

GEORGIA DEPARTMENT OF CORRECTIONS



Standard Operating Procedures

Policy Name: Employee Standards of Conduct

Policy Number: 104.47

Effective Date: 09/02/2020

Page Number: 1 of 17

Authority:
Commissioner

Originating Division:
Administration & Finance
Division (Human Resources)

Access Listing:
Level I: All Access

I. Introduction and Summary:

- A. Employees of the Georgia Department of Corrections (Department) are required to adhere to higher standards of conduct than normally found in the general community due to the important security mission of the Department and its inherent responsibility to provide an appropriate model of public safety to the citizens of Georgia. As such, all Department employees are herein given notification of the work rules and standards of behavior by which they will be governed.
- B. Appointing Authorities shall ensure all current and new employees read these Standards of Conduct and the Governor's Code of Ethics for Executive Branch Officers and Employees and annually sign the following:
 - 1. Attachment 1, Employee Standards of Conduct and Governor's Code of Ethics Acknowledgement Statement; and
 - 2. Attachment 2, Employee Communications Device Acknowledgement and Agreement Statement.

II. Authority:

- A. Governor's Executive Order, dated 01-14-19, Establishing a Code of Ethics for Executive Branch Officers and Employees;
- B. Governor's Executive Order, dated 01-13-03, Creating the Office of State Inspector General;
- C. Official Code of Georgia Annotated (O.C.G.A.) §§: 16-6-5.1, Sexual Assault of Person in Custody; 40-6-391, Driving Under the Influence; 42-5-15, Crossing of Guard Lines with Weapons, Intoxicants or Drugs without Consent; 42-5-16, Trading with Inmates without Consent; 42-5-18, Items Prohibited for Possession by Inmates; 45-10-1, Code of Ethics and Conflicts of Interest; 45-11-1, Offenses Concerning Public Officers and Employees; 40-6-391, Drivers with Ability Impaired by Alcohol, Drugs, or Toxic Vapor;
- D. Georgia Department of Corrections (GDC) Board Rules: 125-2-1.02, Employment and 125-2-1.07, Performance of Duty;

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- E. State Personnel Board Rules: 478-1-.03, Antidiscrimination; 478-1-.07, Outside Employment; 478-1-.08, Political Activity; 478-1-.15, Changes to Employment Status; 478-1-.20, Employee Complaint Resolution Procedure; 478-1-.21, Drugs and Alcohol-Free Workplace Program; and 478-1-.24, Working Test and Permanent Status;
- F. GDC Standard Operating Procedures (SOPs): 103.59, Surreptitious Recording of Department Personnel and/or Contractors; 104.18, Obtaining and Using Records for Criminal Justice Employment; 104.46, Unlawful Harassment (including Sexual Harassment), 104.48, Appearance and Dress; 104.50, Secondary Employment; 104.51, Employment of Relatives; 104.61, Performance Management; 104.63, Privacy of Personnel Records; 104.64, Adverse Actions (Classified Employees); 104.65, Adverse Actions (Unclassified Employees); 105.11, Inappropriate-Prohibited Use of the Internet; 205.01, Fitness for Duty; 205.02, Contact or Business Dealings with Offenders; 208.06, Prison Rape Elimination Act (PREA) - PREA-Sexually Abusive Behavior Prevention and Intervention Program; and 506.03, Basic Correctional Officer Training; and
- G. ACA Standards: 2-CO-1A-29, 2-CO-1C-03, 2-CO-1C-04, 2-CO-1C-17, 2-CO-1C-20, 2-CO-1C-24, 1-CTA-1C-01, 1-CTA-1C-03, 1-CTA-1C-07, 1-CTA-1C-12, 5-ACI-1A-24 (ref. 4-4024), 5-ACI-1C-16 (ref. 4-4063), 5-ACI-1C-22 (ref. 4-4069), 5-ACI-1C-23 (ref. 4-4070), 4-ACRS-3A-07, 4-ACRS-7C-01, 4-ACRS-7C-02, 4-ACRS-7E-03, 4-ACRS-7E-13, 4-ALDF-7C-01, 4-ALDF-7C-02, 4-ALDF-7C-03, and 4-ALDF-7D-17.

