

# **State of Iowa Department of Corrections**

## **Policy of Procedures**

Policy Number: AD-PR-24

Applicability: Institutions, CBC, Central Office, IPI

Policy Code: Public Access

Iowa Code Reference: 8A, 68B, 68B.2A, 669, 669.24

Chapter 1: Administration & Management

Sub Chapter: Personnel

Related DOC Policies: NA

Administrative Code Reference: Chapter 11-63.11, 11-65, 11-66

Subject: Conflict of Interest

PREA Standards: NA

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### **1. PURPOSE**

To describe acceptable standards of conduct regarding the relationship between private interests and official duties for all employees of the Iowa Department of Corrections (IDOC) and to describe the limitations and ethical considerations that apply with respect to gifts, gratuities, bribes and preferential treatment.

### **2. POLICY**

It is the policy of the IDOC to recognize the importance of integrity and reputation in the ongoing process of maintaining public trust. To that end, all IDOC employees shall refrain from activities that are inconsistent, incompatible, or in conflict with assigned duties and responsibilities. IDOC employees shall be responsible for reporting any apparent conflict situations involving themselves or other IDOC employees to their supervisor, or to others in the chain of command. Violations of this policy shall be considered misconduct and violators shall be subject to disciplinary action in addition to any penalties prescribed by law. This policy covers not only actual conflicts but appearances of conflicts as these may also affect public confidence in the IDOC.

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### **3. DEFINITIONS** – As used in this document:

Conflict of Interest – An employee's private gain or advantage through the use of state time, facilities, equipment, and supplies or the badge, uniform, prestige, or influence of one's state office or employment.

## **4. PROCEDURES**

### **A. Contact/Association with Current and Former Clients/Incarcerated Individuals, or Client/Incarcerated Individuals' Family and Associates**

1. Certain activities involving clients/incarcerated individuals who have been released/discharged from supervision for more than one year may be authorized, in writing, by the Warden/District Director.
2. Employees shall not knowingly engage in any of the following activities with clients/incarcerated individuals currently or formerly under any IDOC supervision and will immediately notify their supervisor/designee of such contact.
  - a. Displaying favoritism or preferential treatment of one client/incarcerated individual, or group of clients/incarcerated individuals, over another;

- b. Giving of gifts, favors, or services beyond those required by the IDOC;
  - c. Accepting for themselves or any family member any personal items/benefits – tangible or non-tangible – or any other consideration;
  - d. Entering into any business relationship;
  - e. In a personal capacity, transacting cash sales, trade, or barter;
  - f. Intentional contact outside the scope of the employee's job duties.
3. Ongoing employee contacts with current client/incarcerated individuals, former client/incarcerated individuals, their families, or close associates shall be limited to those persons with whom the employee was acquainted or associated with prior to the client/incarcerated individual's start of supervision with IDOC. In such cases, the employee is required to advise the Warden/District Director, in writing, of the nature, extent, and history of the relationship.
4. When an employee becomes aware of a potential conflict of interest they shall immediately notify their supervisor so that their access to ICON and all other confidential information can be restricted.

## **B. Prohibited Activities**

Any activity not specifically cited in this policy but which may create a conflict of interest by virtue of IDOC funding or regulations, IDOC monitoring or auditing responsibilities, or involvement of IDOC client/incarcerated individuals, or which would otherwise interfere with an employee's job performance is prohibited. Prohibited Activities including but not limited to:

- 1. An employee, spouse, or minor child may not solicit any form of gift or accept gifts from any vendor, lobbyist, or any other person

related to the employee's state employment except as outlined in **Chapter 68B of the Code of Iowa.**

