



KANSAS DEPARTMENT OF CORRECTIONS

	INTERNAL MANAGEMENT POLICY AND PROCEDURE	SECTION NUMBER 02-118	PAGE NUMBER 1 of 15
		SUBJECT: HUMAN RESOURCES: Employee & Volunteer Rules of Conduct and Undue Familiarity	
Approved By:  Acting Secretary of Corrections		Original Date Issued: 11-10-86	Current Amendment Effective: 12-17-10
		Replaces Amendment Issued: 06-18-10	

POLICY

Every contact with offenders should be viewed as an opportunity to set a positive example and to emphasize positive behavior and individual accountability. All employees of the Kansas Department of Corrections shall adhere to the Department's Code of Ethics, as well as all other applicable statutes, regulations, performance, conduct, and/or physical and mental fitness expectations as established herein. (ACI 3-4067; APPFS 3-3068) The Department is committed to providing a productive and efficient work environment free of behaviors that are violent, threatening, disruptive, harassing, dishonest, unethical, or that violate any of the provisions of this document. (APPFS 3-3069) Violation of any statute, regulation, rule of conduct, or condition of employment may subject the employee to criminal charges or disciplinary action, up to and including dismissal. (ACO 2-1C-04)

The Kansas Department of Corrections absolutely forbids acts of undue familiarity, including sexual misconduct, with offenders. The Department shall fully investigate, and take all necessary corrective and disciplinary action, per provisions in IMPP 02-120, concerning any person who engages in undue familiarity. Employees who engage in sexual misconduct, contrary to K.S.A. 21-3520, shall be referred to the appropriate office for prosecution. (ACO 2-1C-11; ACI 3-4054-1; APPFS 3-3-53)

DEFINITIONS

Appointing authority: The person designated pursuant to IMPP 02-109 for each respective division or facility of the department.

Contraband: Any item that has not been approved for introduction into a correctional facility by law, regulation, policy, or otherwise specifically authorized by the warden, per K.A.R. 44-2-103.

Employee: Any person employed full time, part time, or on a temporary appointment to the Kansas Department of Corrections. For purposes of this IMPP, this definition shall include any person employed by a public or private entity under contract to provide services to the Kansas Department of Corrections; including supervision services for persons on parole, conditional release, and post-release supervision.

Facility: Includes DOC correctional facilities, parole offices, Central Office, and Correctional Industries offices or work sites.

Gross negligence: Conduct indicating a reckless disregard and complete indifference for the possible consequences of the person's action.

Horseplay: Any rough, boisterous, or rowdy play, or light hearted recreational activity pursued for the purpose of diversion or amusement

Offender: For the purposes of this IMPP, this term refers to any individual in the custody of the Secretary of Corrections, whether incarcerated or on post-incarceration supervision; any individual who during the prior two years has been in the custody of the Secretary of Corrections, whether incarcerated or on post-incarceration supervision; or any offender from another jurisdiction who is subject to a sanction for violation

of criminal law, including those on supervised or non-supervised release status, whom the employee knows or should reasonably know to be in that status.

Sexual Harassment: Includes repeated verbal statements or comments of a sexual nature to an inmate by an employee, official visitor, or agency representative. Sexual harassment includes demeaning references to gender, sexual orientation, derogatory comments about body or clothing or repeated obscene language or gestures.

Sexual Misconduct: Any behavior or act of a sexual nature directed toward an inmate by an employee, official visitor, or agency representative. Included are consensual or nonconsensual sexual acts to include:

- Intentional touching of the genitalia, anus, groin, inner thigh, or buttocks with the intent to abuse, arouse, or gratify sexual desire; or
- Completed, attempted, threatened, or requested sexual acts; or
- Occurrences of indecent exposure or employee voyeurism for sexual gratification.

Smoking Paraphernalia: Includes items such as lighters, matches, altered batteries, cigarette papers, rolling machine, and other items that would facilitate one in the use of tobacco products.

Tobacco Products: Includes cigarettes; pipes; pipe tobacco; loose-leaf tobacco; tobacco substitutes; chewing tobacco; smokeless tobacco; cigars; matches; cigarette lighters; smoking paraphernalia; and all items developed or processed for the primary purpose of facilitating the use or possession of tobacco or tobacco-based products. Tobacco products do not include pharmacological aids for smoking cessation approved by the Food and Drug Administration (FDA).

Tobacco Substitutes: Any substance ingested by smoking or herbal/leaf-based substitutes for chewing tobacco.