III. Definitions:

The following definitions are for purposes of this standard operating procedure:

A. Close Personal Relationship -

1. A familial relationship with a spouse, parent or child, stepparent or stepchild, grandparent or grandchild, brother or sister, niece or nephew, aunt or uncle, guardian or ward, and including persons related by marriage within the same classes enumerated, or,
2. Any relationship that involves cohabitation, dating, or consensual sexual contact of any kind.

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- B. **Communications Device** - Any mobile or cellular phones, smart phones, electronic readers or any other device that allows for the transfer of information from one person to another by means of transmission via internet, satellite, tower, air waves or data line.
- C. **Contraband** - Includes electronic games, radios, recording devices, cameras, mobile or cellular phones, smart phones, electronic readers or any other device that allows for the transfer of information from one person to another by means of transmission via internet, satellite, tower, air waves or data line, or any other property that is prohibited from being brought into a facility or across a guard line by statute, rule, standard operating procedure, local operating procedure or direction of the Warden or Superintendent, unless specifically approved in writing by the Warden, Superintendent or their Designee.
- D. **Department Employee** - Any full-time or part-time employee of the Department.
- E. **Contractor** - Any independent Contractor and their employees providing services to Department.
- F. **Vendor** - Any person or business and their employees that provides goods or services to the Department.
- G. **Ethics Officer** - Employee designated to take appropriate measures to ensure that the Department's employees become familiar with applicable ethics laws and policies, including the policies set forth in the Governor's Executive Order Establishing a Code of Ethics for Executive Branch Officers and Employees. The Ethics Officer is the General Counsel for the Department.
- H. **Gift** - Anything of value exceeding \$25, including, but not limited to, food, lodging, transportation, personal services, gratuities, subscriptions, memberships, trips, loans, extensions of credit, forgiveness of debts, or advances or deposits of money.
- I. **Offender** - Any probationer, inmate, detainee, resident, or parolee under the supervision of the Georgia Department of Corrections, Georgia Department of Juvenile Justice, Georgia Department of Community Supervision, the State Board of Pardons and Parole, or any other jurisdiction outside the state of Georgia.

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- J. **Personal or Unauthorized Business Dealings** - Any unofficial personal transactions, dealings, relationships or contacts or any unofficial business transactions, dealings, relationships or contacts with an Offender that have not been properly approved in writing by the Director, Facility Operations.
- K. **Post** - Content an individual shares on a social media site or the act of publishing content on a site.
- L. **Probation** - Any felony disposition or treatment in any jurisdiction, including first Offender treatment and pre-trial interdiction programs, or otherwise under probation supervision of the Department of Community Supervision.
- M. **Relevant Civil Action** - Any action which is brought against an employee that potentially impacts on the employee's duties or on the Department. Relevant Civil Actions would include, but are not limited to, lawsuits alleging that an employee has engaged in any activity which violates the policies and procedures of this Department, has violated 42 U.S.C. § 1983, or has violated any law or standard arising out of any law enforcement activity. This would include any actions initiated by the Peace Officers Standards and Training (P.O.S.T.) Council.
- N. **Social Network/Media Site** - Web-based services that allow individuals to create public profiles, share information and socialize with others using a range of communications technologies. This includes, but is not limited to, Social Networking sites (Facebook, MySpace), microblogging sites (Twitter, Nixle), photo- and video-sharing sites (Flickr, Pinterest, Snapchat, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit). The absence of or lack of explicit reference to a specific site does not limit the extent of the application of this policy.
- O. **Tweet** - A 280-character message sent using the Social Networking and microblogging service, Twitter.
- P. **Under the Influence of Alcohol** - An employee shall be deemed under the influence of alcohol if he or she:
 - 1. Is on duty or reporting for duty with a blood alcohol concentration (BAC) level of .02 or greater;

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2. Has a BAC level of .02 or greater while off-duty and is in uniform, inside a guard line, or driving a state vehicle; or
3. Consumes alcohol and drives a private motor vehicle while off-duty and over the age of 21 with a BAC level of .08 or greater; or if under the age of 21, with a BAC level of .02 or greater; or while under the influence of alcohol and/or drugs to the extent that it is less safe for him or her to drive.

