

 <p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p>	Policy Number	Total Pages
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<p>Authority/References</p> <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>	<p>Subject</p> <p style="text-align: center;">CODE OF ETHICS/SOCIAL MEDIA USE</p>	

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