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Authority/References	Subject	
<p>ACA 5-ACI-1C-16, 5-ACI-1C-22, 5-ACI-1C-23, 2-CO-1A-29, 2-CO-1C-04 and 2-CO-1C-24</p> <p>P & P ACA 3C-01, 3C-02, 3C-03</p> <p>KRS 11A.005 - 11A.045, 11A.990, 18A.140 196.230; 196.990, 196.035, 196.070, 197.020, 519.060</p> <p>28 C.F.R. § 115.17</p> <p>200 KAR 2:006</p> <p>Kentucky Executive Branch Ethics Commission Opinion 07-37</p>	CODE OF ETHICS/SOCIAL MEDIA USE	

I. DEFINITIONS

“Agent” means any person acting on behalf of, or for the benefit of, an offender.

“Code of Ethics” means a set of rules describing acceptable standards of conduct for all employees.

“Conflict of interest” means any employee action or association which adversely affects the interest of the Department of Corrections or an outside concern which may bring undue pressure upon the employee in his effort to make decisions concerning official duties.

“Employee,” for purposes of this policy and the Employee Confidentiality and Security Agreement attachment only, means full-time, part-time, and interim employees of the Department of Corrections; and interns, students, volunteers, vendors, contractors, agency consultants, and contract personnel who have offender contact on a reoccurring basis.

“Intoxication” is defined in KRS 222.005(7).

“Offender” means any person:

- A. (1) Confined in a correctional institution; or
- (2) Under probation or parole supervision of the Department of Corrections, including any person on inactive supervision who has not received a final discharge; and
- B. Who:

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- (1) Is less than one (1) year beyond the date of his date of serve-out or release from supervision; or
- (2) Has been adjudicated guilty or has entered a guilty plea but is still pending final sentencing.

“Public website” means any website that is accessible by any person by or through a web browser (e.g., Microsoft Edge, Safari, Google Chrome, etc.), regardless of whether access requires users to create accounts or pay fees.

“Social media” means any technology, including websites and applications on computers, tablets, and smart phones, that enable users to participate in internet content creation and online social networking, including Facebook, Twitter, Instagram, YouTube, OnlyFans, SnapChat, LinkedIn, and TikTok.

II. POLICY and PROCEDURES

A. General Standards of Conduct

1. Each employee shall adhere to the requirements of KRS 11A.020. To meet the ethical standards prescribed by this policy, an employee shall adhere to KRS 11A.005 through 11A.045 and the standards of conduct set forth.
2. Any effort to influence an employee to violate the standards of ethical conduct set forth in this policy or to engage in conduct which creates a justifiable impression in the public mind that this trust is being violated shall also be a violation of ethical standards. An employee shall not use his official position to secure privileges for himself or others. An employee shall comply with KRS 18A.140 concerning prohibited political activities.
3. Use of the time, facilities, equipment or supplies of the Commonwealth by an employee for his private purposes shall constitute a violation of the standards of ethical conduct set forth in this policy and may result in appropriate disciplinary action as prescribed by the appointing authority for an employee, or other appropriate action including reimbursement of costs or restriction from Department of Corrections institutions or offices.
4. An employee shall not receive hotel, airline, grocery, gasoline, or other rewards points or benefits on the employee’s personal accounts if the Department of Corrections pays the vendor directly (such as a direct bill hotel), including via procurement card. Rewards points may be accepted by the employee in instances that the employee’s own funds are used to pay expenses for official business that are reimbursed by the Department pursuant to 200 KAR 2:006.
5. The use of an intoxicant, which adversely affects an employee’s ability to perform his job duties, shall constitute a violation of the standards of ethical conduct set forth in this policy.

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6. Providing false information to anyone during the course of an investigation shall constitute a violation of the standards of ethical conduct.
7. An employee shall report to his respective supervisor or facility contact as soon as possible any arrests, domestic violence orders, emergency protection orders or pending charges. In addition, the employee shall report any civil or administrative adjudication where he has been found to have engaged in sexual activity facilitated by force, overt or implied threats of force or coercion if the victim did not consent or was unable to consent or refuse.

B. Conflicts of Interest

1. The following prohibited activities determine a conflict of interest:
 - a. See KRS 11A.040.
 - b. An employee shall not represent any person with interests adverse to Corrections or in conflict with his official public duties or attempt to use his influence for a purpose contrary to the provisions of this policy. Nothing herein shall be construed to prevent an attorney for Corrections from representing an employee in litigation resulting from the employee's actions within the scope of his official duties.
2. The Commissioner may approve an exception to paragraph 1.b. of this subsection if justification for the exception is approved in writing through the chain of command and the exception is in the best interest of Corrections and state service. An example of an exception is a situation which may be a technical violation but produce no real conflict with the duties and responsibilities of the employee.
3. The following activities relate specifically to relationships with an offender and shall be prohibited:
 - a. Accepting a gift or favor from an offender, family of an offender, or his agent.
 - b. Providing a gift or favor to an offender, family of an offender, or agent except as authorized in the official performance of duties.
 - c. Buying from or selling a service or item to an offender, family of an offender, or agent or engaging in personal business transactions that would provide a benefit not available to the general public.

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An employee may purchase a product made by an inmate through established procedures including Correctional Industries or institutional programs.

- d. Developing a relationship between staff and an offender other than that necessary in the normal conduct of business. An employee shall not become romantically involved with an offender, engage in sexual relations with an offender, or develop a sexual relationship with a member of an offender's immediate family.
 - e. Taking or sending, either to or from, an inmate any verbal or written message, from or to a third person; or any literature, reading matter, item, article or substance, except as necessary in carrying out the employee's assigned duties.
4. Paragraphs 3(a) and (b) shall not apply to a certificate, plaque or other expression of gratitude, of modest intrinsic value, presented by an inmate group or other organization to a Department of Corrections employee who has worked with the organization and gained its good will.

C. Confidential Information

1. See KRS 11A.040(1). An employee shall sign the Employee Confidentiality and Security Agreement prior to beginning his employment or prior to accessing any confidential information. The original shall be kept in the employee's personnel file.
2. Any release of confidential information shall require the prior consent of the appropriate authority within the Department of Corrections. Failure to obtain prior approval may be grounds for disciplinary or other appropriate action.
3. If it is determined that an employee released confidential information to anyone not authorized to receive the information, he may be prosecuted in accordance with Corrections policy, state or federal law, including KRS 11A.990.

D. Monitoring Use of Alcohol or Other Drugs

1. An employee shall not be under the influence of alcohol or other drugs. The Department of Corrections has a zero tolerance for the use of or being under the influence of drugs and alcohol. If a reasonable basis exists to believe an employee may have alcohol or drugs in his system which may adversely affect his job performance, the employee may be requested to submit to a breathalyzer or other analysis.

