



*State of North Carolina*  
*Department of Public Safety*  
*Prisons*

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**POLICY & PROCEDURES**

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References

5<sup>th</sup> Edition Standards for Adult Correctional Institutions

Related ACA Standards

2-CO-1A-29, 5-ACI-1A-24, 5-ACI-1C-09, 5-ACI-1C-16, 5-ACI-1C-22, 5-ACI-3D-04

**.0201 GENERAL**

Prisons employees must be persons of sound moral character. In dealing with offenders and the public, they must firmly establish authority yet show themselves worthy of trust by maintaining unimpeachable conduct on and off duty.

**.0202 CONDITIONS OF CONTINUED EMPLOYMENT**

- (a) As a Condition of Continued Employment for Prisons, employees are required to report civil and criminal charges, as well as, court dispositions. A guilty plea, plea of no contest, prayer for judgment continued, or any form of deferred prosecution, may be considered as evidence in an internal investigation into an employee's conduct. The following standards apply when Prisons employees are found to have operated a motor vehicle after consuming a sufficient amount of alcohol to exceed the legal limit:
- (1) First incident of operating a motor vehicle after consuming a sufficient amount of alcohol to exceed the legal limit. If an independent investigation determines that any Prisons employee operates a motor vehicle after consuming a sufficient amount of alcohol to exceed the legal limit, thereby endangering public safety, that employee will be issued a written warning unless the investigation determines there are aggravating factors which dictate demotion or dismissal.
  - (2) Second incident of operating a motor vehicle after consuming a sufficient amount of alcohol to exceed the legal limit. If within seven years of the occurrence of the first incident, an independent investigation determines that any Prisons employee operates a motor vehicle after consuming a sufficient amount of alcohol to exceed the legal limit, thereby endangering public safety, the employee will be dismissed. (Note: If the offense occurs after seven years from the date of the first offense, it will be treated as a first incident.)
- (b) *Use of Drugs and Alcohol by Employees. Guidelines on the abuse of drugs and alcohol by Prisons employees are detailed in the DPS Drug and Alcohol-Free Workplace and Testing Policy (5-ACI-1C-16).*

- (c) Debts of Employees. Employees are expected to pay their just debts and to handle their financial obligations in such a manner as not to embarrass Prisons. Prisons must not be placed in the position of acting as a collection agency. Whenever it is brought to the attention of Prisons that an employee evades the payment of their lawful debts, or is otherwise financially irresponsible, such fact may be cause for disciplinary action up to and including dismissal.
- (d) Use of Offender Labor, State Owned Supplies and Equipment.
- (1) No work will be done in any shop or by any offender for the private purposes of any employee or any other person, except as specifically authorized by law or regulation. No employee shall derive any direct or indirect benefit from the use of offender labor. Further, no other person may derive either direct or indirect benefit from the use-of offender labor that is not specifically authorized by law or regulation.
  - (2) No employee will consume or use equipment, facilities, or supplies, including scrap material, except as they may be legally entitled to do. All equipment, facilities, and supplies provided by the department will be used according to design and instructions for the safety of offenders, personnel, and other persons. Provided, the transfer and disposition of all surplus state property, including scrap material, shall be conducted in accordance with procedures established by the Department of Administration, Surplus Property section, NCAC 43. No state-owned property will be transferred or sold without written authorization of the Director of Administrative Services. Food, cleansers, and other supplies will be used according to recipes and instructions.
  - (3) Motor vehicles, firearms, and other equipment will be handled and operated as authorized in accordance with safety rules and instructions and with the use of all safety devices provided. All facilities will be used according to design.
  - (4) All Prisons employees are instructed and warned that any climbing or jumping over custodial fences or other fences is not authorized and will not be permitted, and that gates, doors, locks, steps, and other means provided for proper passage through or over fences, bars, or walls will be used according to design and instructions at all times.
- (e) Discrimination, Harassment and Racial Issues
- (1) ***Employees will conduct themselves and perform duties as to set a good example for offenders (5-ACI-1C-22).*** Employees will treat all offenders with equal dignity and courtesy. ***No decision regarding discipline, transfer, selection of offenders for work assignments or rehabilitative programs will be made on the basis of race, creed, color or national origin, gender, disability or political views (5-ACI-3D-04).***