Q. **Value** - Actual retail price or cost attributable to a Gift, less applicable taxes and gratuities or a reasonable estimate based upon customary charges for like goods or services in the locality. A series of tickets to sporting, entertainment, or similar events shall be valued as one Gift. Entrance fees, admission fees, or other tickets shall be valued at the face value of the ticket or fee, excluding any portion attributable to a charitable contribution, if provided by a charitable organization.

IV. Statement of Policy and Applicable Procedures:

A. Employees' Standards of Conduct:

1. Employees shall not have personal or unauthorized business dealings with Offenders. Employees must have permission from the Director, Facility Operations for contact with an incarcerated family member. Examples of this conduct include, but are not limited to:
 - a. Dating, living with, or otherwise personally associating with an Offender;
 - b. Entering into a contract with an Offender or their family members for personal benefit;
 - c. Sharing personal information with an Offender or their family members;
 - d. Knowingly accepting phone calls or participating in 3-way calls involving an Offender or their family members;
 - e. Communicating via text message or social media with an Offender or their family members;

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- f. Passing items between Offenders; and
 - g. Bringing contraband into a facility or facilitating the introduction of contraband into a facility.
3. Employee Conduct:
- a. Employees must conduct themselves in a manner which reflects credit upon themselves, their co-workers, and the Department. Employees shall not engage in any activity, either while on-duty or off-duty, which would reflect discredit on the Department, undermine public trust or which would call into question the fitness of the employee to perform services for the Department.
 - b. Employees shall not engage in any illegal activity, or any other activity, which would violate public safety or public trust. Such prohibited activity would include, but is not limited to:
 - i. Driving any motorized vehicle (including but not limited to, motorcycles, automobiles, vans, trucks, all-terrain vehicles, boats, etc.) while under the influence of alcohol;
 - ii. Driving any motorized vehicle (including but not limited to, motorcycles, automobiles, vans, trucks, all-terrain vehicles, etc.) while under the influence of Marijuana, any other drug (whether legal or illegal) or controlled substance, or other prohibited substances;
 - iii. The manufacture, possession, use or distribution of Marijuana or any other illegal drug or controlled substance;
 - iv. Prohibition of possession of any illegal drug or controlled substance except in the performance of official duties;
 - v. Any offense involving a minor;

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- vi. Any illegal homicide;
 - vii. Any theft;
 - viii. Any sex offense, including solicitation of sex;
 - ix. Any assault or battery;
 - x. Any offense pertaining to any illegal gambling activity; or
 - xi. Any other offense which involves moral turpitude.
- c. A conviction, plea of guilty, or nolo contendere to any offense covered in this procedure shall be conclusive proof of its violation; however, a conviction or even prosecution for any such offense is not necessary to prove a violation of this standard of conduct, if, in the opinion of the employee's Appointing Authority, the employee engaged in the activity and brought discredit on the Department.
- d. Employees shall not engage in any conduct which results in a court imposing incarceration or probation of any type or any duration. Incarceration or probation may result in dismissal from employment.
4. Employees shall not use state property or resources for personal business. State property and resources shall only be used for official business. Such prohibitions include, but are not limited to:
- a. State credit cards and fuel cards shall not be used for personal purchases;
 - b. State vehicles shall not be used for personal purposes;
 - c. Personal long-distance telephone calls shall not be charged to State telephones or to State calling cards;

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- d. State-provided internet access is intended for public business. Employee use of the internet may be recorded and monitored. No employee is permitted to use or access the internet for pornographic, obscene, or other improper purposes; or
 - e. State-owned or leased cameras, fax machines, copiers and other reproduction equipment should be used only to accomplish official business tasks.
5. Employees shall not use their computer or program logins for the Department, or any other systems and programs utilized by the Department for personal use.
6. Policies, Procedures, and Orders:
- a. Employees shall acquaint themselves with and comply with the rules of the Board of Corrections, the Commissioner's directives, the Department's policies and procedures and the post orders of the unit to which they are assigned.
 - b. Employees shall comply with all lawful orders and directives issued by one of their superiors in their chain of command.
 - c. Employees shall not use excessive or unnecessary force against an Offender.
7. Employee Language:
- a. Employees shall not use profanity or abusive language against an Offender; and/or
 - b. Employees shall not refer to an Offender by the use of any slang name;
8. Employees shall not use illegal drugs or controlled substances or abuse legal drugs or controlled substances at any time. Employees also shall not consume alcohol while on duty or immediately prior to reporting for duty (for at least eight (8) hours). Employees shall be subject to disciplinary action if found to possess a blood alcohol concentration of .02 grams or greater while on duty.