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2. An employee shall not be at work at a Department of Corrections institution or office with more than 0.00 percent by weight of alcohol in his blood. Registering a level of intoxication in one's system may be the sole basis for action but shall be considered with all other aspects of behavior in determining the impact on job performance.
3. Refusal to submit to a breathalyzer test or other analysis may be grounds for disciplinary action. An employee who refuses to submit to these tests shall be considered to be under the influence and in violation of the department's zero tolerance policy. An employee who refuses to submit to these tests shall be instructed to leave the Department of Corrections institution or office and may be prohibited from returning.
4. If an employee uses medication which may adversely affect his job performance, the employee shall notify his immediate supervisor.

E. Training

The Division of Corrections Training shall include information regarding the Code of Ethics in basic training classes and annually for a full-time employee.

F. Social Media

A Department of Corrections employee may be subject to personnel action if he or she posts or promotes content on his or her personal social media pages, on another user's social media page, or on a public website that:

1. Adversely affects the department's operations;
2. Interferes with an employee's performance of duties;
3. Impairs discipline, harmony, or relationships among coworkers;
4. Showcases obscene or sexually explicit content;
5. Ridicules, harasses, or is discriminatory in nature against an individual or group of people in regards to race, color, religion, sex, national origin, or any protected class of individuals as defined by law;
6. Includes content that would reasonably be considered as reckless or irresponsible;
7. Violates the Employee Confidentiality and Security Agreement;
8. Uses any image or photograph of image that belongs to the Department of Corrections that would reflect discredit on the Department or undermine public trust including: time, facilities, equipment, or supplies of the Commonwealth by an employee for his private purposes; any image of an

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offender (with or without consent); and any material for which the Department of Corrections holds a copyright, trademark, patent, or other intellectual property right; or

9. Are made or posted during duty hours and are not the official business of the department. Duty hours shall not include breaks (i.e. lunch or designated breaks).

G. Ethics Opinion

If an employee has a question regarding the Code of Ethics or a possible conflict of interest, he may submit a written request for an ethical opinion to the Personnel Director, Division of Personnel Services, Department of Corrections, P.O. Box 2400, Frankfort, Kentucky 40602-2400. The Personnel Director shall co-ordinate a response with the Executive Director, Ethics Commission, Executive Branch.

PRINT: _____
(Last Name) (First Name) (Middle Initial)

EMPLOYEE CONFIDENTIALITY AND SECURITY AGREEMENT

I understand that as an employee as defined in CPP 3.1 I may be allowed access to confidential information or records in order that I may perform my specific job duties. I further understand and agree that I shall not disclose confidential information or records without the prior written consent of the appropriate authority in the Department of Corrections.

I understand that accessing or releasing confidential information or records of the Department of Corrections, or causing confidential information or records of the Department of Corrections to be accessed or released, on myself, other individuals, offenders, or relatives, outside the scope of my assigned job duties constitute a violation of this agreement and may result in disciplinary action taken against me, up to and including, my dismissal or I may be prohibited from returning to a Department of Corrections institution or office.

By affixing my signature to this document I acknowledge that I have been apprised of the relevant laws, regulations and policies, including CPP 3.1, concerning access, use, maintenance and disclosure of confidential information or records that are made available to me through my employment with the Department of Corrections. I further agree that it is my responsibility to assure the confidentiality of all information that has been issued to me in confidence even after I leave the Department of Corrections.


Pursuant to this agreement I certify that I have read and understand the laws, policies and regulations concerning confidentiality of information or records.

I also certify by my signature that I have been given a copy of this statement and have been notified that a copy of this statement shall be placed in my department personnel file or other appropriate file.

Signature/Date

Supervisor Signature/Date

Manager, Warden, Director or Commissioner Signature/Date

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Authority/References KRS 61.878, 196.010, 196.035, 197.010, 197.020 P&P ACA 4-APPFS-1C-03, 4-APPFS-1C-04, 4-APPFS-1C-05, 4-APPFS-1C-06, 4-APPFS- 1C-07, 4-APPFS-1C-08, 4-APPFS-3D-16 CPP 5.1	Subject STUDENT INTERN PLACEMENT PROCEDURE	

I. DEFINITION

“Department” is defined in KRS 196.010(3) and 197.010(3).

“DOC” means the Department of Corrections.

“Student intern” means a person enrolled in an accredited college or university, who is eligible according to the Personnel Cabinet, Justice and Public Safety Cabinet Office of Human Resource Management, and the college or university faculty for a paid field placement.

II. POLICY AND PROCEDURE

This policy and procedure applies to students who demonstrate an interest in the criminal justice system or in other areas of work handled by the Department of Corrections. Recognizing the need for trained staff within this agency and throughout the criminal justice system, the DOC supports intern experiences for students as methods of training in correctional services. The DOC may provide resources for these experiences to qualified students from accredited colleges and universities who are pursuing degrees in fields related to the work of the DOC. Service as a student intern shall not be construed as an offer of future employment.

- A. An intern shall complete an application at careers.ky.gov or submit a resume and transcript to the Justice and Public Safety Cabinet Office of Human Resource Management.
- B. Student intern candidates shall undergo a background check as outlined in CPP 3.6.
- C. Students shall respect the confidential nature of client files. The names of clients being served shall not be used in oral or written communications except as it pertains to Departmental business.

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- D. Research projects conducted by students for purposes other than those initiated by the Department shall comply with CPP 5.1, Research and Survey Projects.
- E. Students participate in these programs of their own volition and thereby shall assume the risks involved in working within a correctional setting. The Department and its employees shall exercise ordinary and reasonable care to avoid an intern becoming involved in a harmful situation.
- F. The practicum or intern experience may be terminated by the student, the college or university, or by the Department at any time for any reason. Notice shall be given by the terminating party so that other arrangements can be made if necessary.

III. ELIGIBILITY

An intern shall:

- A. Attend an accredited college or university;
- B. Be pursuing a degree in a field considered to be necessary for the Department's programs and institutions;
- C. Maintain a GPA of 2.5 or above. An exception may be made to the GPA requirement if other factors concerning the intern candidate support the exception.

IV. ORIENTATION

After acceptance into the program, the student shall be oriented to Department policies and procedures by his or her assigned supervisor and given a written job description. During orientation, the student intern shall read and sign the following documents:

1. CPP 3.1 Code of Ethics/Social Media Use
2. CPP 3.5 Sexual Harassment and Anti-Harassment
3. CPP 6.5 Email and Internet use

V. EVALUATIONS AND REPORTS

The DOC employee acting as the student supervisor shall report the progress, difficulties, and accomplishments of the student to the responsible college or university and Office of Human Resource Management.

VI. STUDENT INTERN PROGRAM FOR PROBATION AND PAROLE


- A. An intern shall complete an application at careers.ky.gov or submit a resume and transcript to the Office of Human Resource Management.