Undue Familiarity: Conversation, contact, personal or business dealing between an employee and offender under the supervision of the Secretary of Corrections which is unnecessary, not a part of the employee's duties, and related to a personal relationship or purpose rather than a legitimate correctional purpose. Undue familiarity includes horseplay, betting, trading, dealing, socializing, family contact unrelated to the employee's duties, sharing or giving food, delivering or intending to deliver contraband, personal conversation, exchanging correspondence, including social networking via the intranet. It also includes conversations or correspondence that demonstrate or suggest a romantic or intimate relationship between an offender and the employee, sexual misconduct, or in any other manner developing a relationship with an offender which is anything other than an employee/offender relationship.

Volunteer: Any person, including interns, who provides, through his/her own volition, a service to a facility or field services office, and has completed an orientation and basic volunteer program.

Valid Driver's license: A license to operate a motor vehicle, issued by the employee's state of residence, which is free of currently active revocations, suspensions, and/or restrictions that would prohibit the employee from operating a motor vehicle in a manner required of his or her position.

Work area: Any KDOC facility or satellite unit, parole office, Central Office division, or any location where offender work crews are assigned.

PROCEDURES

I. Responsibility of Appointing Authority

- A. Each appointing authority shall make accessible to employees:
 - 1. Kansas Statutes Annotated (K.S.A.).
 - 2. Kansas Administrative Regulations (K.A.R.).

3. Internal Management Policies and Procedures (IMPP).
- B. In addition to those items listed in Section I.A., each warden and Regional Parole Director shall make field, general and post orders accessible to employees.
- C. Each appointing authority shall be responsible for providing training to employees on the documents identified in sections I.A. & B. and the time spent in this pursuit shall be documented in the employee's training file.

II. Employee Responsibility

- A. It is the responsibility of all employees to familiarize themselves with and to comply with requirements and conditions stated in the documents identified in sections I. A. & B.
 1. Each employee shall be given time on duty or in training to familiarize themselves with the documents.
 2. During orientation, all new employees will be provided an overview of and shall sign a statement acknowledging access to and awareness of personnel policies and regulations.
 3. All new employees, contract personnel, volunteers, and all promoted and/or transferred employees shall be required to acknowledge the Department's Code of Ethics in writing on Attachment A (Form #02-118-001). (ACI 3-3067; APPFS 3-3068)
- B. Violation of any rule of conduct may be grounds for disciplinary action up to and including dismissal. (ACO 2-1C-04)

III. Use of Deadly Force by an Employee

- A. The ability and willingness to utilize deadly force in situations where the application of this degree of force is authorized and appropriate is a condition of employment for all corrections officers and corrections specialists.
- B. All corrections officers, corrections specialists, and special enforcement officers who are trained and qualified in the use of weapons and the application of deadly force pursuant to IMPP 03-106 and IMPP 12-111 are subject to assignment to any post or duty where the application of deadly force may be authorized or necessary.
 1. Any employee who refuses such an assignment or refuses or fails to apply deadly force under circumstances warranting the use of this degree of force shall be subject to disciplinary action up to and including dismissal. (ACO 2-1C-04)
 2. Any employee who applies deadly force under circumstances not warranting the use of this degree of force shall be subject to disciplinary action up to and including dismissal.

IV. Rules of Conduct (ACO 2-1C-04)

- A. Following Orders
 1. Employees shall promptly obey lawful orders given them by proper authority.
 2. In the event of conflicting orders, the last order shall be obeyed.
- B. Conduct and Demeanor

1. While on duty, employees and volunteers shall at all times maintain a courteous, respectful and professional demeanor in their dealings with, and in the presence of, offenders, employees, visitors, and the public.
2. Employees or volunteers shall not use indecent, abusive or profane language while on duty, including racial or ethnic slurs or jokes, or sexually suggestive comments or jokes.
3. Employees or volunteers shall neither encourage nor participate in any behaviors that would create a hostile or fearful work environment, including but not limited to:
 - a. Violent confrontations;
 - b. Assaultive acts or threats of any kind;
 - c. Any battering behavior, including any shoving, pushing, or any other rude application of force to the person of another;
 - d. Any telephone harassment or abuse of other modes of communication; or,
 - e. Any other behaviors that could create a hostile or fearful work environment.
4. Employees and volunteers shall, whether on duty or off duty, avoid conduct, which would be likely to bring criticism upon themselves or the Department.

