

Appendix B

Code of Discipline, Standards of Professionalism

Code of Discipline

Arising from the "Standards of Professionalism" are a number of specific rules that employees of the Department of Youth Affairs are expected to observe. An infraction of these rules, depending on its severity and frequency, may result in the following actions being taken:

- oral reprimand;
- written reprimand;
- suspension;
- discharge;
- demotion for cause; or
- termination of employment.

A list of infractions is given. It is not intended to be exhaustive.

Depending on the nature of the infraction and of the behavior or performance-related problem that it represents, it may be necessary to assess the employee's ability to continue employment in the position he or she is occupying.

The Director shall not place punishment on the YSS/OIC and/or senior duty worker, but rather on the personnel(s) directly responsible for committing the negligence, which led to the client escape(s) or incidence(s) within the secured facility. The Director shall only do so if it can be clearly proven that the client escape(s) or incidence(s) was as a direct result of the YSS/ OIC and/or senior duty worker's actions. Individuals must be held accountable for their respective actions. A distinction must be drawn between punishment and discipline, always keeping in mind the basis for taking disciplinary action. This basis is to correct a behavior, and not to demean anyone in any way.

STANDARDS

Responsible Discharge of Duties

An employee has committed an infraction, if he or she:

- fraudulently records, or fails to record, his or her attendance or that of another employee;
- is late for duty, absent from duty or leaves he/her assigned place of duty without authorization;
- fraudulently seeks to obtain, or fraudulently obtains documentation required for approval of leave of absence from duty;
- refuses to testify before or submit evidence to, or obstructs, inhibits or otherwise hampers any investigation conducted pursuant to any act of investigations;
- make public statements which harshly criticize the Department of Youth Affairs and the Government of Guam concerning policies, practices and/or programs;
- fails to take action or otherwise neglects his or her duty as a peace officers or an employee of the department;
- fails to conform to, or to apply, any relevant legislation, directives, policies, or procedures as it relates to his or her duty;
- fails to promptly obey the lawful orders or commands of any other employee who is in charge or superior in line of authority;
- willfully or negligently causes unjustified waste, loss, or damage to any property of the government or another person, in the course of the performance of his or her duty;

- willfully or through negligence, makes or signs a false statement in relation to the performance of duty;
- as a supervisor, or an one in authority, condones or fails to take action when an employee has committed an infraction of the “Standards of Professionalism,” a breach of discipline or any other irregularity coming to his or her attention;
- fails to report to a superior authority any contraband found in the possession of another employee, youth offender, or member of the public;
- performs his or her duty in a careless fashion so as to risk or cause bodily harm or death to any other employee of the department, or any other person(s), either directly or indirectly;
- uses excessive force (that is, more force than is reasonable or necessary) to carry out his or her legal duties;
- through negligence, permits a youth offender to escape; or
- neglects to take, to the utmost of his or her ability, appropriate action when a youth offender: escapes; assaults an employee, another offender, or a member of the public; or engages in any action likely to endanger life or property.

Conduct and Appearance

An employee has committed an infraction, if he or she:

- displays appearance and/or conduct which is unbecoming of an employee of the department while on duty or off duty;
- is abusive or discourteous by word or action to the public while on duty;
- acts, while on or off duty, in a manner likely to discredit the Department of Youth Affairs;
- commits an indictable offense or an offense punishable on conviction under any statute of Guam, which may bring discredit to the department or affect his or her continued performance with the department;
- fails to advise his or her supervisor, before resuming his or her duties, of being charged with a criminal or other statutory offense;
- fails to account for, improperly withholds, misappropriates or misapplies any public money or property or any money/property of any other person(s) coming into his or her possession in the course of duty or by reason of his or her being a member of the Department of Youth Affairs;
- consumes alcohol or other intoxicants while on duty;
- reports for duty impaired or being unfit for duty due to the influence of alcohol or drugs; or
- sleeps on duty.

Relationships with Other Staff Members

An employee has committed an infraction if he or she:

- interferes with the works of others;
- is abusive, by word or action to other employees, while on duty or under circumstances related to his or her duties;
- participates in an illegal strike or concerted action which results in absence from duty or failure to perform his or her duties;

- coerces, incites or attempts by any means to obtain the participation of another employee(s) in an illegal strike, concerted action, or in the commission of an infraction of the “Standards of Professionalism;”
- commits any act of personal or sexual harassment against another staff member;
- disregards established safety practices;
- fails to promptly report a work accident; or
- fights with other employees of the department or a member of the public while on duty.