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- B. The District Supervisor or designee shall serve as coordinator of the district's student intern program. The District Supervisor or designee shall screen applicants and submit recommendations to the Director of Probation and Parole or designee and Office of Human Resource Management.
- C. Student interns will be exposed to the different functions of the Division of Probation and Parole, and may participate in the following:
1. Observe presentence interviews and assist in the preparation and collection of information involved in a presentence report;
 2. Become familiar with the creation and organization of the case file;
 3. Observe court proceedings (sentencing, revocation) and Probable Cause Hearings;
 4. Review case files and assist officers with file maintenance including risk scale assessments, record checks, and the preparation and filing of progress and violation reports;
 5. Observe office activities such as report day and community resource referrals;
 6. Where applicable, observe the operations of halfway houses and community centers; and
 7. Be assigned to other projects as needed and perform professional services only when certified or licensed to do so.
- D. Student interns shall not:
1. Participate in any office or field arrest;
 2. Participate in a home visit;
 3. Conduct any drug urinalysis;
 4. Author any document; or
 5. Have any authority over an offender or decision regarding an offender's case.
- E. Student Intern Goals and Objectives
- At the conclusion of the semester, student interns shall:

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1. Be able to define and explain the differences between probation and parole.
2. Understand and be able to explain the various aspects of community supervision.
3. Be able to explain the different levels of community supervision and reporting requirements.
4. Become aware of the roles of the Commonwealth Attorney, Public Defender, and District and Circuit Courts.
5. Become familiar with community resources used in supervision and the referral process.

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Authority/References KRS 196.035, 197.020 CPP 3.17	Subject APPEARANCE AND DRESS FOR NON-UNIFORMED STAFF	

I. DEFINITIONS

“Employee” for purposes of this policy only, means full-time, part-time, and interim employees of the Department of Corrections to include interns, students, volunteers, vendors, contractors, agency consultants, and contract personnel who have offender contact on a reoccurring basis.

II. APPLICABILITY

This policy and procedure shall apply to all non-uniformed employees in the Department of Corrections. Uniformed staff are regulated by Corrections Policy and Procedure 3.17.

III. POLICY and PROCEDURE

A. Personal Appearance

1. Personal appearance shall include personal hygiene and cleanliness. Personal attire shall be appropriate for the work classification or setting and shall meet the expectations of the respective institution or office setting, including if on duty in a virtual setting. Employees shall be well groomed and neat in appearance while on duty. All clothing shall be cleaned, pressed, and fit properly.
2. Scented products, such as perfume, cologne, or aftershave may be worn if they do not detract from appearance or interfere with duties.
3. An employee shall not display any message through their personal appearance that is inflammatory, security threat group related, has sexual implications, or is discriminatory towards a protected class while on duty. This includes body markings, clothing, and facial coverings. Such displays shall be strictly prohibited.

B. Head and Facial Hair

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1. Hair may be worn in a contemporary style. The length, bulk, or appearance of the hair shall not be excessive, ragged, or unkempt. Hair coloring, if used, shall appear natural.
2. Facial hair shall be neatly trimmed.
3. Employees shall not have lines, graphics, numbers, or other designs cut into their hair or eyebrows.
4. Facial hair may be prohibited if it prevents the proper wearing and sealing of a gas mask or self-contained breathing apparatus for those required to wear them.

C. Fingernails

Fingernails, including acrylic nails, shall be clean and neatly trimmed and shall not be of a length that interferes with performance of duties.

D. Cosmetics

Cosmetics may be worn but shall not detract from the work environment of the employee.

E. Jewelry

1. Jewelry shall be limited to small items worn in moderation.
2. Employees may wear earrings that present a professional image and are not eccentric. On institutional grounds, staff shall not wear earrings that dangle excessively, or pose a hazard to others.
3. An employee may wear one small stud in nose. An employee shall not display any other type of visible body piercings, other than earrings.

F. Clothing

1. Clothing shall fit properly and shall not be worn or torn, frayed, or have holes.
2. Hats may be worn, dress or casual. Ball caps may be worn at the discretion of the supervisor but must be appropriate for the workplace.
3. Appropriate undergarments shall be worn. Tight or form fitting apparel such as leggings or compression garments may only be worn as undergarments, for example under a skirt or pants, but shall be prohibited if worn as an outermost garment.

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4. Professional attire for employees shall include: business suits, slacks or skirts and coordinated sport jacket or appropriate shirt and tie, blouse, or sweater.
5. Business casual attire for employees shall include: dress slacks or skirts, including khaki style slacks or skirts, dress shirts or blouses, dresses, capri or cropped pants, polo style shirts, sleeveless blouses and button down shirts. Ties shall be optional with casual attire. Shirt collars may be worn opened, but only the top button may be unbuttoned.
6. Appropriate shoes shall coordinate with attire and shall be worn at all times while on duty.
7. On institutional grounds, staff shall wear shoes that have a closed toe and closed heel.
8. Prohibited Items of Clothing

The following shall be prohibited attire: overalls, crop tops exposing the midriff, tank tops, halter tops, tube tops, muscle shirts, tee shirts, tight fitting or see through shirts or blouses, shorts, tight fitting (lycra type) pants, denim material, flip flops, beach attire, miniskirt, minidress, and house slippers. Other items may be deemed inappropriate by the employee's supervisor based on the duty assignment.

G. Identification Card

1. An employee shall inform management if a new identification card is needed due to a drastic change in appearance or identification card is lost or damaged. A drastic change in appearance shall include any change that may cause the possibility of someone not recognizing the employee by the employees's identification photo. This may include extreme weight loss or gain, plastic surgery, gender transition, or extreme change in hair color.
2. Identification cards that need to be replaced due to a voluntary drastic change in the employee's appearance or due to loss or damage from negligence of the employee may be replaced at the employee's expense. Employees shall not be charged for an identification card damaged in the course of job assignment, such as subduing an offender, or replacement of an identification card damaged through normal wear and tear.
3. Employees shall carry a current identification card at all times while on duty.

IV. Enforcement and Authority to Temporarily Suspend Policy

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- A. Each supervisor shall be enforce the dress code policy and report violations to the appropriate management staff. Failure to dress appropriately may result in disciplinary action, up to and including dismissal. The staff member in violation may be asked to return home to dress appropriately and be charged accrued leave time or leave without pay if leave is exhausted for the time required to execute the change.
- B. Supervisors shall have limited authority to temporarily suspend this policy for specific employees if the situation warrants (for example, clean up days, moving days, extraordinary work assignments, fundraisers, and the like). However, a supervisor shall not grant a permanent suspension of this policy for any employee under any circumstances. The normal course of business shall not be considered as a cause for temporary suspension of this policy.

V. Management Staff and Employees Representing Department


Management staff, including all supervisors, shall dress appropriately for their position, and shall be held to a higher standard in the enforcement of this policy. In addition, all employees who officially represent the Department in meetings with the public, court appearances, or other venues shall dress in a manner to display a professional image. This shall include meetings or appearances in a virtual format.

VI. Industries, Farms, Maintenance, and Special Details

Employees working in areas, such as industries, farms, maintenance, or special details, that require manual labor and for which uniforms are not provided shall be authorized to wear clothing appropriate to the work being performed; for example, work clothing, blue jeans, and similar items.

