



**U.S. Department of Justice**  
Federal Bureau of Prisons

**C H A N G E   N O T I C E**

OPI            OGC/ETH  
NUMBER    3420.12, CN-1  
DATE        February 18, 2025

## **Standards of Employee Conduct**

/s/  
*Approved:* William W. Lothrop  
Acting Director, Federal Bureau of Prisons

This Change Notice (CN) implements the following changes to Program Statement 3420.12, **Standards of Employee Conduct**, dated June 24, 2024. This CN removes language to ensure consistency with Executive Orders issued by the Executive Office of the President of the United States. The deleted text has a ~~strikethrough~~.

### **5. PERSONAL CONDUCT**

d. **Social Media.** Employees are responsible for following statutes, regulations, and policies that govern Federal employees, including but not limited to, the Hatch Act and the Standards of Ethical Conduct for Employees of the Executive Branch, which apply to an employee's personal use of social media, including closed and restricted access social media groups. Social media may never be used in a way that violates Bureau policies or compromises correctional or informational security. This includes the following Program Statements:

- **Release of Information**
- **Bureau of Prisons Anti-Discrimination Policy**
- **Bureau of Prisons Anti-Harassment Policy**
- **Workplace Violence Prevention, Staff**

While Bureau employees do not surrender their First Amendment rights or whistleblower protections as a result of their employment, employees shall not post any material on social media sites that could adversely affect the confidence of the public in the integrity of the Department of Justice or the Bureau. This includes creating the appearance of associating with criminal entities. Employees may not use social media to engage in harassing or discriminatory conduct toward others (individuals or groups) based on their race, color, religion, national origin,

sex, ~~gender identity~~, age, disability (physical or mental), genetic information, status as a parent, sexual orientation, marital status, political affiliation, or any other protected status. Likewise, employees may not use social media to make threatening statements toward other employees or groups of employees.



**U.S. Department of Justice**  
Federal Bureau of Prisons

**PROGRAM STATEMENT**

OPI            OGC/ELB  
NUMBER      3420.12  
DATE          June 24, 2024

## **Standards of Employee Conduct**

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*Approved:* Colette S. Peters  
Director, Federal Bureau of Prisons

### **1. PURPOSE AND SCOPE**

To provide policies and procedures, referred to as the “Standards of Employee Conduct,” to complement those issued by the Office of Government Ethics on:

- Employee conduct and responsibility.
- Ethics in matters involving conflicts of interest.
- Post-employment restrictions.
- Procurement integrity issues.
- Attorney ethics.
- Outside employment.

These standards apply to all employees of the Bureau of Prisons (Bureau), including employees of the Public Health Service, Federal Prison Industries, and the National Institute of Corrections, and to any person detailed to any of those agencies under the Intergovernmental Personnel Act.

Such employees are subject to certain standards and prohibitions – some statutory, some regulatory, and some a matter of good ethical principles that are essential to the efficiency of the organization.

Contractors and volunteers working in Bureau facilities also are expected to conduct themselves by these standards, where applicable.

While issuances from the Office of Government Ethics and the Department of Justice address the basic standards and prohibitions applicable to Bureau employees, this Program Statement more

specifically addresses situations that especially apply to Bureau employment. It cannot, however, attempt to detail every incident that could violate the Standards of Employee Conduct.

a. **Summary of Changes.**

*Policy Rescinded*

P3420.11 Standards of Employee Conduct (12/6/2013)

- Updates to definitions, Section 2.
- Specifying illegal drugs prohibited under Section 5, Personal Conduct.
- Specifying rules related to social media use.
- Specifying the prohibitions on supervisor-subordinate relationships.
- Re-organization of outside employment, Section 14, for clarification.
- Specifying restrictions on employee purchases of property used by the Bureau, Section 16, Conflicts of Interest.
- The References updated and editorial changes.
- Updates to Attachment A, Standard Schedule of Disciplinary Offenses and Penalties.
- The terms “staff” and “staff member(s)” have been replaced with the term “employee(s).”

b. **Program Objectives.**

- Employees will conduct themselves in a manner that fosters respect for the Bureau, the Department of Justice, and the U.S. Government.
- Employees will avoid situations that involve conflicts of interest with their employment.
- Employees will comply with restrictions on employment outside the Bureau and after employment with the Bureau.
- Employees will conform to procurement integrity regulations.
- Employees will uphold the ethical rules governing their professions.
- Employees will immediately report any violation, or apparent violation, of the Standards of Employee Conduct to their Chief Executive Officer (CEO) or another appropriate authority.
- Employees who fail to conduct themselves in accordance with these standards will be subject to appropriate sanctions.