Relationships with Offenders

An employee has committed an infraction if he or she:

- maltreats, humiliates, harasses, and/or is abusive, by word or action, to an offender or the offender’s friends or relatives;
- improperly uses his or her title or authority for personal gain or advantage;
- enters into any kind of personal or business relationship not approved by his or her authorized superior with an offender or ex-offender, or the offender’s or ex-offender’s friends or relatives;
- gives, or receives any gift, gratuities, benefits or favors, or engages in personal business transactions with an offender or ex-offender or the offender’s or ex-offender’s friends or relatives;
- hires an offender to perform any work or provide any service without first obtaining the written permission of his or her supervisor;
- gives to, or receives from any offender or ex-offender, or the offender’s or ex-offender’s friends or relatives, either directly or indirectly any contraband; or
- fails to report situations of mistreatment of offenders by employees.

Conflict of Interest

An employee has committed an infraction if he or she:

- fails to disclose a conflict of interest or fails to follow the decision of the department or authorized representative with respect to a declaration of conflict of interest;
- improperly uses his or her title or authority for personal gain or advantage; or
- improperly uses the services of another employee, the property of the department or anything produced by offender labor at any time, for activities that have not been officially approved.

Protection and Sharing of Information

An employee has committed an infraction if he or she:

- fails to properly safeguard all documents, reports, directives, manuals, or other information of the Department of Youth Affairs;
- fails to observe the provisions of the “Privacy Act” and the “Freedom of Information Act;”
- commits a breach or violation of the confidentiality policy; or
- fails to disclose, where appropriate, any information which he or she has an obligation to share.

Standards of Professionalism

Definitions

- **Employees, staff:** For the purpose of this document, these terms mean all persons employed full-time or part-time by the Department of Youth Affairs.
- **Public:** For the purpose of this document, the public means all persons other than employees of the Department of Youth Affairs, and includes offenders.
- **Workplace, place of work:** These terms mean administrative and operational facilities of the Department of Youth Affairs and any other location in which work for the Department of Youth Affairs is carried out by a DYA employee.

Professional Standards

Standard One: Responsible Discharge of Duties

- Staff shall conduct themselves in a manner, which reflects positively on the public service of the Government of Guam, by working cooperatively to achieve the objectives of the Department of Youth Affairs. Staff shall fulfill their duties in a diligent and competent manner in accordance with policies and procedures laid out in legislation, directives, manuals and other official documents.
- Employees have an obligation to follow the instructions of supervisors or any member in charge of the workplace and are required to serve the public in a professional manner, with courtesy and promptness.

DISCUSSION AND RELEVANCE

- Responsible discharge of duties means employees perform their work accurately, completely, and within the time frames allotted for the task.
- Staffs are encouraged to be innovative and to participate in decision making through positive and constructive means. Statements that criticize other employees or the department are to be made only if they are verifiable and constructive. Disagreement with a policy does not mean that staff members can neglect their duties. They are free to question policies, procedures or instructions but are expected to do so within appropriate channels. In particular, employees must not be critical of policy or operations in front of offenders or the public; to do so is to encourage a lack of respect for the Department of Youth Affairs and its staff.

Standard Two: Conduct and Appearance

- Behavior, both on and off duty, shall reflect positively on the Department of Youth Affairs and on the public service generally. All staffs are expected to present themselves in a manner that exhibits a professional image, both words and actions. Employee dress and appearance while on duty must similarly convey professionalism, and must be consistent with employee health and safety.

DISCUSSION AND RELEVANCE

- The way in which employees speak and present themselves is an important part of a professional Department of Youth Affairs service. We lead by example. As positive role models for offenders, staffs are responsible for setting high exemplary standards which

offenders can respect and emulate. The use of abusive language, showing discourteousness towards other people and disrespect for their views, or other such behavior will encourage offenders to act in the same manner, and so create an environment that is unfavorable to healthy interaction. Staff must take care, both on and off duty, to present themselves as responsible law-abiding citizens.

- Employees, who commit criminal acts or other violations of the law, particularly if the offenses are repeated or serious enough to result in imprisonment, do not demonstrate the type of personal and ethical behavior considered necessary in the Department of Youth Affairs. Accordingly, any employee who is charged with an offense against the “Criminal Code” or against other federal or territorial statutes must advise his or her supervisor before resumption of duties. In other words, it is the direct responsibility of the employee to inform his immediate supervisor within twenty-hours if he/she is arrested for any criminal acts. If an employee fails to inform his immediate supervisor of his/her arrest, he/ she may be subject to disciplinary action.
- At times, an employee may experience personal problems, which may affect his or her job performance. The department has a responsibility to offer assistance to members facing such difficulties. Notwithstanding this offer of assistance, personal problems are not considered a reason to ignore or fail to take action on poor employee performance or behavior.