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9. Employees shall not proceed inside the guard line of a prison or other facility with or under the influence of alcohol or any illegal drug or controlled substance. Prescription drugs are prohibited inside a guard line without the express approval of the Appointing Authority.
10. Employees shall not purchase, handle, transport, consume nor be under the influence of alcohol while traveling (either driving or riding) in a state vehicle. Employees shall not drive a state vehicle while under the influence of alcohol.
11. Employees shall not purchase, handle, or consume alcoholic beverages while in uniform.
12. Employees shall be present for scheduled duty and remain alert while on duty.
13. Employees shall not use threats, intimidation, profanity, or abusive language against other employees, visitors and Offenders.
14. Employees shall not abuse arrest authority or give the impression of having an independent arrest authority. Employees shall only make arrests while in performance of their official duties or as otherwise specifically permitted.
15. Employee Finances:
 - a. Employees shall not engage in financial dealings that conflict with the interests of the Department. They also shall not take official actions that give the appearance of benefiting their private or personal interests.
 - b. Employees must meet their personal financial obligations, to include complying with all applicable laws regarding the filing of state or federal tax returns. Employees shall manage their personal finances in a manner that does not bring discredit upon the Department nor make them susceptible to compromise their public duties.

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16. Conflicts of Interest:

- a. Employees shall not engage in any activity which creates a conflict of interest with their public duties or responsibilities. This prohibition applies to actual conflicts of interest and to any other action or transaction, which could create an appearance of a conflict of interest in the mind of a reasonable person. This prohibition includes, but is not limited to, the following examples:
 - i. Employees shall not use their status as a member of this Department to seek favor, to coerce, intimidate, or deceive others, or to receive any privilege not otherwise authorized by the performance of their duties.
 - ii. Employees shall not solicit or accept employment from a Contractor, Vendor, or consultant or their representative or agent during the conduct of procurement.
 - iii. Employees may serve for compensation as a corporate officer or director of any for-profit or publicly held company or perform voluntary, pro bono services on behalf of non-profit organizations, when services to such organizations would not have the potential to create a conflict and do not impair the employee's ability to discharge his or her public duties fully, faithfully, and impartially.
 - iv. No employee may accept any payment whatsoever for services for which fees are not legally or traditionally required, except employees may accept honoraria not related to their employment.
 - v. No employee shall directly or indirectly accept Gift(s) from any person with whom the employee interacts on official state business. Regardless of the value, no employee may accept any money or "Gift certificates," nor may any employee accept any kickbacks, points or items tied to purchases by the Department. If a Gift has been personally accepted by an employee, the Department Ethics Officer in Legal Services (478-992-5240) must immediately be notified to make the final determination as to the status of the Gift.

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- vi. An employee on whose behalf actual and reasonable expenses for food, beverages, travel, lodging, and registration are paid by a third party to permit the employee's participation in a meeting related to official or professional duties of the employee shall file a report with the Department Ethics Officer in Legal Services (478-992-5240) no later than the 30-days after such expenses are paid.
 - vii. Any exceptions or waivers from this Standard of Conduct, in certain individual cases due to unique or compelling circumstances, require the prior written approval of the designated Department Ethics Officer in Legal Services (478-992-5240). Questions regarding interpretation of this policy provision should also be directed to the Department Ethics Officer in Legal Services.
17. Employees shall not show favoritism to other employees based on familial or personal relationships.
18. Employees shall refrain from "close personal relationships" with other employees within their chain of command.
19. Notification of Citations, Arrests or Convictions:
- a. Employees shall notify their immediate supervisor of all traffic citations (excluding parking citations), all arrests, all convictions, and all final dispositions of criminal cases including nolo contendere by the next business day after its occurrence. Supervisors are responsible for transmitting this notification to the appropriate individuals in the chain of command, including the Duty Officer and the Appointing Authority. Within seventy-two (72) hours of the event or as soon as they become available, the employee shall provide the Appointing Authority with documents related to their arrest, including but not limited to: tickets; arrest reports, including any supplemental reports; warrants; bond documents; documents related to any conditions imposed on the employee pursuant to their arrest or release, including not operating a vehicle orders, Temporary Protective Orders; Permanent Restraining Orders; or any documents specifically requested by the Appointing Authority.

