



ARKANSAS PAROLE BOARD
TWO UNION NATIONAL PLAZA BUILDING
105 WEST CAPITOL, 5TH FLOOR
LITTLE ROCK, AR 72201
(501) 682-3850 FAX (501) 683-5381

ADMINISTRATIVE DIRECTIVE: 06-03 CONFLICTS OF INTEREST

**TO: ARKANSAS PAROLE BOARD COMMISSIONERS,
HEARING EXAMINERS, AND STAFF**

FROM: LEROY BROWNLEE, CHAIRMAN

APPROVED: SIGNATURE ON FILE EFFECTIVE: JUNE 10, 2006

- I. APPLICABILITY.** The policy described herein applies to all commissioners and employees of the Arkansas Parole Board (APB).
- II. POLICY.** It is APB policy to create and maintain a professional and productive work environment, where employees conduct themselves in a manner that does not impair the operation of the APB, compromise their authority, or erode public confidence, uphold generally recognized standards of professional ethics and conduct as described in this directive.
- III. GUIDELINES.** The following supports the culture of ethical and efficient service provided to citizens and clients, and describes the expected behavior of APB commissioners and employees concerning conflicts of interest.
 - A.** Supervisors of current and new employees shall introduce and explicitly discuss this policy with each employee under his/her supervision and discuss the type of conduct and transactions that violate it.
 - B.** The employee must sign and date the attached acknowledgement of receipt of a copy of this policy, with the original forwarded and maintained in the employee's personnel file.
- IV. STANDARDS.**
 - A.** Public employment is a public trust. An employee shall not attempt to realize personal gain or secure privileges or exemptions through the discharge of his/her duties for him/herself or others. Employees should not engage in activities that would result in a conflict of interest between the APB, its governing body, funding source, staff, contractors, family, citizens, and /or volunteers. APB employees must perform their duties in an ethical manner, and must not use or have the appearance of using their positions or knowledge gained from their positions for private or personal advantage. Arkansas Code Annotated (ACA) §21-8-304 also lists certain activities that are ethically prohibited activities for state employees and officials. If an employee becomes involved in an activity that could be considered as prohibited, the employee should immediately communicate the facts to his/her immediate supervisor. Nothing in this policy,

however, should be construed a limiting communication between APB employees and their elected officials.

- B.** APB employees/commissioners should avoid acquiring business interest, engaging, or participating in outside employment or activity that would conflict with his/her official duties.
- C.** Employees must adhere to ACA §19-11-705 in their relationships with clients and suppliers to avoid any conflict of interest. Additionally, any preparation for ABP action concerning a relative of an employee or commissioner shall not be handled nor influenced by the employee or commissioner. Notice must be immediately made to the APB Chairman if such a situation arises with a commissioner or an employee.
- D.** An employee/commissioner who obtains any benefit from a state contract with a business in which the employee has a financial interest shall make a disclosure to the Director of the Department of Finance and Administration (DFA) in accordance with ACA §19-11-706 and the Rules and Regulations from Implementing Governor's Executive Order 98-04.
- E.** An employee/commissioner shall not engage in the following relationships with offenders and co-workers:
 - 1.** Sexual contact with a subordinate; or sexual contact with a co-worker during work hours.
 - 2.** Sexual contact (with or without consent) with an offender in custody or while under community supervision and for two years following the end of community supervision, unless the employee is the spouse of an offender. Sexual contact includes, but is not limited to, touching, ogling, or requiring some sexual performance for sexual gratification—even if it does not involve touching.
 - 3.** Enter into business relationship or partnerships, including financial transactions, with an offender or his/her family member.
 - 4.** Enter into or continue associations or dealings with persons whom the employee or commissioner knows or should know are reputed to be involved in current felonious or criminal behavior, with exception of associations or dealings necessary to perform official duties or when family relationships make such associations or dealing unavoidable.
 - 5.** Knowingly establish or continue a social relationship with an offender under active or inactive supervision and for two years following the offender's release from supervision unless the employee an offender are related.
 - 6.** Maintain a business or intimate personal relationship between a supervisor and subordinate. Personal relationships include dating, cohabitation, and any sexual relationship. Business relationships include loaning and borrowing money and business partnerships. Employees and commissioners at different levels of the same chain of supervision shall not engage in social relationships that are prejudicial to or compromising of order and discipline.