- (2) Employees should be provided training in human relations so that cultural barriers impeding effective communication between offenders and staff may be removed, and tension reduced. Incidents involving racial harassment or intimidation will be reported in accordance with personnel policy. Those employees involved in such incidents will be disciplined in accordance with personnel policy up to and including dismissal.
  - (3) Employees are required to treat one another in a professional manner at all times. Guidelines are detailed in the Department of Public Safety's Unlawful Workplace Harassment Policy. **Discrimination, Unlawful Workplace Harassment, and Sexual Harassment are strictly prohibited (5-ACI-1C-09).**
- (f) Personal Dealings with Offenders
- (1) Employees will maintain a quiet but firm demeanor in their dealings with offenders and will not indulge in undue familiarity with them. Whenever there is reason for discussing an offender's problems with them, employees will exhibit a helpful but professional attitude. No employee will discuss their personal affairs with an offender.
  - (2) Employees will not borrow anything from or lend anything to nor accept gifts or personal services from, nor barter or trade with any offender, except as specifically authorized by law, regulations, or directive. Employees will not tip an offender. Employees will not make gifts or perform personal services for offenders not in keeping with authorized operations. It is a criminal offense for any person to sell or give any offender any intoxicating drink, barbiturate or stimulant drug, or any narcotic, poison or poisonous substance, except upon the prescription of a physician, or to convey to or from an offender any letters or oral messages or any instrument or weapon by which to effect an escape, or that will aid in an assault or insurrection, or to trade with an offender for clothing or stolen goods or to sell or give an offender any article forbidden by Prisons rules to include tobacco and mobile cellular devices. Employees committing a criminal offense will be dismissed from the service and their appropriate superior officer will initiate proceedings for the prosecution of the offenders. (see G.S. 14-258.1)
  - (3) No employee will engage in acts of horseplay or joking with offenders or deliver or send messages or engage in written personal correspondence or conversing with offenders via telephones or electronic devices.
  - (4) An employee shall not knowingly make or maintain contact with or in any way associate with a member of an offender's family or close associates, unless their assigned duties require such an association or unless they have been specifically authorized to do so by the Commissioner of Prisons or designee. If an employee is contacted by the family or close associates of an offender, the employee will report this fact to their superior at the earliest practicable time.

- (5) An employee shall not engage in sexual misconduct or harassment with an offender as outlined in the Prison's Offender Sexual Abuse and Harassment Policy, F .3400.
- (6) An employee shall not knowingly enter into a personal relationship with an offender, an offender under supervision, their family members, or close associates.
- (7) Any employee who learns that a person with whom they have or have had a personal relationship has come under supervision of or is incarcerated by the Department of Public Safety shall report in writing to their supervisor within 48 hours of learning that the person is under supervision or incarcerated. Supervision includes probation, post-release supervision, and parole.
- (8) Any employee involved in such personal dealings with offenders as outlined in section A .0202 (f) will be subject to disciplinary action up to and including dismissal.

Note: Employees shall be responsible for bringing the above-cited situations or any other situation that could be considered personal to the attention of their supervisor and when in doubt about a particular situation, the employee shall be responsible for asking questions to seek clarification of their obligations under policy.

- (g) Language. The use of abusive, indecent, or profane language in the presence of offenders is forbidden. Any employee who curses an offender will be subject to disciplinary action up to and including dismissal. A person so dismissed will not be eligible for reinstatement (see G.S. 148-23).
- (h) Personal Relationships Between Prisons Staff

Prisons must work to ensure that its workplaces are free from unnecessary disruptions and inappropriate employee conduct. All employees and agents of Prisons are expected to act in a manner consistent with standards of personal conduct that contribute to a professional working environment for all and further the mission of Prisons.