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- b. Employees shall provide written notification to their Appointing Authority of any Relevant Civil Action which has been filed against them or of any administrative action to which they are a party, including any action initiated by the Peace Officers Standards and Training (P.O.S.T.) Council, for certified employees. This notice must be provided within seventy-two (72) hours of being served or otherwise becoming a party to the action.
20. Employees shall not bring any unauthorized weapons into any work area.
21. Employees shall not bring any personal communications devices into any facility, any State of Georgia vehicle that is transporting Offenders, any outside detail location or place of employment of an Offender, or into any perimeter vehicle. These devices, personally owned by an employee, must be kept secured in the employee's personal vehicle at all times while the employee is on duty. The singular exception to this rule is a communications device issued by the Department to an employee for the specific purpose of performing his or her job duties and is utilized and maintained according to the rules governing these devices.
22. Employees shall not bring any contraband into any facility, any vehicle that is transporting Offenders, or to any outside detail location or place of employment of an Offender.
23. Employees shall report any violation or attempted violation of any law, regulation, policy, or procedure that could result in a breach of the Department's security to their supervisor or other responsible authority immediately upon becoming aware of such a violation.
24. Any employee who knows or has reasonable cause to believe that any other state employee has committed, or is in the process of committing an act or omission of fraud, waste, abuse or corruption should report this information up the chain of command; to the Director, Human Resources at 478-992-5211; or to the Department Tip Reporting at 478-992-5348 or the Tip Reporting email at tipreporting@gdc.ga.gov.
25. No Department employee shall retaliate against any employee for disclosing or threatening to disclose a violation of or noncompliance with a law, rule, or regulation to the appropriate Department personnel or to the State Inspector General.

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26. Employees shall cooperate fully with any official investigation carried out by any law enforcement or administrative agency (including the State Inspector General). In cooperating with an official investigation, employees shall provide all information requested, respond truthfully to all questions asked, submit to any required polygraph, and provide a signed affidavit if requested, and follow any lawful orders unless officially notified that employee is the subject of a criminal investigation.

27. Employees shall protect and prevent improper release of confidential information. Confidential information includes, but is not limited to, current litigation, legal matters and legal advice, internal reports, disclosure of active special operations (i.e. joint task force, executions, shakedowns, etc.), restricted policies, personnel security issues, security and intelligence information (i.e. disturbances, altercations, deaths, etc.), Offender or employee medical and health records, criminal history record information, Offender institutional files, information suggesting layouts of any state facilities, and photographs of prison or training sessions, whether conducted on or off of facility grounds, that would jeopardize the safety and security of any facility, employee, visitor, Offender, Contractor, volunteer or any persons that work on behalf of the Department.

28. Employees are prohibited from engaging in any illegal political activity. Employees taking part in political activities are responsible for complying with applicable federal and state laws, and State Personnel Board Rules. Employees may not solicit or knowingly accept a personal hand-delivered campaign contribution in a governmental building or office. Employees may express opinions on political subjects and candidates and take an active part in political campaigns outside of working hours, including the wearing of badges or buttons and displaying of bumper stickers and posters. Employees are encouraged to vote. Employees who wish to seek office must comply with the applicable federal and state laws. Employees must notify the Department Ethics Officer in Legal Services (478-992-5240) prior to announcing or qualifying for any elected position or office.

29. Employees shall not represent the Department as a spokesperson regarding any Department policy, procedure, plan, program, or activity or regarding any rule or policy of the Board of Corrections without express authorization from the Commissioner of the Georgia Department of Corrections or their designee.