7. Treat offenders with disrespect, verbal, physical or mental abuse or subject them to corporal punishment, humiliation, or punitive interference with their daily functions of living, such as eating or sleeping.
- F.** An employee/commissioner shall not solicit, demand, accept, or agree to accept any personal gift, entertainment, favor, gratuity or preferential treatment that could be reasonably interpreted as influencing the employee's or other's judgment or decisions in the discharge of his or her duties. Specific procurement laws addressing gratuities is codified in ACA §19-11-707 and included in Part 4 of the Procurement law and Regulations promulgated by the Office of State Procurement. Refer to Rules and Gifts issued by the Arkansas Ethics Commission for detailed rules on gifts at http://arkansasethics.com/rules/Rules_on_Gifts.doc.
 - G.** Employees/Commissioners must not receive kickbacks, prohibited commissions or other prohibited commissions or other prohibited payments from third parties. Violations of this rule will result in imposition of the penalties provided by law. Specific procurement law addressing kickbacks and commission is codified in ACA §19-11-707 and included in Part 4 of the Procurement law and Regulations promulgated by the Office of State Procurement.
 - H.** Employees/Commissioners who have access to APB funds in any form must follow prescribed procedures for recording, handling, and protecting money as detailed in DFA's Financial Management Guide or other explanatory materials, or both. If an employee or commissioner has knowledge of fraud or waste of public assets, he/she should immediately advise his/her immediate supervisor.
 - I.** Employees/Commissioners must not make or engage in any false record or communication, internal or external, such as false expense, attendance, production financial or similar reports and statements; and false advertising, deceptive marketing practices, or other misleading representations. APB books and records must reflect accurate and timely recording of all business transactions. Full disclosure of APB assets, liabilities, receipts and disbursements must be made.
 - J.** Employees must not use their position or affiliation with the APB business. Employees must not use organization identification, stationery, supplies, and equipment for personal or political matters. When communicating publicly, employees/commissioners must not speak for APB on any topic, unless they are certain that the views they express are those of APB management, and that it is APB management's desire that such views be expressed publicly. When dealing with anyone outside the APB, including public officials, employees/commissioners must take care not to compromise the integrity or damage the reputation of the APB or any other entity.
 - K.** Employees/Commissioners are encouraged to participate in election processes on their own time. Annual, compensatory or holiday leave may be taken for this purpose. However, an employee or engage in partisan political activity during the

hours he/se is performing work for the State of Arkansas. Political banners, posters, literature, or any other political materials shall not be displayed on State property.

- L.** APB commissioners and employees shall respond promptly and accurately to all requests for information and complaints regardless of the source. Employees and commissioners shall not disclose to any unauthorized person any information declared by law, policy, or regulation to be confidential nor use such information for his or her personal gain or benefit. When handling financial and personal information about those whom the APB has dealings the following principles will be observed:
- 1.** Collect, use and retain only the personal information necessary for APB business. Whenever possible, obtain any relevant information directly from person concerned. Use only reputable and reliable sources to supplement this information.
 - 2.** Retain information only for as long as necessary or as required by law. Protect the physical security of this information.
 - 3.** Limit internal access to personal information to those with a legitimate business reason to have the information. Use personal information only for the legitimate business purpose for which it was obtained. Release of any information to persons not involved with the stated business purposed should be made by management in response to Freedom of Information Act request. Any tax information that is confidential pursuant to ACA §26-18-303 should be disclosed, except as allowed by law.
- M.** ABP employees/commissioners shall not violate or have the appearance of violating the law and ethical provisions, such as receiving payments for illegal acts, indirect contributions, rebates or bribery, etc. Since the conduct of an APB commissioner or employee, on or off duty, may reflect upon the APB as a criminal justice agency, an employee/commissioner must conduct him/herself in a manner that does not impair the operation or integrity of the Board or cause the public to lose confidence in it. Accordingly, a commissioner or an employee arrested for a violation of law shall immediately report that fact to a member of his/her supervisory chain. A conviction or admission of any violation that interferes with or impairs an employee's duties, public trust, or the operations or efficiency of the APB shall be considered some evidence constitution a violation of this policy. However, lack of a criminal complaint, charge, or disposition, or an acquittal of a violation of law, shall not preclude internal administrative investigation and disciplinary action.
- N.** Commissioners/Employees have a responsibility to report occurrences of ethical violations, fraud, waste or abuse of the APB resources that can be verified through investigation. Commissioners/Employees are also responsible for being familiar and complying with this policy, and annually acknowledging their awareness and understanding of it (signature).