VII. Exemptions from Dress Requirements

- 1. A request for modification to the appearance and dress requirements of this policy may be made for sincerely held cultural or religious beliefs, medical reasons, or due to a staff member's pregnancy.
- 2. Requests for modifications shall be forwarded to the respective Warden, District Supervisor, or work area supervisor who shall review and make a recommendation. The request and recommendation shall be reviewed by the Deputy Commissioner and Director of Personnel before final review by the Commissioner.
- 3. Each request shall be considered individually based on information provided by the staff member, the individual job functions, and the operational needs of the institution or office.

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<p>Authority/References</p> <p>KRS 18A.043, 196.035, 197.020, 218A.040 through 218A.130 Executive Order: 96-611, 89-398 101 KAR 2:102 ACA 4-4063, 2-CO-1C-20, 2-CI-01-04-02, 2-CI-6C-2, 2-CI-6C-3 P&P ACA 3C-01, 3E-14 CPP 3.1</p>	<p>Subject</p> <p>DRUG FREE WORKPLACE EMPLOYEE DRUG TESTING</p>	

I. DEFINITIONS

“Alcohol” means those substances chemically classified as alcohols that are imbibed into the human body, regardless of the alcohol bearing liquid involved, including liquor, beer, wine, and mixed alcoholic drinks.

“Chain of custody” means a written record of the proper collecting and handling of a urine specimen.

“Illegal drug” means any controlled substance classified as Schedule I, II, III, IV, V in KRS 218A.040 through 218A.130 that has not been specifically prescribed by a licensed physician, dentist, or advanced practice registered nurse as allowed by KRS 314.011.

“Management authority”, for the purposes of this policy, means the institutional warden, district supervisor, or designee.

“Medical review officer (MRO)” means a licensed physician with knowledge of substance abuse disorders who is responsible for the receipt, review, and interpretation of all confirmed positive test results submitted to Corrections from the drug-testing laboratory.

“Other substance or substances” means any drug, chemical, or substance that has, or may have, the effect of impairing the mind or body, or otherwise affect the senses, responses, motor function, or alter a person's perception while on duty.

“Prescription drug” means those controlled substances prescribed by a licensed physician, dentist, or advanced practice registered nurse, if allowed by KRS 314.011, that are used in exactly the manner prescribed by the person for whom the prescription was written.

“Random drug testing” means a process of selection of employees classified in hazardous duty classifications to be tested that: (a) results in an equal probability that any employee from a group of employees subject to the process shall be selected; and (b) does not allow

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“Management authority”, for the purposes of this policy, means the institutional warden for a correctional institution, Probation and Parole Division Director or District Supervisor for a Probation and Parole Office, Director of a Division for Central Office or Correctional Industries, or the designee of any of these.

“Medical review officer (MRO)” means a licensed physician or an Advanced Practice Registered Nurse (APRN) with knowledge of substance abuse disorders who is responsible for the receipt, review, and interpretation of all positive confirmatory test results submitted to the Department of Corrections from the drug-testing laboratory.

“Other substance or substances” means any drug, chemical, or substance that has, or may have, the effect of impairing the mind or body, or otherwise affect the senses, responses, motor function, or alter a person's perception while on duty.

“Prescription drug” means those controlled substances prescribed by a licensed physician, dentist, or advanced practice registered nurse, if allowed by KRS 314.011, that are used in exactly the manner prescribed by the person for whom the prescription was written.

“Random drug testing” means a process of selection of employees classified in hazardous duty classifications to be tested that: (a) results in an equal probability that any employee from a group of employees subject to the process shall be selected; and (b) does not allow management staff the discretion to waive the testing of any employee selected under the process.

“Reasonable suspicion” for the purpose of this policy, means the quantity of proof or evidence, based on specific, objective facts and any rationally derived inferences from those facts about the conduct of an individual that would lead a reasonable person, based upon his training and experience, to suspect that the individual is or has been using alcohol or any other substance or substances. Reasonable suspicion is less than probable cause, but substantially more than a mere hunch. Reasonable suspicion shall be based on the totality of the circumstances and requires the person to articulate the reasons for suspicion.

“Sanctions” means penalties, requirements, or restrictions imposed on an employee for violations or noncompliance with the Department of Corrections Drug Free Workplace Policy.

“Under the influence” means an employee’s behavior, judgment, coordination, or physical or mental ability appears to be unsafe or unfit for duty or an employee’s breath, blood, or urine has a detectable amount or concentration of alcohol or any other prohibited substance or substances.

“Urinalysis and urine drug screen” means urine samples that are screened for specified drugs and their metabolites using defined cutoffs.

II. POLICY and PROCEDURE

- A. An employee shall not unlawfully manufacture, distribute, dispense, possess, or use illegal drugs or alcohol on the job, or report to work under the influence of alcohol or any other substance or substances. It is the Department of Corrections’ intent to maintain a

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workplace free of these substances, so that all employees may have the opportunity to have a safe, more productive work environment.

- B. An employee or contract staff shall submit to a urine drug test or screen for alcohol or any other substance or substances under the following conditions:
1. Prior to employment, following the initial interview for a hazardous duty position
 2. Prior to beginning work for contract staff;
 3. At any time for reasonable suspicion with approval after the management authority consults with the Personnel Director;
 4. After an employee has tested positive, further testing may be conducted at the employer's discretion for up to one year;
 5. Selection of employees or contract staff for random drug testing shall be made by a computer program that contains all employees or staff classified in hazardous duty, non-merit, and contract positions and shall be randomly selected by the program. Five (5) percent of employees and contract staff shall be selected for random drug testing on a quarterly basis; and
 6. All employees who are involved in a work-related accident that results in injury.
- C. An employee shall not be under the influence of alcohol or any other substance or substances that may impair one's job performance.
1. If supervisory staff has reasonable suspicion to believe an employee is under the influence of alcohol or any other substance or substances while on duty, the supervisor shall immediately contact the management authority who shall notify the Personnel Director.
 2. The management authority may require the employee to submit to a breath or blood alcohol concentration test or a urine drug screen or both, based on reasonable suspicion, after consulting with the Personnel Director.
 3. After a positive confirmatory test or refusal to submit to a breath or blood alcohol concentration test or drug test, the employee shall be placed on leave immediately pending the dismissal process in accordance with 101 KAR 2:102, Classified Leave General Requirements.
 4. Any employee refusing to submit to a request for a urine drug screen or breath or blood alcohol concentration test shall be considered under the influence and shall be dismissed.
- D. Alcohol or any other substance or substances shall not be brought on to or consumed at

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the work site, or while on duty. An employee shall not be in possession of any illegal drug except in the performance of official duties.

E. Any employee having a reasonable suspicion to believe that another employee is using in violation of this policy, in possession of, or under the influence of alcohol or any other substance or substances shall immediately report the facts and circumstances to his supervisor.

