



STATE OF MONTANA
BOARD OF PARDONS AND PAROLE
POLICY DIRECTIVE

Policy No. BOPP 3.1	Subject: PERFORMANCE AND CONDUCT
Chapter 3: HUMAN RESOURCES	Page 1 of 5
Section 1: Human Resources	Effective Date: June 1, 2022
Signature: /s/ Joseph McElroy, Chief of Staff	Revised:

I. POLICY

The Board of Pardons and Parole (BOPP) protects the rights of employees, enforces high standards of professional conduct, and provides guidelines of performance and conduct for BOPP employees. The Montana Department of Corrections (DOC) pursuant to (DOC) Policy 1.1.4, The DOC will:

1. Assist in development and periodic review of a comprehensive resource manual to guide interdependent agency activities.
2. Identify management information and automation options for ongoing agency operations.
3. Coordinate the collection and sharing of management information.
4. Develop formal processes for coordinating interagency activities.
5. Assist in the establishment of rules and policy that do not conflict with board authority.
6. Provide reasonable access to any offender over whom the board has jurisdiction and ensure that eligible, in-state offenders are available for a hearing before the board. Administrators will provide adequate security at all hearings conducted in secure custody facilities.
7. Furnish the board with relevant reports regarding an offender’s suitability for parole.
8. Supervise all persons placed on parole in accordance with the conditions and orders imposed by the board.
9. Allocate office space for board staff.
10. Assist the board in training, budgeting, record keeping, reporting, and related administrative and clerical functions.
11. Provide human resource support to assist with human resources functions.
12. Provide a qualified attorney to act as a legal advisor and representative for the board.
13. Disseminate any required notices, rules or orders adopted, amended, or repealed by the board.
14. Provide an opportunity for the board to respond to and participate in the review process of any mutually dependent policy or order adopted, repealed, or amended by the department.
15. Provide communications support through the Department's Director of Communications.

II. APPLICABILITY

All BOPP.

III. DEFINITIONS:

Contraband – Any item possessed by an offender or found within the facility that is illegal by law, prohibited by policy or procedure, or unauthorized by those legally charged with the administration and operation of the facility.

Criminal Conduct – A charge or conviction of a violation of city, county, state, or federal law including all felonies and misdemeanors, including but not limited to assault, sexual assault, traffic violations, i.e., hit and run, driving under the influence (DUI), reckless driving, or other violations by staff that could result in the imposition of a jail sentence and/or suspension or revocation of the violator's driver license

Department Employee – A person employed by the BOPP and DOC who has attained permanent status or is eligible to attain permanent status, as provided in *2-18-601, MCA*; volunteers, interns, temporary and short-term workers; this term does not include service providers.

HIPAA – The Health Insurance Portability and Accountability Act (1996) which defines nationally recognized regulations for the use and disclosure of an individual's health information.

Service Providers - This term includes contracted persons or other vendors providing service whose assignment is primarily on BOPP or DOC premises, e.g., facility or program office.

IV. DEPARTMENT DIRECTIVES

A. On-the-Job Performance

1. Employees are responsible for performing duties as specifically assigned either orally or in writing, and as guided by the attached [Code of Ethics](#) and DOC policies.
2. Employees and service providers with access to protected health information must read and sign the [HIPAA Confidentiality Agreement](#).

B. Off-the-Job Conduct

1. Employees will maintain ethical standards that contribute to public safety and trust, and do not reflect negatively on the reputation of corrections professionals.
2. Employees and service providers are expected to comply with all laws and inform the BOPP of any criminal charges that may affect BOPP or DOC personal credibility or affect a person's ability to perform in his or her assigned capacity.
3. Employees and service providers who have been arrested for any criminal offenses (including DUI's) must notify their supervisor and provide information on their status through final disposition. The exception to this rule would be minor traffic offenses.
4. If an employee is incarcerated or detained and unable to report for work, he or she must contact the immediate supervisor to request a leave of absence for each scheduled shift; failure to request a leave of absence will be considered absence without approval and may result in disciplinary action up to and including dismissal.
5. The supervisor will conduct an inquiry upon notification of an employee's involvement in criminal conduct including gathering facts and consulting DOC Human Resources.