2. An employee may not receive compensation in any form or enter into any agreement for compensation for rendering services against the interest of the state. This does not prohibit an employee from making personal presentations in appeal or grievance hearings, a driver's license proceeding, etc.
3. Except for official state duties, an employee may not sell any goods/services exceeding \$2,000.00 in value to any state agency until an award or contract has been issued after public notice and competitive bidding unless authorized by the Code of Iowa. When making a permissible sale, the employee shall file a report with the Iowa Ethics and Campaign Disclosure Board within 20 days of making the sale. The report shall include, but not be limited to, the parties to the sale, the date of the sale, the total amount of the sale, and the type of goods or services being sold.
4. An employee may not directly or indirectly sell any goods or services to individuals, associations, or corporations subject to the authority of the IDOC.
5. An employee may not receive any pay or other consideration from anyone other than the state for the performance of duties that the employee is required or expected to render during employment with the IDOC.
6. An employee may not accept outside compensation (other than actual expenses) for speeches, panel or committee membership, or similar activities if such activities are required or expected of the employee in their IDOC position. Compensation may be accepted for speeches or similar activities which are not expected or required but which result from an employee's position, expertise, or desire to perform. These activities may not, however, be conducted on paid work time.
7. An employee may not accept outside compensation (other than actual expenses) for training or instructing if the students are

IDOC employees and should normally receive the training or instruction from supervisors or from other IDOC employees assigned to do such training.

8. An employee may not keep jury duty pay (except travel and subsistence) or witness fees for court appearances on behalf of the IDOC, the state, or other jurisdiction if such jury duty or court appearances occur on paid work time. Jury duty pay and witness fees must be turned over to the state or refused at the time of the court appearance.
9. An employee may not receive additional pay from other sources when performing services for the IDOC. If any portion of an employee's salary is paid by another governmental jurisdiction, any such payment shall be deducted from the employee's compensation so that total compensation paid to the employee from all sources combined for any period shall not exceed the total salary owed for services performed as an IDOC employee.
10. An employee may not perform an act or work in another capacity as an IDOC employee if the act or work may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement by the IDOC.
11. An employee may not maintain ownership in a profit or non-profit agency or facility over which the IDOC exercises review, monitoring, regulation, or decision-making powers.
12. An employee may not participate as a voting or policymaking member on the board of a provider agency having purchase of service contracts with the IDOC.
13. An employee may not serve as a volunteer for a provider agency having purchase of service contracts with the IDOC. This is not intended to discourage IDOC employees from volunteering but merely to ensure that such activities do not involve a real or perceived conflict of interest.

14. An employee may not serve as a consultant or other specialist to an organization that is regulated in whole or in part by the IDOC.
15. An employee may not accept or receive any unapproved gift, gratuity, or bribe. It is the responsibility of an employee to immediately report in writing to the Warden/District Director any offer of a gift, tip or gratuity or attempts of bribery.

### **C. Lobbying and Other Employee Activity**

1. Employees may not represent themselves as IDOC spokespersons when lobbying personal viewpoints on IDOC-related issues.
2. Employees may not conduct personal lobbying activities on paid work time.
3. Except as regulated by Iowa or federal statute or regulation, employees of the IDOC generally retain the same free speech and political association rights as non-government employees.
4. Employees may not engage in campaigning, lobbying, or political activity while on duty, on state property, or in uniform.
5. The employee's rights to express their opinions on political matters shall not be restrained on duty unless the display shall materially interfere with the efficient performance of official duties, or the employee has substantial contact with the public and the level of trust and confidence associated with the employee's position is perceived to be such that political expressions in any form, while on duty, might influence the public.
6. In the rare instance when some form of otherwise permissible speech or display may have adverse security or management implications, the supervisor shall confer with the employee and make known to that individual the potential problem that conduct may create. In such cases, no further action shall be taken without conferring with the IDOC General Counsel.
7. Prohibitions -IDOC employees are prohibited from the following:

- a. Using the influence of their positions, public property, or government resources or funds to secure contributions or to influence a political campaign or election.
- b. Soliciting funds or receiving anything of value, directly or indirectly, as a political contribution for any political party or any person seeking political office during scheduled working hours, while on duty, when using state equipment, or on state property.
- c. Promising or using influence to secure public employment or other benefits financed from public funds as a reward for political activity.
- d. Discriminating in favor of or against any employee applicant because of their political contributions or permitted political activities.
- e. Compelling any employee to apply for membership or be a member of any political organization.
- f. Paying or requiring subordinates to pay or promise to pay any assessment, subscription or contribution to any political activity.
- g. Advocating the violent overthrow of the government.