1. The supervisor shall immediately observe the suspect employee's behavior and take any other appropriate steps to determine whether reasonable suspicion exists.
2. If reasonable suspicion is determined, the supervisor shall immediately notify the management authority who will notify the Personnel Director prior to testing.

F. Any prescription drug brought to the work site or carried by an employee while on duty shall be in its original container.

1. The original container shall show the employee as the person for whom the drugs were prescribed and shall have the prescriber's name and prescription number.
2. The Department of Corrections may have an authorized physician or APRN determine if a prescription drug or medication adversely affects the ability of the employee to perform his duties.

G. Conditions for Testing

All tests described below shall use the standardized procedures adopted by the Department of Corrections as explained in this policy if testing or screening for alcohol or any other substance or substances.

1. Prior to employment, following the initial interview, candidates shall be required to submit to a drug and alcohol test or screen.
2. Reasonable suspicion testing – testing or screening for drugs, alcohol or any other substance or substances may be required if requested by the management authority if in his judgment there is reasonable suspicion to believe:
 - a. An employee's speech, physical appearance, behavior, coordination, judgment, or physical or mental ability suggests the employee may be under the influence, or the employee appears to be unsafe or unfit for duty;
 - b. An employee has the smell of alcohol or marijuana on their breath or about their person;
 - c. The employee is under the influence of illegal drugs, alcohol, or any other substance or substances and is unfit for duty;

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- d. The employee admits that he or she has consumed alcohol within twelve (12) hours of reporting for duty;
- e. An employee is involved in the illegal drug trade or is using illegal drugs;
or
- f. An employee is involved in an incident such as an arrest in the community where an illegal drug or drug activity is indicated.

3. If a work-related incident has occurred, resulting in injury or illness, and reasonable suspicion exists to believe any employee involved, whose conduct could have contributed to the incident, is under the influence of illegal drugs, alcohol, or any other substance or substances that could have contributed to the injury or illness.

4. If property damage has occurred and reasonable suspicion exists to believe any employee involved, whose conduct could have contributed to the incident, is under the influence of illegal drugs, alcohol, or any other substance or substances that could have contributed to the property damage.

5. An employee admits to drug or alcohol abuse.

6. Supervisors or staff conducting a test without prior approval may result in disciplinary action.

H. Drug Screen Procedures

1. Pre-employment Consent

The prospective employee shall sign an authorization that permits the release of the test or screen results to the management authority. A person refusing to sign an authorization shall not be considered for employment.

2. Privacy

Procedures for collecting urine specimens shall allow privacy unless there is cause for a witnessed collection of urine. If there is cause for a witnessed urine collection, the collection shall be witnessed by designated staff of the same gender as the employee. The following circumstances shall be grounds constituting the need for a witnessed urine collection:

- a. The individual has altered or substituted a specimen in the past;
- b. There is reason to believe the individual may alter or substitute a specimen;

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- c. The individual has tested positive and is now testing as part of the disciplinary process;
- d. The designated staff observes conduct clearly indicating an attempt to substitute or alter the urine specimen;
- e. The urine specimen falls outside the normal temperature range; or
- f. The laboratory has determined that the creatinine levels of a previous urine specimen are outside the normal range.

3. Integrity of Specimen

Precautions shall be taken to ensure that the urine specimen cannot be tampered with during the collection process:

- a. Bluing agents shall be placed in the toilet tanks;
- b. There shall be no other source of water, if possible, or any other substance in the enclosure where specimens are collected;
- c. All unnecessary garments such as coats, jackets, sweaters, purses, briefcases, or any other personal items that may be used to conceal items or substances that may be used to alter the urine specimen shall be left outside the collection area;
- d. The individual shall be instructed to thoroughly wash and dry his hands prior to urination;
- e. No staff shall carry out drug screening procedure without proper training.
- f. Latex gloves shall be worn by the designated staff at all times during the collection process;
- g. The bio cup packing shall be inspected to ensure there are no tears, cuts or damage to the packaging;
- h. The bio cup shall be provided to each individual by the trained staff;
- i. A sufficient amount of urine shall be collected in the testing cup to ensure bio cup will produce results. If an insufficient amount of urine is given for a drug screen and the employee indicates that he is unable to produce more urine at that time, the inadequate sample shall be properly disposed of by the designated staff and a newly labeled specimen bottle shall be used;

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- j. If the employee is unable to urinate, he shall be allowed to drink 8 ounces of liquid per hour and permitted a maximum of four hours to produce the specimen. Failure to produce a specimen after that time shall be considered as under the influence; and
- k. If an employee is unable to urinate due to a medical condition and a medical statement is obtained by the employee within four (4) hours, a blood test shall be done for the drug screen. The medical statement shall be provided to human resources staff.

4. Identity of the Specimen

- a. When the urine has been collected, either in private or witnessed, the specimen shall be returned to the designated staff.
- b. The urine specimen shall remain in plain sight of the submitting employee and the designated staff during the completion of the chain of custody procedures.
- c. In the presence of the submitting individual, the designated staff shall:
 - (1) Close the urine specimen container;
 - (2) The label on the urine specimen container shall be completed if the bio cup is positive. The label on the urine specimen container shall include the submitting individual's initials and driver's license number or last four digits of social security number;
 - (3) Begin the chain-of custody form;
 - (4) The submitting employee shall initial that his social security number and initials are correct on the specimen and the chain of custody form;
 - (5) Place the urine specimen container in a plastic bag and seal with evidence tape;
 - (6) Complete the drug testing facilities referral form; and
 - (7) Place the chain of custody form and the plastic bag containing the urine specimen into a second plastic bag and seal with evidence tape.

5. Custody and Control

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- a. Staff receiving the urine sample shall deposit the urine sample and the chain of custody form in a secured area until transferred to the custody of the drug testing facility.
- b. If an outside delivery agent is to deliver a urine sample to the laboratory, the designated staff shall ensure that the sample is released to the delivery agent by signature of staff packaging the sample.
- c. The laboratory personnel conducting the testing shall sign and date the Chain of Custody certifying that the sample was received intact and was properly identified as the employee's.

6. Analysis Process

- a. An independent laboratory shall perform the screening test on all bio cup positive specimens.
- b. The initial test shall be immunoassay testing.
- c. A positive initial test result shall be sent to a laboratory for confirmatory testing conducted by gas chromatography-mass spectroscopy (GC-MS).
- d. Negative samples shall be discarded.
- e. Samples testing positive after both the initial tests and confirmatory tests shall be considered positive for the purpose of retaining the specimen. The laboratory shall retain positive samples in a frozen state at least 365 days.
- f. The laboratory shall report the substance or substances for which the urine sample tested positive, if any.

