

	WEST VIRGINIA DIVISION OF JUVENILE SERVICES	POLICY NUMBER: 	PAGES: 7
CHAPTER: Administration and Management	REFERENCE AND RELATED STANDARDS: WV Code Chapter §49-2-903; WV DOP Drug and Alcohol Free Work Place Policy (DOP-P2); WV DOP Workplace Security Policy (DOP-P15); Prison Rape Elimination Act (PREA), §115.317		
SUBJECT: Code of Conduct			
DATE: January 1, 2017			

POLICY

It is the policy of the West Virginia Division of Juvenile Services that all employees maintain the highest level of conduct, thereby promoting the integrity of the Division. These standards shall be maintained by requiring compliance with the conduct outlined herein. This policy is based on legitimate business necessity and the agency's obligation to maintain a safe and professional working environment conducive to the responsibilities of the agency. This document is not all-inclusive and management has the authority and discretion to address any unacceptable behavior not specifically mentioned herein.

CANCELLATION

This policy has been revised and supersedes Policy 125.00 dated October 1, 2015.

APPLICABILITY

This Policy applies to all Division of Juvenile Services' employees.

DEFINITION

Employee: For the purpose of this policy, this shall include all persons working within the Division of Juvenile Services which shall include, but not be limited to: full time, part time, temporary, and permanent employees, contract workers, education employees, and volunteers within the Division.

PURPOSE

1. Decisions in personnel matters involving disciplinary action will be based on the presumption that each employee has familiarized themselves with all Division policies and that they are aware of the obligation to abide by the standards set forth herein.

Chapter	Subject	Policy #	Page
Administration and Management	Code of Conduct	125.00	2 of 7

2. Every unacceptable type of action or conduct cannot realistically be listed; therefore, the types of conduct specified in these procedures are not all-inclusive and do not exclude or excuse other misconduct found by management to be detrimental to the good order and discipline of the Division of Juvenile Services.

PROCEDURE

1. Employees shall obey the laws of the United States and the State of West Virginia, whether in the course of their employment or not.
2. An employee shall adhere to all applicable laws, rules, regulations, policies, procedures, division directives, etc., in the performance of assigned duties.
3. No employee shall willfully violate any federal, state or local law or ordinance. Upon arrest or conviction of violating any federal, state or local law or ordinance, the employee shall notify his/her direct supervisor and the Facility Superintendent/Director within seventy-two (72) hours. The supervisor will enter the information in the Offender Information System (OIS) as a Confidential Report. The Facility Superintendent/Director shall then notify the Regional Director/Deputy Director.
4. In addition to the initial National Crime Information Center (NCIC) and child abuse registry checks upon hiring or promotion, DJS shall exercise its right to conduct random NCIC and child abuse registry checks on all Division employees.
5. All employees shall conduct themselves, whether on or off duty, in a manner which earns the public trust and confidence inherent to their position and will reflect positively upon the Division and its employees. No employee shall bring discredit to their professional responsibilities, the Division, or public service.
6. No employee shall maintain membership in any organization, association, movement, or group which follows a policy of advocating violence or acts of force; or any organization which encourages hate or violence against federal, state or local government.
7. All employees shall keep the facility informed of their current address and phone number. Any changes shall be provided to the facility within twenty-four hours. Addresses and telephone numbers of employees shall be kept confidential and shall not be released to the public.
8. All employees have a continuing affirmative duty to self-report any criminal activity or misconduct. Failure to report such misconduct, or providing false information regarding the same, shall be grounds for discipline, up to and including dismissal.
9. Employees shall not use their badge, DJS identification, or any other state equipment, title, or position to influence individuals, in an unauthorized manner or for purposes inconsistent with DJS employment.

Chapter	Subject	Policy #	Page
Administration and Management	Code of Conduct	125.00	3 of 7