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30. Supervisors will maintain accurate personnel records to document employees' positive and negative performances.
31. Employees shall adhere to professional standards of neatness, cleanliness, safety, and dress, which will reflect credit upon themselves and the Department.
32. The unofficial circulation of scandalous or slanderous gossip (rumors) shall not be tolerated. Rumors create unnecessary distractions and are a threat to the security and efficient operation of the Department. A statement made to a superior in the chain of command or to an investigator while conducting an official investigation is not a violation of this standard.
33. Social Network/Media Site Personal Use and Guidelines:
 - a. Department employees may Post, comment, blog or tweet on social media sites to the degree that their speech does not fall under one of the following categories:
 - i. Adversely affects the department's operations;
 - ii. Discussing illegal activities or acting illegally;
 - iii. Constitutes or promotes gang affiliation or gang activity;
 - iv. Disclosing/sharing information that is confidential (see 26 above for examples);
 - v. Threatens the safety and security of the Department's facilities;
 - vi. Impedes the employee's performance of duties;
 - vii. Impairs discipline, harmony or relationships among coworkers;
 - viii. Negatively affects the public's perception of the Department; or

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- ix. Forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals per SOP 104.46, Unlawful Harassment (including Sexual Harassment).
- b. Employees will assume any and all risks associated with off-duty personal blogging and social media use on non-Department resources. The Department may require immediate removal of material and/or take disciplinary action for use that violates this policy.
- c. If an employee uses departmental resources to access personal social media sites, they should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the Department without prior notice per SOP 105.11, Inappropriate-Prohibited Use of the Internet.
- d. No Department employee or cadet shall initiate contact with media to report critical incidents through the use of social media networks/sites.
 - i. Contact with media may include direct and indirect. Indirect contact includes disclosing information on personal social media networks/sites and websites or Posting on blogs. Direct contact includes social media Posts on online news articles and/or news social media networks/sites.
- e. The Department reserves the right to monitor and review social media sites of employees, cadets, and applicants for employment.
- f. Social media may be used for valid law enforcement purposes. The following are considered valid purposes:
 - i. Pre-employment background checks;
 - ii. Crime analysis and situational assessment reports; or
 - iii. Criminal intelligence development & investigations.

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- g. Any employee, cadet, contract worker, or volunteer, who becomes aware of or has knowledge of a Posting, Tweet, comment, or website/page in violation of the provision of this policy shall notify his or her supervisor immediately. Employees who violate the provisions of this policy are subject to disciplinary action, up to and including termination.

B. Conditions of Employment:

1. Employees must comply with the conditions of employment specified in laws, rules, policies, and the Governor's Executive Order establishing a Code of Ethics for Executive Branch Officers and Employees. Examples include but are not limited to:
 - a. Dressing appropriately and presenting a neat and clean appearance.
 - b. Maintaining professional relationships with co-workers and supervisors.
 - c. Maintaining a courteous, professional demeanor in the presence of individuals served, the general public, and other employees. Giving clear and accurate information in a professional manner. Using appropriate telephone courtesy.
 - d. Reporting for work on time. Observing appropriate call-in procedures for late arrival and/or absence. Observing provisions of the Fair Labor Standards Act. Observing policies on break and meal periods. Using work time for work-related activity.
 - e. Using leave appropriately, including submitting timely requests and providing documentation for use of leave when required.
 - f. Observing established policies on health, safety, security and sanitation. Notifying supervisors of circumstances or situations that present potential health hazards.
 - g. Complying with instructions from all supervisors and managers.

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2. These standards are a representative and not an exhaustive list. Employees who violate these standards may be subject to disciplinary action, up to and including termination, even on the first offense.
3. These are minimum standards of conduct for all employees of the Department. Divisions, institutions, facilities, centers, offices or other units of the Department may have additional or more specific standards for its staff.

V. Attachments:

Attachment 1: Employee Standards of Conduct & Governor's Code of Ethics for Executive Branch Officers Employees Acknowledgement Statement

Attachment 2: Employee Communications Device Acknowledgement and Agreement

Attachment 3: Governor's Code of Ethics for Executive Branch Officers and Employees

VI. Record Retention of Forms Relevant to this Policy:

Upon completion, Attachments 1 and 2 shall be retained permanently in the employee's local and official personnel file. Upon completion, Attachment 3 shall be maintained and utilized as instructed in this policy until revised or obsolete.