7. Notification Process

- a. The MRO shall review and interpret all positive confirmatory test results for pre-employment, and random, post-accident and reasonable suspicion drug tests submitted to the drug-testing laboratory.
- b. The donor who tested positive shall provide a pharmacy patient medication profile to the MRO within five (5) working days of notification that the donor's specimen was positive.
- c. Results shall be transmitted to the MRO in a manner designed to ensure confidentiality of the information.
- d. The MRO shall review the positive test results for the pre-employment, random, post-accident and reasonable suspicion drug tests prior to the

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transmission of any positive test results to any management officials. The MRO or designee shall notify the management authority of all positive test results.

I. Final Action

1. Any employee testing positive for alcohol, an illegal drug, or any drug without a current prescription shall be dismissed.
2. Any employee who reports a drug or alcohol problem to management prior to being selected for a random drug test or prior to being informed that he or she will have to submit to a reasonable suspicion drug test, shall be referred by his management authority to participate in an employee assistance program.
3. If deemed appropriate by the management authority, the employee may be required to be evaluated for participation in a drug or alcohol abuse assistance or treatment program. If the evaluation results in the recommendation that the employee participate in a substance use assistance or treatment program, the employee shall successfully complete a drug or alcohol abuse assistance or treatment program.
4. Any employee who tests positive for a prescription drug shall submit a current prescription to management within fifteen (15) calendar days of the request. If the employee fails to produce the required prescription within this time frame, the employee shall be deemed not to have the required documentation and shall be dismissed.
5. Following an incident such as an arrest in the community, the Department of Corrections may drug test an employee based on reasonable suspicion. An employee that has had an incident in the community shall be subject to disciplinary action up to and including dismissal.

J. Confidentiality

1. Department of Corrections employees and the laboratory involved in any aspect of the drug testing program shall maintain confidentiality.
2. Test results may be used in the disciplinary process. Test results may be used in any litigation or legal action in which the test results become an issue or defense. Test results of an employee shall not be disclosed otherwise without the prior written consent of the employee unless the disclosure would be pursuant to an order of a hearing officer or court of competent jurisdiction.

K. Employee Notification, Training and Education

1. At the initial interview for employment, all applicants for positions covered by


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this policy shall be informed of:

- a. The drug free workplace policy.
 - b. The drug testing or screening procedures.
 - c. The requirement of signing an authorization form to release the results of the drug and alcohol test or screen to the management authority.
2. Corrections Training shall provide drug education to all employees covered by this policy. The drug education shall include:
- a. Types and effects of drugs;
 - b. Symptoms of drug use and the effects on performance and conduct;
 - c. The relationship of the employee assistance program to the drug-testing program;
 - d. Corrections policy prohibiting the use of illegal drugs and alcohol;
 - e. The reliability of drug testing; and
 - f. Other relevant treatment and confidentiality issues.
3. A staff person involved in the collection of urine samples shall be trained in this policy and procedure before the staff person conducts any drug and alcohol testing or screening of employees.

L. Staff Uniform or DOC Emblems

An employee shall not consume alcoholic beverages in a public place if the employee is wearing a Department of Corrections uniform or clothing with a Department of Corrections label or emblem or is wearing or displaying an official Department of Corrections badge or ID.

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	MAY 15 2024	
	Supersedes Effective Date	
Authority/References KRS 196.035, 196.160, 197.020	Subject UNIFORMED EMPLOYEE DRESS CODE	

I. DEFINITIONS

None.

II. POLICY and PROCEDURE

This policy and procedure shall apply to all uniformed employees at institutions within the Department of Corrections.

A. Dress Code

1. Uniforms

- a. Uniforms shall be clean, pressed, and maintained in good order and appearance. All buttons shall be buttoned, with the exception of the top button. Uniforms shall be of proper size; the fit shall not be tight and shall reflect a professional appearance. Necessary alterations may be made, such as hemming trousers and tapering the shirt. Personnel may be required to pay for a garment if an alternation other than hemming of trousers or tapering of the shirt is performed.
- b. Articles of clothing issued for uniformed security personnel shall consist of the following:
 - (1) Three (3) long sleeve and three (3) short sleeve uniform shirts.
 - (2) Three (3) uniform pants. Pants shall be worn out over the footwear.
 - (3) One (1) black belt with silver or gold buckle depending on badge color.
 - (4) One (1) utility cap with cloth badge patch the same color as badge.

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- (5) One (1) all weather uniform jacket with liner.
 - (6) Maternity clothing of the same color and design as regular uniforms shall be issued on an as needed basis. Issue shall consist of three (3) uniform shirts, appropriate to the season and three (3) maternity pants.
- c. Uniform clothing shall not be worn when engaging in any activity not associated with official duties.
 - d. Uniformed support staff (maintenance, recreation, warehouse, farm and Correctional Industries) shall be issued the following:
 - (1) Three (3) light blue long sleeve shirts and three (3) light blue short sleeve shirts.
 - (a) Golf-type short sleeve shirts shall be issued to the Recreation Department and Correctional Industries.
 - (b) The shirt shall be screen printed with the DOC patch on the left breast pocket.
 - (2) Three (3) dark blue pants.
 - (3) One dark blue all weather jacket with liner. A Department of Corrections patch shall be worn on the left shoulder of the jacket and the American flag shall be worn on the right shoulder. These shall be centered on the sleeve and ½ inch below the top shoulder seam.
 - e. Clothing items shall be replaced as needed.
2. Issued Accessories
- Badges, Patches, Name Plates and Belts
- a. Badges issued to correctional officers shall be silver. Badges issued to correctional supervisors shall be gold or a combination of gold and silver for sergeants. The badge shall be centered above the left breast pocket ½ inch from the top edge of the pocket.
 - b. Insignia of rank shall be consistent with the predominant color of the badge and worn on both collars of the uniform shirt and jacket.

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Stripes shall be worn ½ inch above the point of the collar edge with the point of the collar bisecting the point of the stripes. Bars shall be worn ½ inch from the front collar seam and ½ inch below the top fold of the collar, with the bar parallel to the front edge of the collar.

- c. Belts shall be black in color with the buckle matching the color of the badge.
- d. Nameplates shall be worn beneath the uniform badge centered on the flap. The color shall be consistent with badge color. Nameplates shall be issued after successful completion of probationary status.
- e. The American flag, with the field of stars facing the front of the uniform, shall be worn on the right shoulder and the Department of Corrections patch shall be worn on the left shoulder of the uniform shirt and jacket. These shall be centered on the sleeve and ½ inch below the top shoulder seam.
- f. State issued pins approved by the Commissioner shall be worn on the right pocket flap evenly spaced in a horizontal line on either side of the pocket button. More than three (3) pins shall not be worn. Emergency squad members shall wear the CERT pin 1 inch above the right pocket button. Lodge pins, fraternity pins, organizational pins, or unissued pins shall not be worn on the uniform.
- g. The issued identification card shall be worn attached to the right shoulder epaulet of the uniform shirt for officers and attached to the pocket flaps for other uniformed personnel. Nothing shall be affixed to the identification card. Other issued cards may be attached underneath the identification card.
- h. CPR/glove pouch, one (1) black in color shall be issued and worn on the belt.