10. No employee nor member of their immediate family shall, either directly or indirectly, solicit, accept, or agree to accept any gift, money, goods, loan, or service for personal benefit which would influence or appear to influence the performance of the employee's work or decision making.
11. No employee shall, without authorization, possess, use or cause damage to state property, records or the property of others. No employee shall use state property such as computers, cell phones, copiers, etc. for personal use either during or after business hours. Any employee who has lost, damaged, or destroyed any state property may be required to make restitution. (Employees shall not use state computers for the playing of games or in any other distracting manner.)
12. The hours of work for employees shall be regulated by Division policy. Any employee can be called to duty without regard to the normal duty hours of the employee if required. Refusal to work required overtime may be cause for disciplinary action.
13. All employees shall report for work at their designated time and place and follow all Division and facility attendance policies.
14. All employees shall remain alert, observant, and occupied with facility business during their tour of duty.
15. No employee shall abuse state work time; examples include, but are not limited to: unauthorized time away from the work area, use of state time for personal business, misuse of sick leave, loafing, sleeping, wasting time, failure to follow established procedures for reporting off work, or inattention to duty.
16. No employee shall leave their assigned post or the facility without having been properly relieved or given proper authorization by a supervisor. Proper relief shall include the communication of special observations, orders or situations to relieving personnel.
17. All employees shall promptly and faithfully execute all lawful orders and instructions of a supervisor. An employee, believing in good faith that an order is of a questionable nature, may appeal such order at a later time through the administrative structure or the grievance process. Insubordination or refusal to follow a lawful order of a supervisor shall constitute cause for disciplinary action.
18. All facility keys issued to an employee while on duty shall remain in their control at all times, except when properly transferred to another authorized staff member. Facility keys shall not be left unguarded, mislaid, unaccounted for, taken from the facility, or given to any resident at any time.
19. Uniformed employees are required to maintain their uniforms, including shoes, in a neat and clean condition. No decorations, other than those officially recognized, shall be worn with the uniform.

Chapter	Subject	Policy #	Page
Administration and Management	Code of Conduct	125.00	4 of 7

20. All employees are required to meet the Division's standards of neatness and grooming per Policies 134.00 – Correctional Officer Uniforms and Grooming Standards and 135.00 – Non-Correctional Officer Dress Code.
21. Any employee who is taken hostage shall lose their professional authority/rank while being held as hostage.
22. All employees shall submit required or requested reports in a timely manner and in accordance with applicable regulations. No employee shall falsify reports or documents, or knowingly allow inaccurate or incorrect material or information to be submitted as valid.
23. All employees are required to provide relevant, truthful, and complete information when required by a supervisor or investigator. Staff shall not withhold evidence pertaining to an investigation or attempt to destroy evidence. In addition, employees are not to discuss information regarding any investigation with other employees or residents with the exception of the investigator and their Facility Superintendent/Director.
24. No employee shall retaliate or take any adverse action against any employee, contract worker, vendor, volunteer, visitor or resident for reporting, participating or cooperating in any complaint, grievance and/or investigation process.
25. Any employee who suffers an injury on the job shall report such injury to their supervisor as soon as possible. The employee shall comply with established regulations within the guidelines of the West Virginia Office of Insurance Commission and any applicable insurance program with regard to such injury.
26. All employees are personally responsible for any blog or social media sites they may create or comment on. An employee may not post any material that is harassing, discriminatory, obscene, profane, libelous, threatening, or otherwise abusive towards any Division employee and/or facility, including your co-workers, supervisors, administrators, residents, visitors, vendors, contract workers or volunteers or regarding the Division as a whole.
27. All employees, their vehicles and their personal property are subject to search while on DJS property.
28. No employee shall possess or utilize any photographic or voice recording device upon State property without written permission of the Director or designee. In instances wherein permission is requested to photograph or record conversations with a resident, written consent must also be obtained from the resident prior to such event.
NOTE: This does not preclude the use, by authorized personnel, of voice recording devices for resident disciplinary hearings and/or pre-employment or promotional applicant interviews. Nor shall this preclude the use, by authorized personnel, of photographic or voice recording equipment in connection with an official agency investigation and/or audit.
29. No employee shall possess or utilize any wireless or cellular telephone, or electronic device

Chapter	Subject	Policy #	Page
Administration and Management	Code of Conduct	125.00	5 of 7

in any secure area of DJS property without written approval of the Facility Superintendent/Director.

30. No employee shall possess or utilize any personal firearm, knife, dangerous weapon, explosive or chemical agent upon State property, except as specified in Policies 306.01- Chemical Agents and 307.00 – Firearms / Weapons. The possession of a license or permit to carry a weapon does not constitute an exception to this policy.
31. No employee shall discriminate against another employee or applicant because of race, religion, color, disability, sex, national origin, age, pregnancy, military status, political affiliation, genetic information, or for other reason(s) explicitly provided in federal and/or state law; nor shall any employee retaliate against another employee for filing a discrimination complaint or grievance.
32. No employee shall remove state records, state property or another person's property without authorization. No employee shall commit theft of any of the aforementioned items.
33. No employee shall participate in any kind of work slowdown, disruptive behavior, sit-down or similar concerted interference with Facility/Center/Division operations.
34. All employees who operate a state vehicle at any time will comply with all State driving laws, any Fleet Management rules and regulations and all Division of Juvenile Services' instructions and requirements. Staff must report suspension of their driver's license immediately to their supervisor.
35. Employees shall develop only those relationships with residents which are necessary for the professional conduct of business. The development of personal, emotional, romantic or sexual relationships with residents is prohibited. Any employee who attempts to use their position to develop an inappropriate relationship will be subject to disciplinary action, up to and including dismissal.
36. No employee may have any type of contact with any former resident for two (2) years following their release from DJS custody other than contact as it relates to their job position, e.g. aftercare. This list includes, but is not limited to, any type of electronic communication, such as email, chat, texting and/or social networking websites (FaceBook, SnapChat, Instagram, Twitter, Kik, etc.) Any attempt by a former resident to contact an employee should be denied and must be reported to your Facility Superintendent/Director immediately.
37. Employees are not to use their official status in any way to establish social interaction with friends or relatives of residents.
38. The Division recognizes that employees may come into unintentional random contact with juveniles in public places (e.g., school, church, sporting events, restaurants, etc.). Employees must maintain a professional relationship at such times, but are not expected to report isolated incidents of unintentional random contact. However, any intentional attempts on the