C. Undue Familiarity, Sexual Misconduct and Sexual Harassment

1. No employee or volunteer shall indulge in undue familiarity with any offender nor shall they permit undue familiarity on the part of any offender toward themselves.
2. No employee or volunteer shall engage in inappropriate conversations or discuss his or her personal affairs with any offender to include:
 - a. Discussion of personal matters about himself/herself, or any other employee, volunteer or contract personnel, sexual matters, relationship issues, family matters, or other similar issues, unless specifically required in the performance of their duties.
3. No employee or volunteer shall engage in any unauthorized game, contest or sport with any offender in the custody of the Secretary of Corrections.
 - a. No employee or volunteer shall engage in horseplay with any offender in the custody of the Secretary of Corrections.
4. No employee or volunteer shall establish a personal relationship with an offender or an offender's family or friends, including a friendship, a romantic relationship, a nurturing relationship, or a sexual relationship, unless the employee is related to the offender by blood or marriage and has reported the relationship to his or her immediate supervisor or appointing authority.
 - a. No employee or volunteer shall engage in any sexual misconduct activity with an offender whether on or off duty. An employee or volunteer who violates this policy shall be subject to disciplinary action up to and including dismissal. Sexual misconduct in violation of K.S. A. 21-3520 shall be referred for prosecution.

- b. No employee or volunteer shall engage in sexual harassment towards any offender.
5. No employee or volunteer shall contact or correspond with any offender, member of an offender's family, or correspondent or visitor of an offender unless assigned duties require it or permission has been granted by the appointing authority.
 - a. Should an employee or volunteer be contacted by any person listed in IV.C.5. while off duty, he or she shall report this fact to the appointing authority as soon as possible and no later than the beginning of the employee's next scheduled shift.
6. No employee or volunteer shall, under any circumstances, engage in trading, trafficking, or any business transaction with offenders or the families or visitors of offenders.
 - a. Employees or volunteers shall not, directly or indirectly, give to or accept from any offender, or any offender's family member, anything in the nature of a gift or the promise of a gift.
7. No employee or volunteer shall knowingly sell to, buy from, receive from, or deliver to any offender an article or commodity of any description, except through duly authorized channels.
 - a. No employee or volunteer shall, without proper authorization, introduce into or upon the grounds of any Department of Corrections facility any item intended to be received by inmates.
 - b. No employee or volunteer shall, without proper authorization, take out of the facility any correspondence or other written or taped material, personal property, or other item(s) from an inmate of a facility.
 - c. Questions involving possible contraband items shall be answered through a review of IMPP 12-121, Search of Employees and Volunteers, or by the appointing authority.
 - d. Any employee or volunteer violating this rule shall be subject to disciplinary action and criminal prosecution pursuant to K.S.A. 21-3826.
8. No employees or volunteers shall take or send either to or from any offender any message (verbal or written) or any literature or reading matter except such as is necessary in transacting the business of the facility or work area.
9. Each employee and volunteer within a correctional facility, in a field office within Parole Services, or in Kansas Correctional Industries shall receive training regarding undue familiarity and sexual misconduct during his or her initial basic training. Persons employed by DOC Central Office shall receive such training during the initial one-week orientation period.
 - a. Refresher training relative to undue familiarity and sexual misconduct shall be provided during annual training or more often if the appointing authority determines that a need for such training exists.
10. Employees and volunteers ~~Staff~~ may receive approval, on a case by case basis, for contacts with offenders in other jurisdictions where there is a low probability of the offender being either incarcerated within KDOC facilities or supervised by KDOC personnel subsequent to release.

- a. In such cases where an employee or volunteer is of the opinion that contact with an offender in another jurisdiction should be approved, the employee shall, in writing, notify his or her appointing authority of the offender's identity, location, correctional status, and any other facts pertinent to the request.
 - b. The appointing authority, or designee, shall verify the particulars of the request, and shall advise the employee/volunteer in writing as to whether or not the request is approved.
 - c. The decisions of appointing authorities in these matters are final, and not grievable under the provisions of IMPP 02-115.
 - d. In cases where the employee's request is approved, the appointing authority shall ensure the notification of appropriate Enforcement, Apprehensions, & Investigations staff.
11. For purposes of advancing the principles of risk reduction, the Secretary of Corrections may grant an employee or volunteer an exception to the prohibitions against contact with certain offenders.
- a. Exceptions shall not be granted where the offender involved has been under post release supervision at any time during the last year immediately preceding the date of the staff member's request.
 - b. The Secretary shall only consider granting such an exception upon the receipt of a favorable recommendation from the requesting staff member's appointing authority.
 - c. In determining whether or not to recommend that a staff member's request for an exception be favorably acted upon by the Secretary, the Appointing Authority shall take into consideration, but shall not be restricted to, the following points:
 - [1] Objective indications of law abiding behaviour on the part of the offender;
 - [2] The existence of a plan to ensure that the offender neither supervises the staff member, nor is supervised by the staff member;
 - [3] The existence of objective information showing good pro-social behaviour and skill-fit in employment; and,
 - [4] The absence of any negative information regarding the suitability of the exception as may be gained via an investigation process.
 - d. Upon receiving a recommendation from the staff member's Appointing Authority, the Secretary of Corrections shall consider all factors involved, and shall make a decision to approve or disapprove the exception request.
 - [1] The decision of the Secretary shall be communicated to the staff member through the submitting Appointing Authority, and such decision shall be final, and not subject to grievance or appeal.