- (1) Romantic, intimate or personal relationships between Prisons supervisory and subordinate level personnel who are assigned to or are working at the same workplace have a significant potential for creating disruption at the workplace, including generating complaints of favoritism and unequal treatment by other employees, causing personal disagreements to be brought into the work site, and giving rise to allegations of harassment.
- (2) While romantic, intimate or personal relationships between Prison employees are not prohibited, supervisory and management level personnel are strongly discouraged from seeking to date, dating, or engaging in romantic, intimate or personal relationships with subordinate level personnel. Further, all employees

are reminded that disruption of the workplace caused by employee personal relationships will not be tolerated. It is the policy of Prisons that if a supervisory level employee is currently or becomes involved in a personal/romantic/intimate relationship with a subordinate level employee who is assigned to (or works at) the same work site, both employees must report that they “have a relationship required to be reported under the Staff Relationships policy.” The reporting of these relationships will aid in reducing the risks of disruption in the workplace and breaches in security, as well as aid management in promoting professional relationships in the workplace.

- (3) Any Prisons employee:
- (A) Who is or becomes involved in a personal/romantic/intimate relationship as outlined in section 6(B) below with a supervisory or subordinate level Prisons employee who is assigned to or works at the same work site MUST report the existence of such relationship in writing to the highest level of authority at that workplace, e.g., the Warden, Region Director, Commissioner of Prisons
  - (B) Pursuant to this policy, there is NO requirement to report personal details regarding the relationship, and that is discouraged. The duty is to report that “a relationship required to be reported under the Staff Relationship policy exists” between the named Prisons employees.
    - (i) For example, even if an employee must report that they have “a relationship required to be reported under the Staff Relationship policy,” with another identified Prisons employee, there is no duty to report whether the relationship is platonic or sexual. Nor is there a duty to report when or how the relationship began, where the employees see each other, how much time the employees spend together or what they do when they see each other, or any other details related to the nature of the relationship.
    - (ii) Under this policy there is no duty to report mere socializing with another employee, unless there is also a relationship as outlined in 6(B) below.
  - (C) Employees are discouraged from discussing at the workplace or with co-workers the private details of their personal relationships. Persons who choose to share socially their personal information assume the risk that this information will become common knowledge among their co-workers.
- (4) If for some reason an employee feels that reporting the existence of the relationship to the highest level of authority at their workplace would not be

appropriate, then the employee must report it to the next level supervisor in the chain of command, e.g., Region Director, Commissioner of Prisons.

- (5) Employees who report the existence of a relationship under this policy will be given a copy of the Department of Public Safety “Unlawful Workplace Harassment” policy and asked to sign showing they received the policy.
- (6) For purposes of this policy, individuals work at the same work site if they perform work at the same work site, even if one or both of the employees work at that work site only as a contractual employee or even if one of the employees is formally assigned to a different work site (e.g., a different Prison, the Region Office or Prisons Administration) but comes to the other employee’s work site to do work on an itinerant or part-time basis:
  - (A) “Workplace” or “work site” is defined as the entire facility or work location, e.g., a Prison, a Region Office, Prisons Administration.
  - (B) Personal/romantic/intimate relationships that must be reported are:
    - (i) Romantic or sexual relationships, including dating for any length of time or engaging in intimate physical/sexual contact.
    - (ii) Cohabitation (“living together” or “roommate”) relationships, regardless of the reason for cohabitation, e.g., whether the relationship is platonic, romantic, or sexual.
    - (iii) Financial relationships in which the employees have a shared/joint financial liability, such as being joint owners of a vehicle, boat, vacation property or a business, or where one employee owes the other employee a substantial amount of money.
    - (iv) Family relationships where individuals who work at the same work site are:
      - Parents or step-parents of the same child(ren)
      - Spouses
      - Parent/step-parent and child, including in-laws
      - Siblings or step-siblings, including in-laws
      - Grandparent and grandchild
      - Aunt or uncle and niece or nephew
- (7) The failure to report a relationship when required to do so by this policy is grounds for disciplinary action up to and including dismissal.

