



**Agency:** Office of the Ombudsperson for Corrections  
**Policy:** 101.10  
**Title:** Personal Code of Conduct and Violence Free Workplace  
**Effective Date:** 8/31/2021

**PURPOSE:** To outline a standard of conduct for OBFC employees and provide a violence free workplace.

**APPLICABILITY:** All staff

**DEFINITIONS:**

Employment – paid work that may include self-employment.

**PROCEDURES:**

- A. An employee is responsible to know and follow agency policy and procedures.
- B. All agency employees, when on and off duty, must conduct themselves in a manner that does not bring discredit or criticism to the agency. Common sense, good judgment, consistency, and the agency mission must be the guiding principles for the expected employee standard of conduct.
- C. All employees must adhere to the provisions of Minn. Stat. § 43A.38, “Code of Ethics for Employees in the Executive Branch,” and Minn. Stat. § 15.43, “Acceptance of Advantage by State Employee; Penalty.”
  1. This includes the acceptance of gifts, use of confidential information, use of state property (including electronic communication tools), and conflicts of interest.
  2. Specific additional ethics requirements for individuals handling grant monies are listed in OBFC Grant Applications and Management Policy.
- D. An employee may accept outside employment provided the outside employment does not constitute a conflict of interest and does not adversely affect availability for assignments, or responsibilities with the agency. An employee must not use proprietary information obtained through the course of employment with the agency to fulfill the job duties of the outside employment. Any current outside employment held by an employee, as well as prospective outside employment, must be reported to the Ombuds on a Declaration of Outside Employment form (attached).
  1. The Ombuds reviews the outside employment to determine if the outside employment poses a conflict of interest within the agency.

2. A completed Declaration of Outside Employment form (approved or denied) must be filed in the employee's personnel file.
3. Payment/time off
  - a) An employee teaching in a community college or state university must also comply with the following:
    - (1) No employee may receive additional compensation for teaching if the agency has paid the university or college for presenting the course;
    - (2) Any person whose salary is set by Minn. Stat. § 15A.0815 is not eligible for compensation for such teaching; and
    - (3) Any alterations from the normal work schedule resulting from teaching commitments must be approved in advance by the Ombuds. The approval must be renewed each time there is an alteration of the normal work schedule. This may be each quarter or semester.
  - b) Time off to complete some portion of an otherwise non-conflicting outside employment must be taken as approved compensatory time off, regular vacation leave, or leave without pay. However, a state employee cannot be on paid leave and receive payment for hours worked for the same time period from another state agency. Therefore, time off to complete some portion of outside employment with any other state agency must be taken as leave without pay.
- E. The agency prohibits an employee from participating in the administration and/or operation of outside community programs and organizations that are funded by agency monies or by grants administered by the agency.
- F. Volunteer activity

An employee who performs volunteer services for an outside community program or organization that is funded by agency monies or by grants administered by the agency must notify the Ombuds who must determine whether a conflict of interest or the appearance of a conflict of interest exists through the following process:

  1. The employee provides the Ombuds with information regarding the actual or intended affiliation with the program or organization. The following information must be provided:
    - a) The organization's name, address and purpose;
    - b) The contact person within the organization; and
    - c) The extent of the employee's affiliation, including the title or office held, types of duties to be performed, and extent of any authority granted to the employee as part of the employee's affiliation.
  2. The Ombuds checks with financial services to determine the funding of the organization or program by the agency.

3. If the supervisor determines that the employee is participating in the administration and/or operation of a program/organization funded by the agency, the Ombuds provides written notification to the employee that a conflict of interest, or the appearance of a conflict of interest, exists.
  4. A copy of the employee's written notification and the Ombuds determination must be filed in the employee's personnel file.
- G. An employee must immediately inform the Ombuds if, while employed at an outside employer, the employee:
1. Engaged in sexual abuse in a prison, jail lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997); or
  2. Was accused of, or participated in, sexual harassment.
- H. An employee must not directly supervise, hire, evaluate or discipline anyone with whom the employee is related by blood, marriage, adoption, or anyone with whom the employee has an intimate/romantic relationship. An intimate/romantic relationship includes dating, sexual activity, or a continual relationship of an intimate, emotional nature.
- I. An employee must not falsify documents, engage in theft or misuse of state property, or misrepresent facts or information relevant to agency/state operations.
- J. An employee, when ordered, must cooperate and provide full disclosure in any agency investigations involving employee misconduct.
- K. An employee must not gamble on agency premises or on state time.
- L. An employee is expected to treat fellow employees, incarcerated persons, and the public with respect and courtesy. An employee must not exhibit behavior that demonstrates prejudice or that holds any person, group, or organization up to ridicule or contempt.
1. All communication must be respectful, professional, and dignified;
  2. Discrimination, harassment, and staff sexual misconduct are prohibited by state and agency policy.; and
  3. General harassment is not tolerated and is prohibited by state and agency policy.
- M. An employee must avoid associations or dealings with persons known to be currently involved in criminal activities.
- N. An employee must comply with all laws of the United States and of any state and local jurisdiction.

- O. Workplace violence is strictly prohibited. The agency does not tolerate any form of violence including intimidation, threats of violence (physical or verbal), or violent acts in the workplace. The agency promotes, establishes, and maintains a work environment that is free of violence.

All violence is investigated and corrective action is promptly administered, when warranted.

1. Employees must immediately report to the Ombuds a threat or action, occurring in a work area under the control of the agency, in which someone (e.g.: employee, client, contractor, volunteer or visitor) seeks to intimidate, threatens to harm, or does harm to another person.
2. All staff and the Ombuds ensure the workplace is violence-free by observing and intervening in inappropriate employee behavior and by being available to discuss and act upon employee concerns.
3. Employees observing or experiencing workplace violence are expected, if possible, to deescalate the situation and to report workplace violence to a the Ombuds or human resources representative.
4. The Ombuds determines the level of response required which may include such examples as: intervention in the situation, separating employees, removing employees from the workplace, fitness for duty evaluation, or involving the state employee assistance program (EAP) or law enforcement.
5. The Ombuds must ensure incidents of workplace violence are investigated, when appropriate, and determine the appropriate action to be taken or discipline to be administered. Employees found to have engaged in workplace violence may receive disciplinary action up to and including discharge from employment.

#### **INTERNAL CONTROLS:**

- A. Violations are documented and retained as indicated in each procedural section or associated policy.

**REFERENCES:** [Minn. Stat. §§ 15.86, 43A.38, 241.01, 15A.0815 and 15.43](#)  
[Prison Rape Elimination Act \(PREA\), 28 C.F.R. §115 \(2012\)](#)  
[Minnesota Management and Budget, Administrative Procedure 1.2, “Harassment Prohibited”](#)  
[MMB HR/LR Policy #1332, Acceptance of Discounts \(pdf\)](#)  
[MMB HR/LR Policy and Procedure #1423, Appropriate Use of Electronic Communication and Technology \(pdf\)](#)  
[MMB HR/LR Policy #1417, Code of Ethics \(pdf\)](#)  
[MMB HR/LR Policy and Procedure #1418, Drug and Alcohol Use by State Employee \(pdf\)](#)  
[MMB HR/LR Policy #1444 Workplace Violence](#)

[MMB HR/LR Memo #2021-2 Workplace Violence Prevention and Response](#)

**REPLACES**

**ATTACHMENTS:** [Agency Emergency Plan – \(restricted to employees only\)](#)  
[Declaration of Outside Employment form \(101.1 A\)](#)

**APPROVALS:**