[2] Any exception request approved by the Secretary shall be subject to rescission at any time based upon any additional information of which the Secretary may become aware.

[3] Any employee/volunteer granted an exception under the above provisions shall have primary responsibility with regard to advising the Secretary, through the staff member's Appointing Authority, of any new circumstances or changes in the offender's status that would affect the suitability or propriety of the relationship established under the aegis of the exception.

D. Appearance and Attire of Non-Security Staff

1. All appearance and attire standards and expectations shall be explained at the time of hiring. This shall apply to instances of promotion as well as new hires.
2. Supervisory staff shall be responsible for enforcement of established standards and expectations on a consistent basis.
3. Non-security staff who are issued uniforms shall be responsible for the care and maintenance of issued items, including making a request for replacement items when necessary due to normal wear and tear.
 - a. Supervisory staff shall be responsive to requests for normal wear and tear replacement. Requests for uniform replacement shall not be unreasonably denied.
4. All employees, while on duty or otherwise representing the Department in an official capacity, shall dress in neat and conservative attire, appropriate to the assignment.
5. Standards for the appearance and attire of security staff within the facilities are specified in IMPP 12-123.

E. Punctuality and Time Reporting

1. Employees shall report for duty punctually.
2. Unless exempted by the appointing authority, an employee who will be late for or absent from work due to an emergency or to the illness of the employee or of a member of the employee's family, shall notify the immediate supervisor at least one (1) hour before the beginning of the employee's scheduled work day. Persons employed in parole offices, Central Office, KCI, or any other location where a one-hour reporting requirement may not be possible shall notify the immediate supervisor as soon as possible prior to the beginning of the scheduled workday.
3. An employee whose position is non-exempt from overtime standards under the provisions of the FLSA, shall submit time and leave documents that accurately report his or her work and leave hours each pay period.
4. Every employee shall accurately report all of his or her use of leave time in the manner described in IMPP 02-114.I. Falsifying or deliberately reporting an inaccurate accounting of leave usages or balances may subject the employee to formal disciplinary action.

F. Reading or Other Diversions

1. While on duty, employees shall not read personal material, use personal radios, televisions, tape/CD/DVD players, or other electronic equipment, or engage in

distracting amusements or activities except to read such rules as described in sections I.A. and B. or other work-related material unless otherwise approved in advance by the appointing authority.

G. Sleeping or Being Inattentive While on Duty

1. Employees shall be alert and in full possession of their faculties while on duty.
2. Sleeping while on duty is prohibited.

H. Leaving Post

1. Employees shall not leave their assigned security post or duty station for any reason, unless properly relieved or otherwise granted the permission of competent authority.

I. Information Reporting

1. Each employee, unless otherwise approved by the appointing authority, shall be required to have a personal telephone or to provide to the appointing authority or designee a telephone number, which would allow telephone contact with the employee on a 24 hour a day basis.
2. Each employee shall report any change in his or her address and/or telephone number to the facility/office human resources office, in writing, the first day of business after the change is effective.
3. Appointing authorities shall maintain a current list of all employees assigned to their facility or office with their addresses and telephone numbers.

J. Employee's Duty in Emergency Situations

1. In the event of an emergency, or when ordered, each employee of a facility or work area, regardless of the class of service routinely assigned, shall perform any service of which the qualified employee may be deemed capable and trained, including security related duties.
2. All security/staff, unless otherwise authorized by the warden, shall respond to a call during times of emergency within one (1) hour.
 - a. Those persons employed by the Department of Corrections prior to 11-21-91, shall be exempt from this provision.
 - b. All persons who relocate their residence or who are hired after the date of implementation of this policy are required to meet the elements of this policy with regard to response time.