- (8) If an employee is in doubt about an issue regarding this policy, the employee should contact their chain of command or the Department's legal or EEO Office for guidance.
- (9) This reporting requirement is not restricted to reporting relationships between direct (or line) supervisors and subordinates. Prisons employees, who work at the same workplace, must report the existence of a romantic/intimate/personal relationship if one of the employees is in a position where they may have authority over the other. This includes relationships between employees in which one is of a higher or lower rank, position or classification than the other.
- (10) For purpose of the reporting requirement in this policy, a supervisory level employee is one who:
- (A) Outranks the other by position or classification, or
  - (B) May supervise the other, even if such supervision would only be in an itinerant or "acting" capacity.
- (11) For purposes of the reporting requirement in this policy, a subordinate level employee is one who:
- (A) Is outranked by the other's position or classification, or
  - (B) May be supervised by the other, even if such supervision would only be in an itinerant or "acting" capacity.
- (12) The reporting of a relationship as required under this policy will be used to make appropriate workplace assignments in order to minimize potential workplace problems and liability. Managers are encouraged to be sensitive to the privacy of employees when dealing with these relationships and to safeguard confidential personal information. Managers are encouraged to consult with their chain of command and the Department's Legal and EEO Office for advice regarding any particular situation or issue.
- (13) Generally, when a relationship that must be reported under this policy exists between supervisory (or management) and subordinate level personnel, a re-assignment of one or both of the employees will be made.
- (A) It is anticipated that the re-assignment will separate the employees so that the employees do not work together, and neither employee reports to or supervises the other.
  - (B) Work re-assignments may include but are not limited to: transfer to another facility or work site, shift change, and assignment to a different unit or location at the same work site.

- (C) When a re-assignment is deemed necessary by management, any proposed re-assignment options offered by the affected employees will be considered. However, the ultimate decision regarding re-assignment will be made in the discretion of management.
  - (D) Factors that may affect management's decision include the ready availability of other appropriate work assignments for the employees and the operational impact of potential re-assignment options.
- (i) Neglect of Duty or Failure in Duty. Employees guilty of neglect or failure in duty will be subject to disciplinary procedures in accordance with the state personnel policy.
  - (j) ***Employees are not permitted to accept gifts or favors from contractors, subcontractors, or vendors working or seeking to work with the North Carolina Department of Public Safety (5-ACI-1C-22).*** Those employees who are found to have accepted "gifts" will be subject to disciplinary action.

#### **.0203 SOCIAL NETWORKING/MEDIA, PERSONAL WEB PAGES/SITES, AND OTHER MEDIUMS OF COMMUNICATION**

This section establishes guidelines for Prisons employees in reference to social networking, social media and personal web pages/sites and other mediums of communication.

- (a) Purpose
  - (1) Prisons employees are public servants who are held to a higher standard of general conduct and ethical standards.
  - (2) Prisons employees must maintain a level of professionalism in both on-duty and off-duty conduct and shall not engage in conduct that contradicts, compromises, or impedes the mission of the Department of Public Safety or Prisons.
- (b) Definitions
  - (1) Social Networking is a social structure made up of individuals who are connected by one or more specific types of interdependency, such as friendship, kinship, common interest, relationships, beliefs, knowledge, etc. While not all inclusive, examples of online service platforms or sites that focus on social networking include Facebook, Twitter, Instagram, and YouTube, etc.
  - (2) Social media uses web-based and mobile technologies to turn communication into interactive dialogue. While not all inclusive, examples of social media include social networking, internet forums, weblogs, social blogs, wikis, photo-sharing, video-sharing and podcasts, etc.



## (c) Procedures

Prisons recognizes that its employees may use social media on a personal basis outside of their professional activities. The following guidelines and restrictions govern Prisons employees' personal use of social media sites.

