



State of Oklahoma
Human Capital Management Division
Office of Management and Enterprise Services
Policies and Procedures
Employee/Offender Interaction Policy

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Approved: Preston Doerflinger	Approval Date: 01/23/2014

Policy

The Office of Management and Enterprise Services (OMES) may actively pursue public works programs (PWP) consistent with state statute by engaging in public service activities and projects that serve and benefit a public purpose. These activities may require offender labor, which will be utilized to fulfill community projects as well as saving taxpayer dollars without displacement of current jobs. In order to protect the public, protect the employee, and protect the offenders it is the OMES policy that OMES employees (including contractors, students, volunteers or any individual representing OMES) shall not engage in prohibited activities, relationships, sexual misconduct/harassment or retaliation against offenders /ex-offenders in the PWP.

Definitions

Offender and Ex-offender: 1. Offenders is defined as individuals under the care, custody or supervision of the Oklahoma Department of Corrections. 2. Ex-offenders are those individuals who are within 180 days of the date following their discharge or termination from custody or supervision.

Public Works Programs: An ongoing project, or projects of lesser durations, that use confined or community security offenders to provide labor for the betterment of the public and/or government agency.

Implementation

As authorized by state law, offenders under the custody of the Oklahoma Department of Corrections may be assigned to OMES for the purpose of working on projects that benefit a public purpose. Public works programs will be performed for the convenience, safety or welfare of the entire community.

Prohibited Activities with Offenders and Ex-Offenders

1. Accepting or offering a gift, craft, money or anything of value, directly or indirectly, without the written consent of the employee's supervisor. This prohibition includes any member of the offender's family.
2. Giving, receiving or loaning any money, or anything of value, for any purpose, without the written consent of the employee's supervisor.
3. Engaging in any other activity which constitutes or offers the opportunity for an abuse of the employee's position.

Prohibited Relationships with Offenders and Ex-Offenders

A prohibited relationship includes but is not limited to engaging in any non-professional association, contact or personal relationship with offenders, ex-offenders or members of their families which may compromise the employee's ability to discharge effectively the duties of his/her position.

Prohibited Over-Familiarity

1. Engaging in or attempting to engage in conduct likely to result in intimacy or a close personal relationship with an offender.
2. Flirting with each other;
3. Exchanging personal letters or gifts;
4. Requests or granting of special favors and;
5. Discussing personal matters unless it is an expectation of the employee's job responsibilities.

Prohibited Sexual Misconduct

Sexual misconduct is employee engaging in any activity of a sexual nature that violates another individual's physical or emotional well-being or personal space. Sexual misconduct acts include, but are not limited to, the following:

1. Any sexual advances;
2. Requests for sexual favors;
3. Threats for refusing sexual advances;
4. Verbal or physical conduct of a sexual nature toward an offender by employees, contract staff or volunteers of OMES.

Sexual acts or sexual contact between any employee and an offender, even if the offender consents, initiates or pursues, are always prohibited, illegal, and punishable under the criminal laws of this state.

Prohibited Sexual Harassment

Sexual harassment is when employees engage in sexual advances, requests for sexual favors or other offensive conduct of a sexual nature. Sexual harassment includes, but is not limited to:

1. Demeaning references to an offender's gender;
2. Derogatory comments about an offender's gender;
3. Jokes about sex or gender specific traits ;
4. Abusive, threatening, profane or degrading sexual comments and touching, attention or conduct of a sexual nature.

Offender on Offender Sexual Assault and Abuse:

One or more offenders engaging in, or attempting to engage in a sexual act with another offender; or the use of threats, intimidation, inappropriate touching or other actions and/or communications by one or more offenders aimed at coercing and/or pressuring another offender to engage in a sexual act is prohibited. Offenders do not have to tolerate sexual assault or pressure to engage in unwanted sexual behavior.

Prohibited Retaliation

Retaliation is intimidation to prevent an offender from filing a complaint or participating in an investigation of sexual misconduct. OMES prohibits any individual from interfering with an investigation, including intimidation or retaliation against witnesses. If an offender believes that she/he is being denied privileges, or is being unfairly transferred or punished in some way because she/he filed a complaint, or assisted in the investigation of a complaint, should report this to the agency Supervisor.

Any employee who witnesses or knows of a violation of this policy must promptly report the violation to a supervisor or Human Resources. OMES will promptly investigate all allegations that violate this policy.

Any employee, who fails to promptly report a violation or who knowingly falsifies a report, shall be subject to disciplinary action, up to and including termination.

Any employee who retaliates against an individual for reporting or providing information concerning violation of this policy shall be subject to disciplinary action up to and including termination.

Any employee who refuses to cooperate in an investigation of a possible violation shall be subject to disciplinary action, up to and including termination.

Violations of this policy shall be subject to the appropriate disciplinary action up to and including termination.