K. Visiting of Employees

1. When off duty, employees shall not visit a Kansas correctional facility/office, or the grounds of a Kansas correctional facility without the authorization of the appointing authority of that facility/office.
2. When on duty, employees shall not visit any area of a facility, work area, or section to which they are not assigned except as necessary in the performance of their duties.

3. While on duty, employees shall not receive unofficial visits without permission of the appointing authority.

L. Use and Maintenance of Official Records and Files

1. An employee who is responsible for entering or contributing information to be entered into any official record shall make every effort to ensure that such information is accurate and true. Falsifying or deliberately entering inaccurate information into any official record may subject an employee to formal disciplinary action.
2. Access to offender records and files shall be subject to proper authorization and supervision.
3. Information in official files shall be treated as confidential and shall not be disclosed to any person not specifically authorized to receive it without prior written approval by the appointing authority and/or as permitted by IMPPs 02-101, 02-119, 02-124 05-101 and/or 05-107.

M. Department Grounds, Buildings, and Bulletin Boards

1. No person shall post any notices, petitions, or other personal material upon department grounds, buildings, or bulletin boards without the approval of the appointing authority.
 - a. Material to be posted on official bulletin boards will be limited to legally mandated bulletins, posters, informational material, official facility, office communiqués, and items outlined by memoranda of agreement.
 - b. Bulletin boards in break rooms, mail rooms, offices, or other common areas that are generally considered to be openly accessible to employees may include postings of work-related information, position vacancy announcements, and promotional opportunities. Personal, non-work-related solicitations shall be allowed on agency bulletin boards only with the approval of the appointing authority.
2. No person shall conduct any meeting, demonstration, or solicitation on any property owned or occupied by the department without prior approval from the appointing authority.
 - a. Approval for the use of conference rooms, meeting rooms, parking lots, and common areas shall be limited to individuals or groups conducting official state business and activities sponsored by the facility or office. Use of such property for other activities may be allowed with the approval of the appointing authority.

N. State Owned Property, Services, and/or Supplies

1. Use of State owned property and/or services for personal purposes is strictly prohibited, except where a specific legal authorization exists. Such property and/or services include but are not limited to:
 - a. Telephone long distance or toll services;
 - b. Department issued cellular phones and radios;
 - c. Tools and equipment;

- d. Food or supplies purchased or produced for offender or facility/office use;
- e. Chemicals of any kind; and
- f. Office supplies.

O. Possession of a Valid Driver's License

1. As a condition of employment, all Corrections and Parole Officers shall have a valid driver's license issued by their State of residence during the period of their employment. When duties require the operation of a state owned, leased or rented vehicle, individually designated positions in other classifications may require possession of a valid driver's license when such a requirement has been approved by the Director, KDOC Human Resource Division.
 - a. Each person employed by the Department as a Corrections Officer or Parole Officer or in a designated position approved by the Director, KDOC Human Resource Division, shall immediately report to his or her supervisor any revocations, suspensions, or restrictions placed on his or her driver's license.
 - b. The appointing authority may grant a grace period of up to ninety (90)-days to a Corrections Officer or Parole Officer or an employee in a designated maintenance or trade position who loses or fails to maintain a valid driver's license.
2. The appointing authority may require individual employees to possess a commercial driver's license in order to provide adequate coverage for all posts.
 - a. Designated security posts/positions, which require a commercial driver's license, will be identified and only employees possessing such a license shall be assigned to those specialized posts.
 - b. Staff hired after 01-01-91 who, according to their position description, are required to possess a commercial driver's license shall be required to complete licensing requirements within three (3) months of their employment date.
 - (1) Completion of such licensing requirements shall be necessary in order to achieve permanent civil service status for the positions in which they are employed.
 - (2) Under no circumstances shall an employee, while on duty with the Department, operate a vehicle requiring a commercial driver's license until he or she has obtained such license.

P. Introducing Intoxicants or Drugs on Department of Corrections' Grounds

1. The presence of any kind of alcoholic beverage or substance of any alcoholic content in any Department of Corrections facility, unless specifically authorized by the appointing authority in accordance with provisions of IMPPs 02-110, 02-127, and 10-110 shall be strictly prohibited. Such authorization shall be given for the manifested transporting of official supplies or shipments, or for medical or religious sacramental purpose(s) only.
2. Any employee or volunteer determined to be procuring or delivering to any inmate (unless on order of the health authority) alcoholic preparations of any kind or a drug of any type or to be in possession of such substances while on duty or at any

time while on Department premises without the approval of the appointing authority, shall be subject to disciplinary action. The appointing authority shall refer the matter for the possible prosecution of any such individual.