- (1) Prisons employees are cautioned that their personal social media posts or comments can be used to impeach their credibility or be used as evidence of misconduct that may affect their employment. Prisons may access any information created, transmitted, downloaded, exchanged, or discussed in a public online forum at any time without giving prior notice to its employees. Personal posts can serve as the basis for employee discipline even if they are purely personal in nature.
- (2) Prisons employees are free to express themselves on social media sites as private citizens. However, this right is limited when Prisons' interests, as an employer and in promoting the efficiency of the public services it performs through its employees, outweigh the employee's interest in commenting upon a particular matter. Such instances will be reviewed on a case-by-case basis, and may result in disciplinary action. Examples include, but are not limited to, instances when an employee's speech:
  - (A) Interferes with the Department's ability to discipline its employees;
  - (B) Negatively impacts the harmony amongst the Department's employees;
  - (C) Has a detrimental impact on the close working relationships among the Department's employees where loyalty and confidences are necessary;
  - (D) Impedes the Department's ability to perform its duties;
  - (E) Interferes with the Department's ongoing operations and working Relationship with other agencies;
  - (F) Undermines the Department's mission;
  - (G) Conflicts with the employee's responsibilities within the Department; or
  - (H) Amounts to abuse of the employee's authority.
- (3) Prisons employees are further advised that their posts or comments on social **media** may impact their personal safety. Caution should be utilized when disclosing their employment with NCDPS or displaying Prisons' logos, uniforms, badges, state cars, state equipment, or similar identifying items.
- (4) Prisons employees are prohibited from posting, broadcasting or disseminating information through social networking, social media, personal web pages/sites, or other mediums of communication the Prison's operational function including but not limited to photographs, videos, audio files, policies, training or any other information. In a publicly accessible forum, the disclosure and/or discussion of security sensitive, proprietary or classified information is strictly prohibited.

Employees must act responsibly with the information with which they are entrusted. Failure to comply with these provisions may result in disciplinary action up to and including dismissal.

- (5) Prisons employees are prohibited from posting, broadcasting, or disseminating any material, comments, pictures, artwork, video or other references that are sexual, violent, racial, or ethnically derogatory on social networks, social media, personal web pages/sites, or other social mediums of communications.
- (6) Prisons employees may use personal social media platforms for limited personal communications while at work. However, such use must be in compliance with the Department **Internet Security and Email Security Policies**.
- (7) Prisons employees found to be in violation of the Prisons policy on social networking/media, personal web pages/sites, and other mediums of communication will be disciplined in accordance with Department personnel policy up to and including dismissal. Employees must remember that they may be perceived by the public as representing DPS and State government as a whole when discussing DPS activities.
  - (A) To ensure a distinction between personal and agency views, it is recommended that employees add a disclaimer to their personal social media sites indicating that the opinions or views expressed therein are those of the employee alone and do not represent the views of DPS or any Division or Section.
  - (B) The following is example disclaimer language that can be used: “The views expressed on this page are my own and do not necessarily represent the position or opinion of DPS or any Division or Section within.”

#### **.0204 OFF-DUTY CERTIFIED STAFF CARRYING CONCEALED WEAPONS**

- (a) In accordance with General Statute 14-269 (b)(9), any NCDPS Adult Correction Prisons certified staff member may carry a concealed weapon “when off-duty, provided that an officer does not carry a concealed weapon while consuming alcohol or an unlawful controlled substance or while alcohol or an unlawful controlled substance remains in the officer’s body. If the concealed weapon is a handgun, the officer must meet the firearms training standard of the Division of Adult Correction of the Department of Public Safety”.
- (b) Credentials for Certified Staff to Carry Concealed Weapon(s) while off duty.