3. Non-Issued Accessories

a. Shoes

- (1) All shoes shall be clean, polished and shined, if possible, with heels in good repair.
- (2) Shoes shall have a closed toe and closed heel. Shoes shall be clean and neat and shall be worn at all times while on duty.

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(3) Black leather plain toe shoes, athletic shoes, walking shoes, or black military boots shall be worn with heels no higher than ½ inch. Shoes shall be black in color.

(4) Corrective shoes that are black in color may be worn if medically necessary.

b. Socks and Hose

Black or dark blue socks or hose shall be worn.

c. Undershirts

White or black crew neck T-shirts shall be worn with the uniform shirt. The collar of the T-shirt shall fit snugly around the base of the neck and not present a loose or wrinkled effect.

d. Belt and belt Accessories

A personal tactical style belt may be worn in place of the issued belt and shall be black in color. Belt accessories, such as cuff case and flashlight holder, shall be black in color. Belt and accessories shall be maintained in good condition.

e. (1) Personal Accessories

Only the below listed jewelry items may be worn by uniformed personnel.

(a) Two rings may be worn with the uniform; a wedding set shall count as one ring.

(b) Medical alert bracelets or necklaces (inside the uniform shirt) may be worn to indicate medical conditions.

(c) One religious medallion may be worn inside the uniform shirt.

(d) Uniformed staff may wear two[] pair of stud type earrings.

(e) Visible body piercing accessories (tongue, nose, lip, eyebrow, etc) shall not be worn.

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- (f) One wristwatch may be worn.
- (g) Only non-mirrored sunglasses shall be worn with the uniform. Sunglasses shall not hang from the uniform pockets or be hung from a neck band when not worn.
- (h) A personal cap may be worn in place of the issued utility cap. It shall be dark blue or black in color and shall be unadorned.
- (i) Facial coverings, if necessary, shall not be inflammatory or display an illegal substance, any gang insignia such as swastikas, double lightning bolts, or the confederate flag; or have racial or security threat group references; or have any type of sexual implication.

(2) Special Articles of Clothing

- (a) During inclement weather, personnel assigned outside duties may wear certain articles of clothing to protect them from the elements, such as toboggans and neck scarves. These shall be dark blue or black in color and shall be unadorned with plain hems.
- (b) During cool weather, officers may wear uniform sweaters or plain cardigan sweaters identical in color to the uniform.

4. Uniformed staff shall be in full uniform while on institutional grounds.

B. Grooming/Personal Appearance

Personal appearance shall include personal hygiene and cleanliness. Uniformed staff shall be well groomed and neat in appearance while on duty.

1. An employee shall not display any message through the employee's personal appearance that is inflammatory, is security threat group related, has sexual implications, or is discriminatory towards a protected class while on duty. This shall include body markings, clothing, and facial coverings. Such displays shall be strictly prohibited.

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2. The length, bulk or appearance of the hair shall not be excessive, ragged, or unkempt. Hair may be worn in a contemporary style but shall not go beyond the bottom of the uniform collar. Hair coloring, if used, shall appear natural. Hair shall not distract from the uniform, impair vision, or create a safety hazard while on duty.
3. Ribbons or ornaments shall not be worn in the hair except for neat and inconspicuous hairpins and barrettes.
4. Hair styles may be required to be taken down if it prevents the proper and safe wearing of helmets or head gear for those required to wear them.
5. Hairpieces or wigs worn on duty shall conform to the same standards as those for natural hair.
6. Facial hair shall be neatly trimmed.
7. Uniformed staff shall not have lines, graphics, numbers, or other designs cut into their hair or eyebrows.
8. Facial hair may be prohibited if it prevents the proper wearing and sealing of a gas mask or self-contained breathing apparatus for those required to wear them.
9. Fingernails shall be clean, neatly trimmed, and no longer than ¼ inch in length. They shall be shaped to not present a danger to the officer or others. Nail polish, if worn, shall be solid in color, with no other ornamentation.
10. Cosmetics may be worn but shall not detract from the work environment of the employee.
11. Scented products, such as perfume, cologne, or aftershave may be worn if it does not detract from appearance or interfere with duties.

C. Identification Card

1. An employee shall inform management if a new identification card is needed due to a drastic change in appearance or identification card is lost or damaged. A drastic change in appearance shall be any change that may cause the possibility of someone not recognizing the employee by the employee's identification photo. This may include extreme weight loss or gain, plastic surgery, gender transition, or extreme changes in hair color.

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2. Identification cards that need to be replaced due to a voluntary drastic change in the employee's appearance or due to loss or damage from negligence of the employee may be replaced at the employee's expense. Employees shall not be charged for an identification card damaged in the course of job assignment, such as subduing an offender, or replacement of an identification card damaged through normal wear and tear.

D. Exemptions from Uniform Requirements

1. A request for modification to the uniform and grooming requirements may be made for sincerely held cultural or religious beliefs, medical reasons, or due to a staff member's pregnancy.
2. A request for modification shall be forwarded to the Warden, who shall review and make a recommendation. The request and recommendation shall be reviewed by the Deputy Commissioner of Adult Institutions and Director of Personnel before final review by the Commissioner.
3. Each request shall be considered individually based on information provided by the staff member, the individual job functions, and the operational needs of the institution.

E. Separation From State Service

1. An employee shall return all parts of the uniform and other state issued property including badge and identification card, if they are terminated, retire, or transfer to a non-uniform position.
2. Documentation shall be signed by the employee and staff member receiving returned items to confirm return of all issued items.
3. The employee shall be responsible for replacement costs for any issued items not returned.

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KRS 196.035, 197.020, 510.120, 531.090 101 KAR 2:102; 28 C.F.R. § 115.5, 28 C.F.R. § 115.6, 29 C.F.R. § 1604.11 ACA 4-4281-6, 4-4056; P & P ACA 3C-02, 3E-05	STAFF SEXUAL OFFENSES	

I. DEFINITIONS

“Contractor” means a person who provides services on a recurring basis pursuant to a contractual agreement with the Department of Corrections as established in 28 C.F.R. § 115.5

“Offender” means any person: (1) confined in a correctional institution; or (2) under the probation or parole supervision of the Department of Corrections, including any person on inactive supervision who has not received a final discharge.

“Sexual abuse” means:

A. The behavior described by KRS 510.120(1)(c); or

B. Sexual abuse of an inmate, detainee or resident by a staff member, contractor or volunteer as established in 28 C.F.R. § 115.6.

Sexual abuse of an inmate, detainee or resident by a staff member, contractor or volunteer includes any of the following acts, with or without consent of the inmate, detainee or resident:

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
2. Contact between the mouth and the penis, vulva or anus;
3. Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire;
4. Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire;
5. Any other intentional contact, either directly or through the clothing of or with the genitalia, anus, groin, breast, inner thigh or the buttocks that is unrelated to official duties or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire;

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6. Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described in paragraphs (1) through (5) of this definition;
7. Any display by a staff member, contractor or volunteer of his or her uncovered genitalia, buttocks or breast in the presence of an inmate, detainee or resident and
8. Voyeurism by a staff member, contractor or volunteer.