3. Employees reporting for duty under the effect of intoxicants or drugs is covered within the policy and procedures of IMPP 02-110: *Use of Alcohol, Illegal Drugs and/or Controlled Substances by Employees, Contract Personnel, and Volunteers*

Q. Reporting Dereliction of Duty, all Arrests not routine traffic violation, and all Dispositions Surrounding such Arrests.

1. An employee shall report to his or her supervisor any instance of failure to follow general orders, post orders, Internal Management Policies and Procedures, regulations, or statutes, whether that failure be on his or her own part or on the part of another employee.

- a. If the supervisor is the subject of the failure, or the employee has a reasonable belief that the supervisor is not being responsive to the reported failure, the employee shall report the matter to the next level in the chain of command, and shall continue to report it up the chain of command until a decision is made regarding the matter.

2. An employee shall neither harass nor take any retaliatory action against an employee who reports an instance of failure as set forth in foregoing procedure IV.Q.1.

3. An employee or volunteer of Central Office, Community and Field Services, or Kansas Correctional Industries shall promptly report to his or her supervisor, and an employee of a correctional facility shall promptly report to Enforcement, Apprehensions, and Investigations any felony or misdemeanor arrest, any arrest or citation for driving or boating under the influence, open container violation, driving with a suspended driver's license, any application for diversion, and/or any lapse, suspension or revocation of the employee's motor vehicle operator's license. Employees and volunteers shall additionally advise the appropriate parties, as outlined above, of all final dispositions of such cases, including convictions, acquittals, and or dismissal of charges both with and without prejudice.

4. Employees or volunteers are not required to report routine traffic violations identified by K.S.A. 8-1401 *et seq.* and K.S.A. 8-1501 *et seq.*, the Uniform Acts Regulating Traffic; Rules of the Road.

R. All employees of the Department have a responsibility to cooperate in internal investigations concerning any aspect of Department operations.

1. Failure to cooperate or otherwise obstructing the investigative process, including providing false or misleading information, may result in disciplinary action up to and including dismissal.

S. Political Activity (APPFS 3-3032)

1. Employees shall not use their authority or influence to cause employees in classified service to join organizations or participate in political activity.
2. Any officer or employee in the state classified service shall resign from the service prior to taking the oath of office for a state elective office. Elective office shall not mean or include the office of precinct committeeman or precinct committeewoman.

T. Governmental Standards and Conduct

1. State employees are prohibited from accepting discounts and gifts provided to them by a state agency (including their own) because of the employee's official position. Therefore, state employees may not accept gifts, discounts or access to entertainment and sporting events from anyone, including state agencies, unless one of the exceptions applies:
 - a. A gift having an aggregate value of less than \$40 given at a ceremony or function;
 - b. Gifts from relatives or gifts from personal friends when it is obvious to the person that the gift is not being given because of the person's official capacity;
 - c. Anything of value received by the person on behalf of the state that inures to the benefit of the state;
 - d. Contributions solicited on behalf of a nonprofit organization which is exempt from taxation: or
 - e. Discounts available to employees under the STAR Discount Program.

U. Possession of Firearms While on Duty

1. Possession of unauthorized firearms, firearm magazines, and/or ammunition by KDOC employees while on duty, including while in state vehicles, is strictly prohibited.
 - a. Any persons employed full time, part time, or on a temporary appointment to the Kansas Department of Corrections, prior to reporting for duty at a correctional facility, may store handguns within their locked personal vehicles if they are licensed under the provisions of KSA 75-7c01 through 75-7c18 and amendments thereto [Kansas Personal and Family Protection Act], and if they comply fully with the storage requirements as set forth within Attachment A of IMPP 12-121.

[I] No other type of firearm may be stored within such vehicles.
 - b. Licensure under the provisions of KSA 75-7c01 through 75-7c18 and amendments thereto [Kansas Personal and Family Protection Act] shall NOT, however, convey any authority for employees or volunteers to possess any personal handguns or other types of firearms while on duty, or in any other manner on Departmental property save as set forth under the storage provisions for handguns outlined above.
 - c. Persons employed by an entity under contract to provide services to the Kansas Department of Corrections shall not be permitted to store handguns or any other type of firearm within their vehicles, irrespective of their licensure under the provisions of the Kansas Personal and Family Protection Act.
2. Employees who have been authorized by the Secretary to possess firearms in the execution of their duties shall be restricted to the possession of only state issued firearms, firearm magazines, holsters, and/or ammunition while on duty, including while in state vehicles.
 - a. No personal firearms, firearm magazines, holsters, and/or ammunition shall be carried on duty, including while in state vehicles, at any time.