C. Gun Control Act

1. The BOPP is prohibited from providing firearms or ammunition to any employee.

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D. Unacceptable Performance and Conduct

- 1. Performance and conduct behavior unacceptable for BOPP employees includes, but is not limited to, the following:
 - a. violation of law
 - b. violation of policy, directives, or other employer regulations
 - c. neglect or failure to carry out assigned duties and responsibilities
 - d. assaulting, injuring, abusing, intimidating, threatening, endangering, or withholding
 - e. reasonable necessities from an offender
 - f. committing theft, damage, or unauthorized use or possession of state property or property of any offender
 - g. assaulting, endangering, stalking, or maliciously intimidating or harassing another person
 - h. falsifying any BOPP/DOC record
 - i. unauthorized dissemination of confidential information
 - j. abuse of sick leave or excessive tardiness
 - k. unauthorized use of state time, equipment, or facilities for private business or personal use
 - l. failure to remain alert and vigilant while on the job
 - m. failure to follow applicable dress codes
 - n. employee negligence resulting in damage or loss of state property
 - o. using, possessing, controlling, or transferring tobacco in unauthorized areas
 - p. loaning, duplicating, or other use of keys that breach the security of the workplace
 - q. failure to maintain a courteous, productive, and otherwise acceptable working relationship with fellow workers and the general public
 - r. use of any illegal drugs
 - s. use of any prescription medications not prescribed by a medical professional
 - t. use or misuse of any prescribed or over-the-counter substance that may impact the effective performance of duties and responsibilities not reported in advance to the appropriate supervisor
 - u. unauthorized use, possession, control, or transfer of contraband in violation of specific division or facility policy and procedures
 - v. sabotaging, impeding, interfering, or failing to cooperate with any authorized Department or law enforcement investigation
 - w. failure to timely report policy violations, or job-related illegal or unethical behavior to the appropriate authority
 - x. failure to timely self-report an arrest, conviction, or professional disciplinary action against a professional license required by the position
 - y. failure to self-report potential conflicts of interest to the appropriate administrator prior to acting in possible violation of this policy.

E. Standards of Conduct

- 1. The BOPP and DOC abides by all applicable laws, regulations, and policies related to state employee Standards of Conduct, including those linked below.
 - a. [State Ethics Policy](#);
 - b. [Employee’s Guide to Standards of Conduct in Montana State Government](#); and
 - c. [Political Activity of Public Officers and Employees](#)

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F. Disclosure Requirements

1. You may not solicit or accept employment or engage in negotiations or meetings to consider employment with a person whom you regulate in your official duties without first giving written notice from Board Chair.
2. As a board member of a quasi-judicial board with rulemaking authority, and have a conflict created by a personal or private interest that gives rise to the appearance of impropriety, you must disclose the interest creating the conflict prior to participating in official actions.
3. Prior to acting in a manner that may affect your public duty, including the award of a permit, contract, or license, you must disclose the nature of the private interest that creates the conflict. This disclosure must be in writing to the Secretary of State and must list the amount of private interest, the purpose and duration of your services, any compensation you have received, and other relevant information. If you perform the act involved, you must publicly declare and record the nature of the conflict including all the elements required previously for the Secretary of State.

G. Code of Ethics and HIPAA Confidentiality Agreement

1. BOPP will ensure that all employees read and sign the attached [Code of Ethics](#), incorporated fully herein, and return the form to Human Resources.
2. Employees and service providers with access to protected health information will read and sign the [HIPAA Confidentiality Agreement](#) and return the form to Human Resources.

V. CLOSING

Two main principles apply to your conduct in your job: public trust and public duty. By keeping these in mind as you do your job on a day-to-day basis, you will be able to carry out your duties for the benefit of the people of the state and avoid taking actions that would cause you to depart from your public duty and violate the public’s trust.

Provisions of this policy not required by statute will be followed unless they conflict with negotiated labor contracts which will take precedence to the extent applicable.

Questions concerning this policy should be directed to Human Resources.

VI. REFERENCES

- A. 2-2-101 through 2-2-304, MCA; 45-7-307, MCA
- B. Title 18 U.S.C. Chapter 44, Gun Control Act of 1968
- C. Montana Operations Manual, Ethics Policy
- D. [Ethics - Standards of Conduct for State Employees; Department of Administration](#)
- E. 4-4069; ACA Standards Supplement, 2008
- F. 3-JTS-1C-23, ACA Standards for Juvenile Correctional Facilities, 2003
- G. 3-3068, ACA Standards for Adult Probation & Parole Field Services, 3rd Edition
- H. DOC Policies 1.3.12 Staff Association and Conduct with Offenders; 1.1.17 Prison Rape Elimination Act (PREA); 3.1.17 Searches and Contraband Control; 3.1.19 Investigations

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VII. ATTACHMENTS

[Code of Ethics](#)

[HIPAA Confidentiality Agreement](#)