“Sexual contact” means any touching or physical contact of the sexual or other intimate parts of a person, including but not limited to the genitalia, anus, groin, breasts, inner thighs, or buttocks, either directly or through clothing, that is unrelated to official duties, or done for the purpose of arousing, humiliating, harassing, degrading, or gratifying the sexual desire of any person.

“Sexual harassment” means repeated verbal comments or gestures of a sexual nature to an inmate, detainee or resident by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing or obscene language or gestures, as established in 28 C.F.R. § 115.6.

“Sexual offense” means any behavior or act of a sexual nature directed toward an offender by a staff member. This includes completed, attempted, threatened, or requested acts including sexual assault, sexual contact, sexual harassment, voyeurism, conduct of a sexual nature or implication, obscenity and unreasonable invasion of privacy. Sexual offense also includes conversations or correspondence, which suggest a romantic or sexual relationship between an offender and a staff member.

“Staff member” for purposes of this policy only, means full-time, part-time, and interim employees, interns, students, volunteers, consultants, and contractors doing business with the Department of Corrections.

“Unauthorized behavior” means any activity or contact with an offender or offender's family that is unrelated or unnecessary to the staff member's assigned duties or official Department business.

“Volunteer” means an individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency as established in 28 C.F.R. § 115.5.

“Voyeurism” means:

- A. The behavior described by KRS 531.090; or
- B. An invasion of privacy of an inmate, detainee or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using the toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitalia or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions, as described in 28 C.F.R. § 115.6.

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II. POLICY and PROCEDURE

This policy shall apply to all full time, part-time, and interim employees, interns, students, volunteers, consultants, and contractors doing business with the Department of Corrections. The Department of Corrections has a zero tolerance policy toward sexual offenses. Corrections' employees shall avoid offensive or inappropriate conduct at work and sexual offenses. Complaints of sexual offenses shall be investigated in a prompt, effective and uniform manner.

A. PROHIBITED BEHAVIOR

A staff member shall be prohibited from:

1. Any acts defined as sexual abuse in this policy.
2. Any acts defined as sexual contact in this policy.
3. Any acts defined as sexual harassment in this policy.
4. Any acts defined as a sexual offense in this policy.
5. Any acts defined as unauthorized behavior in this policy.
6. Sexual advances in any form towards an offender.
7. Sexually offensive language, comments or gestures.
8. Influencing, promising or threatening an offender's safety, custody, privacy, housing, privileges, work or program status, in exchange for personal gain or favor of a sexual nature.
9. Creating or encouraging an atmosphere of intimidation, hostility, or offensiveness as perceived by any individual who observes the sexually offensive behavior or language.
10. The act or attempted act of observing or interfering with an offender's personal affairs without a reasonable need to do so for the immediate safety and security of the offender, staff member, or others within the institution or office environment, i.e., failing to properly announce his presence when entering a housing unit, reading personal mail or written materials of an offender when not required for the safety and security of the environment.
11. Any activity or contact with an offender or offender's family that is unrelated or unnecessary to the staff member's assigned duties or official Department business.

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B. STAFF MEMBER RESPONSIBILITY

If a staff member is subjected to an offer by an offender that would constitute a sexual offense if made by a staff member or learns of a sexual offense occurring, the staff member shall take the following steps:

1. Immediately report to appropriate supervisor all contacts, observations, reports received, suspicions and knowledge of a sexual offense directed towards or by an offender; retaliation against an offender or staff member who reported an incident; and any staff member neglect or violation of responsibilities that may have contributed to an incident or retaliation. The staff member shall document any report received verbally. The staff member may also contact the hotline listed on the department's website established to privately report a sexual offense involving an offender.
2. Ensure that his conduct does not constitute or promote a sexual offense or violate the provisions of this policy and procedure.

C. SUPERVISOR RESPONSIBILITY

1. The supervisor receiving a complaint of a sexual offense shall ask the complainant to put the specifics of his complaint in writing. If the complainant refuses, the supervisor shall: (a) document the refusal and the specifics of the complaint as told to him by the complainant; and, (b) ask the complainant to confirm that his written version is accurate.
2. The supervisor receiving a complaint of a sexual offense shall ask the staff member involved and any witnesses to the incident to put the specifics of the incident in writing.
3. A supervisor receiving a complaint of a sexual offense shall report it directly to the Warden, District Supervisor or Division Director, who shall contact the Division of Personnel Services or the Office of Legal Services before taking further action.

D. INVESTIGATION

Depending upon the nature of the complaint, the Division of Personnel Services, the Office of Legal Services and the appropriate Deputy Commissioner shall determine whether the investigation shall be conducted at the district or institutional level or by an outside investigator. During the course of the investigation, the accused may be temporarily re-assigned. The accused may be placed on special investigative leave pursuant to 101 KAR 2:102.

E. FINAL ACTION

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1. Staff members found to have violated this policy shall be subject to disciplinary action up to and including dismissal, based upon the findings of the investigation. Such disciplinary action shall be commensurate with the nature and circumstances of the violation.
2. Any staff member found to have engaged in sexual abuse based upon the findings of the investigation may be terminated. All terminations, including resignations that would have resulted in termination if not for the resignation, related to criminal activity shall be reported to the Kentucky State Police.
3. If the findings are inconclusive but the investigation reveals potentially problematic conduct, preventative action shall be taken. The accused shall be reminded of Corrections' policy and further preventive measures may be taken including additional training to avoid a further recurrence or permanent reassignment.
4. The victim of a sexual offense shall be referred to medical and mental health resources to receive help in dealing with the effects of the sexual offense at no financial cost.

F. CONFIDENTIALITY

All information in a report or investigation of a sexual offense shall be kept confidential except to the extent necessary to report to an appropriate supervisor, adequately investigate the incident, provide treatment, or make security or management decisions. An individual interviewed in the course of resolving the complaint shall be cautioned to treat the information as confidential. Breach of this confidentiality shall be grounds for disciplinary action.

G. RETALIATION

Retaliation by or against any party involved in a complaint shall be strictly prohibited. Retaliation, in, and of itself, shall be grounds for disciplinary action. Each facility shall designate a staff member or department charged with monitoring retaliation.

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H. FALSE ACCUSATIONS

If a person files a knowingly false complaint or knowingly provides false information to anyone in the course of an investigation, disciplinary action, up to and including dismissal may be taken.

I. PREVENTION

1. Supervisors shall conduct and document unannounced rounds to identify and deter staff sexual offenses.
2. A staff member shall not alert other staff if a supervisory round occurs, unless such announcement is related to the legitimate operational functions of the institution.
3. A staff member of the opposite gender from the offender in a housing unit shall announce his or her presence before entering the unit as described by institution post orders or written guidelines.