- (1) Upon successful completion of initial NCDPS Firearms Training the certified employee will be issued a NCDPS Adult Correction Concealed Carry Credential card.
  - (2) This card shall be carried together with a valid identification whenever the certified staff is carrying a concealed weapon while off-duty.
  - (3) An off-duty certified staff member who has in their possession a concealed weapon and who is approached or addressed by a law enforcement officer, shall immediately disclose to the officer that they are a Certified Correctional employee with NCDPS Prisons and that they have a concealed weapon in their possession. The staff member shall display both the NCDPS-AC Concealed Carry Credential card and the proper identification upon the request of the law enforcement officer.
  - (4) The NCDPS-AC Concealed Carry Credential card is specific to certified staff who carry a concealed weapon off-duty.
  - (5) Certified staff are not precluded from having a concealed carry permit pursuant to G.S. 14-415.11 et.seq.
- (c) Issue/Confiscate Credential Cards
- (1) Certified staff will continue to maintain their issued NCDPS-AC Concealed Carry Credential card unless they are unable to successfully complete annual NC Firearms Refresher training or they no longer hold a certified position with NCDPS Prisons.
  - (2) As per the Personnel Disciplinary Policy and Procedure Manual staff must report to their supervisor within 24 hours any criminal offense for which they received formal notice. The circumstances behind the criminal offense will determine if the certified employee will be required to surrender the NCDPS-AC Concealed Carry Credential card.
  - (3) The NCDPS-AC Concealed Carry Credential card is considered state property and must be surrendered upon termination of employment. Cards must be confiscated and reissued for qualifying employees who change work locations.
- (d) Documentation
- (1) Each facility shall establish a process for distributing, maintaining, and confiscating NCDPS-AC Concealed Carry Credential cards issued to employees. The process shall be outlined in the facility's standard operating procedures.
  - (2) When presented with the NCDPS-AC Concealed Carry Credential card each employee must sign for the card and acknowledge they are aware of the Statutes

and NCDPS Policy and Procedures that govern the NCDPS-AC Concealed Carry Credential card.

- (3) A list of employees with an active NCDPS-AC Concealed Carry Credential card will be placed in the facility armory. The list will be updated weekly to ensure accuracy.
- (e) A NCDPS-AC Concealed Carry Credential card does not authorize a certified staff person to carry a weapon concealed or otherwise in any of the following:
  - (1) In any area prohibited by 18 U.S.C. § 922 or any other federal law.
  - (2) In a correctional facility.
  - (3) In a federal building or office.
- (f) The statutory authority for certified staff members to carry a concealed weapon is limited to the geographical boundaries of the State of North Carolina. North Carolina does not have a reciprocity compact or agreement with other states.
- (g) Questions from law enforcement concerning a NCDPS Prisons employee's concealed carry credentials will be directed to the **Warden**.
- (h) Employees must still adhere to Prisons Security Manual .0700 Employee Personal Firearm Policy regarding appropriate procedures and notification for maintaining personally owned firearms on Prisons property.

**.0205 POLITICAL ACTIVITY OF EMPLOYEES (2-CO-1A-29, 5-ACI-1A-24)**

**North Carolina General Statutes 126-13 and 126-14 states Prisons employees have the rights and obligations of citizenship provided in the Constitution and laws of North Carolina and the Constitution and laws of the United States of America in regards to political activity. However,**

- (a) Prisons employees may not engage in managing a campaign, campaigning for political office, or otherwise engage in any political activity, such as lobbying, while in uniform or on duty, or within any period of time during which they are expected to perform services for which they receive compensation from the State.**
- (b) Prisons employees may not use authority of their position, or utilize State funds, supplies, or vehicles to secure support for or oppose any candidate, party, or issue in an election involving candidates for office or party nominations, or use these means to affect the results.**

- (c) *Prisons employees with supervisory authority may not interfere with the right of any State employee to engage in political activity while not on duty or at times which they are not performing services for which they receive compensation from the State.*
- (d) *Prisons employees may not coerce other Prisons employees to support a political candidate, committee, or party by threatening a change in employment status or discipline.*



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Commissioner of Prisons

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Date

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