3. Violation of this section shall be the basis for disciplinary action up to and including termination.

V. Possession of personal cell phones

1. Employees or volunteers shall not possess personal cell phones, cell phone chargers, cell phone batteries, and/or any blue tooth devices within any area of a correctional facility.
2. An employee whose duty assignment places that employee in direct contact with an inmate while away from facility grounds, including during the supervision of work details, while providing transportation, and during hospital supervision, shall not be in possession of personal cell phones, cell phone chargers, cell phone batteries, and/or any blue tooth devices.
3. Violation of this policy shall be subject to the following disciplinary actions except as provided by the provisions of sub-procedure IV.V.5.
 - a. Any employee found to be in possession of personal cell phones, cell phone chargers, cell phone batteries, and/or any blue tooth devices within any area of a correctional facility outside the confines of the employee's locked vehicle, while attempting to enter a correctional facility, or while on duty and in direct contact with an inmate or inmates away from facility grounds as provided herein shall receive a three day suspension without pay for the first offense, ten day suspension without pay for the second offense, and be subject to termination for the third offense. In the event that one or more years have passed since the most recent disciplinary action for possession of a cell phone, a next violation shall be considered as the first violation. These disciplinary sanctions parallel those prescribed for possession and/or use of tobacco products within a facility, with the exception that cell phone offenses decay within one, rather than two years.
4. The Warden shall establish a location outside of the secure perimeter of the facility where employees may store their personal cell phones, cell phone chargers, cell phone batteries, and/or any blue tooth devices during work hours. This storage area shall be clearly marked and it shall be outside of the area where employees begin the security check to enter the facility.
5. Employees may register personal cell phones, cell phone chargers, and/or any blue tooth devices by presenting them for entry by description of the device, including its make, model and serial numbers, into a log maintained by the Warden's designee. Central office employees may likewise so register such devices in a log maintained by the Division of Human Resources. Thereafter, employees may possess and carry a device duly registered for their possession [including any battery or batteries contained within a device] up to, but not past, a point designated as the security perimeter by the Warden, and, whether on the employee's own initiative or after being duly warned or challenged by any employee assigned to the security perimeter entry point, shall be permitted, subsequent to verification of the item's valid registration, to return the device to the confines of the employee's locked vehicle, or a storage area established pursuant to sub-procedure IV.V.4, and shall not be subject to formal disciplinary action.
 - a. The intent of this provision is limited solely to relieving employees from imposition of formal discipline in instances of inadvertent or forgetful possession of such duly registered devices when they are either about to cross the security perimeter or during the normal discharge of their duties exterior to the security perimeter.

- b. In no way is this provision intended to alter the general rule forbidding possession of such devices set forth in sub-procedure IV.V.1., above, or to in any fashion permit or authorize possession of such devices in any area of a correctional facility, whether within or without the security perimeter of the correctional facility.
- c. Notwithstanding any provision in this policy, any person believed to be intentionally attempting to introduce a cell phone, cell phone charger, cell phone batteries, and/or any blue tooth device in violation of statutes or regulations pertaining to the Introduction of contraband may be subject to dismissal and/or prosecution.

W. Possession of tobacco products

- 1. Employees violating the provisions of IMPP 09-107 with regard to the possession and/or use of tobacco products shall be subject to the following disciplinary sanctions:
 - a. A three [3] day suspension for the first offense;
 - b. A ten [10] day suspension for the second offense; and,
 - c. Termination upon the third offense.
 - e. In the event that two or more years have passed since the most recent disciplinary action for possession and/or use of tobacco products, a next violation shall be considered as the first violation.
- 2. Volunteers violating the provisions of 09-107 shall be suspended pursuant to provisions included in IMPP 02-124.

NOTE: The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders and those entities who are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or offenders, or an independent duty owed by the Department of Corrections to either employees, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are considered to be compliant with all applicable Federal statutes and/or regulatory requirements. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REPORTS REQUIRED

None.