Standard Three: Relationships with Other Staff Members

- Relationships with other staff members must promote mutual respect within the Department of Youth Affairs and improve the quality of service. Staffs are expected to contribute to a safe, healthy, and secure work environment, free of harassment and discrimination.

DISCUSSION AND RELEVANCE

- It is the responsibility of all staff to work towards improving the health and safety of the workplace. Staff shall comply with all legislation and policies relating to occupational health and safety, within their intended purposes. Staff shall not inhibit the work of fellow employees or coerce members to participate in illegal activity or misconduct.
- Staff shall respect the rights of all fellow workers, regardless of race, creed, religion, gender, age, sexual orientation, or mental or physical disability. Staff shall not participate in, or condone, any form of harassment or discrimination. Staffs are expected to be cooperative and civil in their dealings with each other.
- Work in the department represents cooperative effort, drawing upon a wide range of expertise and knowledge from within the department and from other agencies and organizations within the Government of Guam. Employees have a responsibility to work as part of a team to meet the department’s objectives.
- Supervisors are expected to demonstrate high personal standards. They must take prompt action when they become aware of discrimination, harassment or disrespectful treatment of any staff member by other employees. Failure to act will be considered a serious infraction.

Standard Four: Relationships with Offenders

- Staffs must actively encourage and assist offenders to become law-abiding citizens. This includes establishing constructive relationships with offenders to encourage their successful reintegration into the community. Relationships shall demonstrate honesty, fairness, and integrity. Staffs shall promote a safe and secure workplace and respect an offender's cultural, racial, religious, and ethnic background as well as his or her civil and legal rights. Staff shall avoid conflicts of interest with offenders and their families.

DISCUSSION AND RELEVANCE

- All interactions with offenders are to be fair, honest, and open, and members shall actively involve themselves in the offender's treatment plan. Staffs are expected to be active participants in the reintegration process and to work towards reducing the risk which the offender presents to society. The objective of all staff must be to contribute to the safe reintegration of offenders into the community.
- Staffs must be aware of all matters affecting offenders for whom they are responsible by referring to their files and any other relevant source of information. They must be informed of the individualized treatment plan and the offender's progress towards the achievement of that plan.
- Staffs must be diligent in their responsibility to record and make available for review all offender information, which could contribute to sound decisions affecting the offender or public safety. In addition, staffs must give offenders ongoing, documented feedback about their behavior. Staffs must respect the race, creed, gender, age, language and/or mental or physical disabilities of offenders and be responsive to the various needs of different cultural groups in our society. Ensuring that relationships with offenders remain constructive and professional is a difficult and sensitive task, but it is necessary for a professional service. It requires that staffs maintain a delicate balance between personal and professional interests in the offender.
- Inappropriate relationships include, but are not limited to, concealing an offender's illegal activity, using inmate services for personal gain, and entering into business or sexual relationships with offenders, their families, or their associates. Supervisors are expected to take prompt action when they see signs that an inappropriate relationship between an employee and an offender exists or could develop.
- The general rule is that staffs do not accept gifts from offenders and/or their families or friends. In exceptional circumstances, it may be permissible to accept a gift of purely token value from an offender, not to exceed nominal value of \$25.00 throughout employment, provided it is clear that doing so will not create any obligation on the staff member, and approved by top level management.
- Any doubts or concerns staffs have involving relationships with offenders should be discussed with their supervisor. Staffs should always inform their supervisor of any token gift offered or received.

Standard Five: Conflict of Interest

- Staffs shall perform their duties on behalf of the Government of Guam with honesty and integrity. Staffs must not enter into business or private ventures, which may be, or appear to be, in conflict with their duties as department employees and their overall responsibilities as public servants.

DISCUSSION AND RELEVANCE

- Staffs cannot use or appear to use their position for personal gain or advantage. This usually means receipt of financial benefits, gifts or favors from persons conducting, or who are intending to conduct, business with the Government or the department.
- Staff should, for their own protection, seek clarification and advice on any potential conflict of interest.

Standard Six: Protecting and Sharing of Information

- Staff shall treat information acquired through their employment in a manner consistent with the freedom of Information Act, the Privacy Act, and the Confidentiality Policy of the Government of Guam. They shall ensure that appropriate information is shared in a timely manner with offenders, with other criminal justice agencies and with the public, including victims, as required by legislation and policy.
- The Department of Youth Affairs recognizes and respects the confidentiality requirements of particular professional groups such as chaplains, medical, and clinical professionals.
- Supervisors are responsible for providing their employees with direction and guidance concerning the protection and release of information.