Chapter	Subject	Policy #	Page
Administration and Management	Code of Conduct	125.00	6 of 7

part of a juvenile to communicate with an employee must be reported.

39. An employee must notify the DJS, in writing, through the chain of command, within forty-eight (48) hours of learning that any juvenile that they have had any personal or professional contact with has been committed to the custody/supervision of the Division, and disclose the nature of the contact.
40. An employee will not share their personal contact information with residents (e.g., phone numbers, social media user names, and addresses).
41. Employees will maintain confidentiality of all information regarding any person who have been served by the Division in any capacity as well as official information about its employees and operations. Information pertaining to a resident's record, offense, personal history, or private affairs is for official use only. Employees are not to discuss such information except as required in the line of official duties.
42. The use of any unnecessary and/or excessive force (as defined in Policy 335.00 – Facility Child Abuse and Neglect) shall not be tolerated.
43. The personal property of residents shall be handled and accounted for with extreme care. An employee who has lost, damaged, stolen or destroyed any property belonging to a resident may be required to make restitution and is subject to disciplinary action.
44. Employees shall not have inappropriate interactions with residents, including but not limited to, horse playing, wrestling, hairstyling, hugging, unnecessarily entering a resident's room, etc.
45. Employees have a duty to, and shall promptly report in writing to their supervisor, any information which comes to their attention indicative of an unusual incident or a violation of the law, rules, and/or regulations by either an employee or resident.
46. No employee shall make any recommendation with regard to an attorney or bondsman for any resident.
47. Employees may not give, offer or accept any unauthorized article, favor or service to/from any resident, ex-resident, their families or friends. Employees are not to extend or promise to a resident special privileges or favors not available to all residents except as provided for through official channels.
48. Employees are to be alert to detect, prevent, report and document escapes or other incidents and/or violations of facility regulations or resident rule violations.
49. At all times, employees shall maintain a professional demeanor and are to be respectful, polite, and courteous and refrain from using abusive and obscene language in their contacts with residents, other employees, and the public. This is a prime factor in maintaining order,

Chapter	Subject	Policy #	Page
Administration and Management	Code of Conduct	125.00	7 of 7

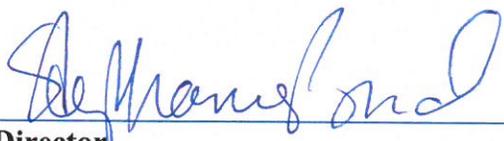
control and good discipline in the facility.

50. Employees shall not show willful negligence on the job which results in minor injury or harm to a resident, including, but not limited to: allowing residents to fight, dares/challenges, etc.
51. Employees shall not show careless workmanship which may result in spoilage, waste or destruction of facility or State equipment or gross negligence on the job which results in the escape, death or injury of a resident or the death or injury of any other person.
52. West Virginia Division of Juvenile Services employees who engage in any sexual act or inappropriate sexual conduct with any juvenile who is being served by the Division of Juvenile Services will be dismissed from employment and their actions shall be reported to the local Prosecuting Attorney's Office for criminal prosecution in compliance with West Virginia State Code and to the Institutional Investigation Unit of the Department of Health and Human Resources. The WV Division of Juvenile Services practices a zero tolerance philosophy as it relates to this type of activity as required by the Prison Rape Elimination Act (PREA). Any employee who is dismissed from employment or resigns in lieu of dismissal for child abuse or child sexual abuse shall be reported to law enforcement and any relevant licensing bodies.
53. This policy will be adopted in its entirety and the facility will not create an operational procedure.

RIGHTS RESERVED

The Director reserves the right to modify, suspend or cancel any provision herein in part or entirety, without advance notice, unless prohibited by law.

APPROVED:



 Director

 Date