trade with an inmate for clothing or stolen goods or to sell an inmate any article forbidden by prison rules. Employees committing these crimes will be dismissed from the service and their appropriate superior officer will initiate proceedings for the prosecution of the offenders. (see G.S. 14-258.1)
  - (4) Additional information regarding guidelines for personal dealings with inmates is detailed in DOC Personnel policy in the Personal Dealings with Offenders section.
- (g) Language. The use of abusive, indecent, or profane language in the presence of inmates is forbidden. Any employee who curses an inmate will be subject to disciplinary action up to and including dismissal.. A person so dismissed will not be eligible for reinstatement (see G.S. 148-23)

- (h) Contacts with Inmate's Family and Close Associates. No member of the Division of Prisons will knowingly make or maintain contact with or in any way associate with a member of an inmate's family or close associates, unless his/her assigned duties require or unless specifically authorized to do so by the Director of Prisons. If an employee is contacted by the family or close associates of an inmate, the employee will report this fact to his superior at the earliest practicable time.
- (i) Personal Relationships Between Division Staff
- (1) The Division of Prisons must work to ensure that its workplaces are free from unnecessary disruptions and inappropriate employee conduct. All employees and agents of the Division are expected to act in a manner consistent with standards of personal conduct that contribute to a professional working environment for all and further the mission of the Division.
  - (2) While romantic, intimate or personal relationships between Division employees are not prohibited, supervisory and management level personnel are strongly discouraged from seeking to date, dating, or engaging in romantic, intimate or personal relationships with subordinate level personnel. Further all employees are reminded that disruption of the workplace caused by employee personal relationships will not be tolerated.
  - (3) Romantic, intimate or personal relationships between Division supervisory and subordinate level personnel who are assigned to or are working at the same workplace have a significant potential for creating disruption at the workplace, including by generating complaints of favoritism and unequal treatment from other employees, by causing personal disagreements to be brought into the work site, and by giving rise to allegations of harassment. Therefore, it is the policy of the Division that if a supervisory level employee is currently or becomes involved in a personal/romantic/intimate relationship with a subordinate level employee who is assigned to (or works at) the same work site, both employees must report that they "have a relationship required to be reported under the DOP Staff Relationships policy." The Division believes that the reporting of these relationships will aid in reducing the risks of disruption in the workplace and breaches in security, as well as aid management in promoting professional relationships in the workplace.
  - (4) Therefore, any Division of Prisons employee:
    - (A) Who is or becomes involved in a personal/romantic/intimate relationship as outlined in section 7(B) below with a supervisory or subordinate level Division employee who is assigned to or works at the same work site MUST report the existence of such relationship in writing to the highest level of authority at that workplace, e.g., the Facility Head, Region Director, Director of Prisons.

- (B) Pursuant to this policy, there is NO requirement to report personal details regarding the relationship, and that is discouraged. The duty is to report that “a relationship required to be reported under the DOP Staff Relationship policy exists” between the named Division employees.
- (i). For example, even if an employee must report that he or she has “a relationship required to be reported under the DOP Staff Relationship policy,” with another identified Division employee, there is no duty to report whether the relationship is platonic or sexual. Nor is there a duty to report when or how the relationship began, where the employees see each other, how much time the employees spend together or what they do when they see each other, or any other details related to the nature of the relationship.
- (ii). Under this policy there is no duty to report mere socializing with another employee, unless there is also a relationship as outlined in 7(B) below.
- (C) Employees are discouraged from discussing at the workplace or with co-workers the private details of their personal relationships. Persons who choose to share socially their personal information assume some risk that this information will become common knowledge among their co-workers.
- (5) If for some reason an employee feels that reporting the existence of the relationship to the highest level of authority at their workplace would not be appropriate, then the employee must report it to the next level supervisor in the chain of command, e.g., Region Director, Director of Prisons.
- (6) Employees who report the existence of a relationship under this policy will be given a copy of the Department of Correction “Unlawful Workplace Harassment” policy and asked to sign showing they received the policy.
- (7) For purposes of this policy individuals work at the same work site if they perform work at the same work site, even if one or both of the employees work at that work site only as a contractual employee or even if one of the employees is formally assigned to a different work site (e.g. a different prison, the Region Office or DOP Administration) but comes to the other employee’s work site to do work on an itinerant or part-time basis:
- (A) “Workplace” or “work site” is defined as the entire facility or work location, e.g., a prison, a region office, DOP Administration.
- (B) Personal/romantic/intimate relationships that must be reported are:

- (i) Romantic or sexual relationships, including dating for any length of time or engaging in intimate physical/sexual contact.
  - (ii) Cohabitation (“living together” or “roommate”) relationships, regardless of the reason for cohabitation, e.g., whether the relationship is platonic, romantic or sexual.
  - (iii) Financial relationships in which the employees have a shared/joint financial liability, such as being joint owners of a vehicle, boat, vacation property or a business, or where one employee owes the other employee a substantial amount of money.
  - (iv) Family relationships where individuals who work at the same work site are:
    - Parents or step-parents of the same child(ren)
    - Spouses
    - Parent/step-parent and child, including in-laws
    - Siblings or step-siblings, including in-laws
    - Grandparent and grandchild
    - Aunt or uncle and niece or nephew
- (8) The failure to report a relationship when required to do so by this policy is grounds for disciplinary action up to and including dismissal.
- (9) If an employee is in doubt about an issue regarding this policy, the employee should contact his/her chain of command or the Department’s legal or EEO Office for guidance.
- (10) This reporting requirement is not restricted to reporting relationships between direct (or line) supervisors and subordinates. Division employees, who work at the same workplace, must report the existence of a romantic/intimate/personal relationship if one of the employees is in a position where he or she may have authority over the other. This includes relationships between employees in which one is of a higher or lower rank, position or classification than the other.
- (11) For purpose of the reporting requirement in this policy, a supervisory level employee is one who:
- (A) Outranks the other by position or classification, or
  - (B) May supervise the other, even if such supervision would only be in an itinerant or “acting” capacity.

- (12) For purposes of the reporting requirement in this policy, a subordinate level employee is one who:
- (A) Is outranked by the other's position or classification, or
  - (B) May be supervised by the other, even if such supervision would only be in an itinerant or "acting" capacity.
- (13) This policy is not designed to condone or prohibit any voluntary, personal relationship between Division employees.
- (14) The reporting of a relationship as required under this policy will be used to make appropriate workplace assignments in order to minimize potential workplace problems and liability. Managers are encouraged to be sensitive to the privacy of employees when dealing with these relationships and to safeguard confidential personal information. Managers are encouraged to consult with their chain of command and the Department's Legal and EEO Office for advice regarding any particular situation or issue.
- (15) Generally, when a relationship that must be reported under this policy exists between supervisory (or management) and subordinate level personnel, a re-assignment of one or both of the employees will be made.
- (A) It is anticipated that the re-assignment will separate the employees so that the employees do not work together, and neither employee reports to or supervises the other.
  - (B) Work re-assignments may include but are not limited to: transfer to another facility or work site, shift change, and assignment to a different unit or location at the same work site.
  - (C) When a re-assignment is deemed necessary by management, any proposed re-assignment options offered by the affected employees will be considered. However, the ultimate decision regarding re-assignment will be made in the discretion of management.
  - (D) Factors that may affect management's decision include the ready availability of other appropriate work assignments for the employees and the operational impact of potential re-assignment options.

- (j) Financial Relations Between Employees. Employees are to be discouraged from borrowing money from or lending money to or becoming financially obligated to any other member of the division of prisons.
- (k) Neglect of Duty or Failure in Duty. Employees guilty of neglect or failure in duty will be subject to disciplinary procedures in accordance with the state personnel policy.

  
Director of Prisons      Date

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