#### 8. Election Leave

- a. An IDOC employee who is not covered by the federal Hatch Act and who becomes a candidate for paid, partisan elective office shall, upon the employee's request, be granted leave for 30 calendar days before a contested primary, special, or general election. The employee may choose to use accrued vacation or compensatory leave, or leave without pay to cover these periods.
- b. An employee who is elected to a paid, partisan office or appointed to an elective paid, partisan office, shall, upon written request to the appointing authority, be granted leave to serve in that office, except where prohibited by federal law. The use of accrued vacation or compensatory leave, or leave without pay to cover

this period shall be at the discretion of the employee. The leave provided for in this rule need not exceed six years. An employee shall not be prohibited from returning to employment before the expiration of the period for which the leave was granted.

9. Application of the Hatch Act

- a. Employees who occupy state positions financed in whole or in part by federal "grant-in-aid" or other specific federal funding are subject to the federal Hatch Act.
- b. If compliance with the political restrictions of the federal Hatch Act are required for receipt of federal funds, the affected state positions shall be identified by your local Personnel Office.
- c. The employees occupying the positions affected by the federal Hatch Act shall be made aware of the additional political activity restrictions that affect them, either by posting or other written notification from the appointing authority.
- d. Employees found to have violated the provisions of the federal Hatch Act are subject to summary discharge.

**D. Authorized Recognition**

1. With the approval of the Warden/District Director, an employee or client/incarcerated individual may receive recognition for participation in an organization such as Jaycees or Alcoholics Anonymous.
2. An employee may receive the actual expense of food, non-alcoholic beverages, travel, and lodging for a meeting at which the employee participates in a panel or speaking engagement at the meeting when those expenses relate directly to the day or days on which the employee has participation or representation responsibilities.
3. Employees may receive plaques or items of negligible resale value given as recognition for public service.



4. An employee may receive items of food and drink with a value of less than \$3.00 that are received from any one donor during one calendar day.
5. An employee may receive items or services received as part of a regularly scheduled event, which is part of a conference, seminar, or other meeting, that is sponsored and directed by any state, national, or regional organization in which the State of Iowa is a member.

#### **E. Conflict of Interest Determination and Exceptions**

1. If an employee is involved in or is considering involvement in a situation that may be or appears to be a conflict of interest, or if an employee is aware of a situation involving another employee that may constitute a conflict of interest, the employee must report the matter to the Warden/District Director so that a determination may be made on the propriety of the potential or existing situation.
2. If the situation is determined to be a conflict of interest, the affected employee may request and be granted an exception if the exception does not violate **Iowa Code Chapter 68B or Chapter 8A**.
3. An approved exception shall not apply to any other IDOC employee other than the employee making the request for the exception. IDOC-wide exceptions shall be released in policy form. Any exception must be requested in writing and approved by the Warden/District Director and the designated Deputy Director.
4. After further investigation, final approval must be obtained from the IDOC Director.

#### **F. Non DOC Employment**

1. IDOC employees may not accept or retain employment with a non-DOC employer without the Warden/District Director/Designee approval. IDOC may withdraw approval at any time.

2. IDOC employees may not accept or retain employment with a non-IDOC employer when such employment competes with, conflicts with or compromises IDOC's interests or will adversely affect the employees ability to fulfill all responsibilities to IDOC.
3. Employees accepting or retaining non-IDOC employment must acknowledge that the IDOC is their primary employer and that IDOC duties must take precedence over any duties associated with non-IDOC employment.
4. Employees approved to hold non-IDOC employment must meet and maintain the performance standards of their IDOC job. All employees will be evaluated by the same performance standards and will be subject to the IDOC's scheduling demands, regardless of any non-IDOC work requirements. Holding non-IDOC employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours.
5. If an employee's non-IDOC work activities cause or contribute to job related problems, interfere with performance or the ability to meet the requirements of IDOC (as they may be modified from time to time), the employee may be asked to discontinue the non-IDOC employment if they wish to remain employed with the IDOC. They may also be subject to the normal disciplinary procedures related to any violation of employee work rules.
6. Employees are not to use time, equipment or other resources for non-IDOC employment.
7. IDOC employees shall inform the Warden/District Director/Designee and their immediate supervisor of non-IDOC employment and of any changes in that employment status. This notification shall be in writing using **AD-PR-24 F-1** *Request for Outside Employment*.

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Replaces Policies PR-II-08 and PR-II-14, AD-PR-12, AD-PR-22.

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