REFERENCES

K.S.A. 8-1401, 8-1501, 21-3520, 21-3826, 75-2953
K.A.R. 1-6-32, 1-6-33, 1-9-5, 1-9-25, 1-49-10, 44-2-103
IMPP 02-101, 02-109, 02-110, 02-114, 02-119, 02-124, 02-126, 02-127, 03-104, 03-106, 03-110, 05-101, 05-107, 09-107, 10-110, 12-111, 12-117, 12-121, 12-123
ACO 2-1C-04, 2-1C-19
ACI 3-4048, 3-4067

APPFS 3-3032, 3-3068, 3-3069

ATTACHMENTS

Attachment A - Kansas Department of Corrections CODE OF ETHICS, - 1 page

Attachment B - Kansas Department of Corrections Acknowledgements - 1 page

KANSAS DEPARTMENT OF CORRECTIONS

CODE OF ETHICS

As an employee, contract personnel or volunteer of the Kansas Department of Corrections, I will value and maintain the highest ideals of professionalism and public service in carrying out my duties and responsibilities.

I will respect the dignity of individuals, the rights of all members of society and the potential for human growth, development and behavioral change. I accept that it is my fundamental duty to serve the public; to safeguard lives and property; and to maintain an environment free of deception, oppression or intimidation, violence or disorder. I will exercise power and authority prudently and within the limits of the law.

I will recognize the fact that I have power over the lives of offenders, and will not abuse that power in any way, including by attempting to establish any form of personal relationship with an offender, or take any other action toward or concerning an offender which advances a personal interest or cause of my own.

I will be constantly mindful of the welfare of others. To the best of my ability, I will remain calm in the face of danger and maintain self-restraint in the face of provocation.

I will treat all persons with respect and dignity, and will not mistreat any person based on that person's race, gender, nationality or religious beliefs. I will not engage in any conduct that results in hostility or offense on the basis of sex, nor in any way improperly introduce any sexual material or activity into the workplace.

I will be honest and truthful. I will be exemplary in obeying the law and following the rules and regulations of the Department. I will promote honesty and ethical behavior over loyalty to individuals. I will immediately report dishonest or unethical conduct or any violation or apparent violation of the Department's rules and regulations.

I will use public funds in a fiscally responsible manner. I acknowledge that I have been selected for a position of public trust. I will constantly strive to be worthy of that trust and to be true to the mission and values of the Department of Corrections.

Signature: _____ Date: _____

Printed Name: _____

Witness: _____

Employee:

**KANSAS DEPARTMENT OF CORRECTIONS
Employee Acknowledgements**

Initial

I. Rules of Conduct

A. I acknowledge that I have read IMPP 02-118, Employee Rules of Conduct and Undue Familiarity. I understand that, with the exceptions noted in the following paragraphs, a violation of any rule of conduct shall be grounds for disciplinary action, up to and including dismissal. I have had the opportunity to ask questions regarding any portion of the IMPP.

B. I acknowledge that I have read and understand K.S.A. 21-3826 and K.A.R. 44-2-103, Trafficking in Contraband. I understand that a violation of the Statute and/or Regulation shall be grounds for discipline, up to and including dismissal and may also result in prosecution for a severity level 5 non-person felony for state employees or a level 6 non-person felony for persons providing contracted services to offenders under the supervision of the Secretary of Corrections.

C. I acknowledge that I have read and understand K.S.A. 21-3520 regarding Unlawful Sexual Relations. I understand that as an employee of the Department of Corrections as defined in IMPP 02-118, violation of the Statute shall be grounds for dismissal and may also result in prosecution for a severity level 10 felony offense.

Employee Signature

Date

Signature of Human Resources Witness

Date

II. Awarding of Compensatory Time

I understand that, in accordance with IMPP 02-113, the Kansas Department of Corrections, in lieu of payment for overtime, reserves the right to compensate hourly employees by granting compensatory time off at the rate of one and one half hours for each hour worked in excess of the length set for my position by IMPP 02-113. I have had the opportunity to discuss this with a Human Resources staff member.

Signature

Date

Signature of Human Resources Witness

Date

III. Rights and Responsibilities Under the Family Medical Leave Act of 1993

I, undersigned hereby state that I have been notified of my rights and responsibilities as an employee of the Kansas Department of Corrections under the Family and Medical Leave Act, by being provided with the following items, which I have read, and by being provided with the opportunity to ask any questions I may have regarding the FMLA.

1. YOUR RIGHTS UNDER THE FAMILY MEDICAL LEAVE ACT OF 1993
2. KDOC RIGHTS AND RESPONSIBILITIES UNDER THE FMLA
3. KDOC POLICY REGARDING FAMILY AND MEDICAL LEAVE

Employee Signature

Date

Employee's Position (Job Title)

Signature of Witness

Date