2. **DEFINITIONS**

For the purposes of this Program Statement, the following definitions apply:

- a. **Chief Executive Officer (CEO).** The Warden at institutions, the Regional Director at regional offices, and the Assistant Director of each division. In some contexts, it may also include the Director or Deputy Director of the Bureau.

b. **Conflict of Interest.** A conflict of interest exists where responsibilities as a public servant affect, or are affected by, the employee's private interests.

c. **During the Conduct of a Procurement.** The time between the beginning and end of a procurement. The conduct of a procurement begins on the earliest date an authorized official directs that a specific action be taken to initiate a procurement. These actions include:

- Drafting a specification or a statement of work.
- Reviewing and approving a specification.
- Computing requirements or a purchase request.
- Preparing or issuing a solicitation.
- Evaluating bids or proposals.
- Selecting sources.
- Conducting negotiations.
- Reviewing and approving the award of a contract or contract modification.

The conduct of a procurement ends with the award or modification of a contract or the cancellation of the procurement.

d. **Former Inmate.** A person who otherwise meets the definition of inmate (see definition of "inmate" in Section 2.g.) for whom less than one year has elapsed since their release from Bureau custody or supervision of a Federal court, whichever is later.

e. **Government Property.** Real and personal property purchased, maintained by, and/or donated to, the Federal Government. Examples of Government property include, but are not limited to, structures, buildings, land, office equipment, fixtures, tools, machines, food, and other tangible items.

f. **Illegal Drugs.** Controlled substances acquired or used in violation of any law.

g. **Inmate.** Persons in the custody of the Bureau or Bureau contract facilities, including persons charged with or convicted of offenses against the United States, D.C. Code felony offenders, and persons held as witnesses, detainees, or otherwise.

h. **Law Enforcement Agency.** Any local, state, or Federal entity established to carry out and enforce criminal law.

i. **Negotiations.** Discussion or communication with another person, or a person's agent or intermediary, mutually conducted with a view toward reaching an agreement regarding possible

non-Federal employment or procurement of goods and/or services.

j. **Official Investigation.** Investigations including, but not limited to, authorized investigations (which may include examinations or inquiries) by the Federal Bureau of Investigation, Office of the Inspector General, Office of Professional Responsibility, Office of Internal Affairs, Office of Personnel Management, Special Investigative Agent, Special Investigative Supervisor, Equal Employment Opportunity Investigator, or any other investigation authorized by the CEO or higher-level official.

k. **Participate.** To take action as an employee through decision, approval, disapproval, recommendation, rendering of advice, or investigation (applies to Sections 14 through 19 of this Program Statement).

l. **Particular Matter.** Matters that involve deliberation, decision, or action that is focused upon the interests of specific persons, or a discrete and identifiable class of persons. The particular matters covered by this subpart include a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, or arrest.

m. **Procurement Official.** Any officer or employee of an agency who has participated personally and substantially in any activities involved “during the conduct of a procurement.” This definition extends to contractors, subcontractors, consultants, experts, and advisors acting on behalf of, or providing advice to, an agency with respect to procurement (see Section 2.c.).

n. **Social Media.** Social media refers to a variety of online communications, including social networks/platforms, applications (apps), blogs, chat rooms, and forums, to include those platforms that are widely available to the public. Some examples of social media platforms, as of the date of this Program Statement, include, but are not limited to, Facebook, X (formerly known as Twitter), Instagram, Snapchat, and TikTok.

### 3. PUBLICATION AND INTERPRETATION

The CEO of each facility has the primary responsibility for ensuring that the Standards of Employee Conduct are provided and made known to each employee, contractor, and volunteer.

The CEO must ensure that employees are made aware of updates and revisions that affect employee conduct and receive annual training on their responsibilities under this policy.

Per 5 C.F.R. § 2635.107, only actions made in reliance upon advice concerning ethical issues, received from the Ethics Office, will be protected from disciplinary action. No other authority may provide the employee this protection.

Where the employee's conduct violates a criminal statute, reliance on the advice of an ethics official cannot ensure they will not be prosecuted.

Each new employee, contractor, and volunteer must receive and sign for this Program Statement at the time of appointment.

Employees, contractors, and volunteers receive and sign for updated versions of this Program Statement when issued. The BP-A0165, Acknowledgment of Receipt of Standards of Employee Conduct form is filed in the electronic Official Personnel Folder.

Employee Development Managers, Volunteer Coordinators, or other designated employees ensure that supervisors and employees receive annual training on their responsibilities under this policy.

#### 4. GENERAL POLICY

Bureau employees are governed by regulations in 5 C.F.R. Part 2635. While this Program Statement clarifies the applications of those regulations in the Bureau, it does not and cannot specify every incident that would violate the Standards of Conduct.

In general, the Bureau expects its employees to conduct themselves in such a manner that their activities both on and off duty do not discredit the agency. Employees must:

- Conduct themselves in a manner that fosters respect for the Bureau, the Department of Justice, and the U.S. Government.
- Only arrest in their official capacity as permitted by 18 U.S.C. § 3050 and other relevant provisions of the United States Code, the Program Statements **Searching, Detaining, or Arresting Visitors to Bureau Grounds and Facilities** and **Staff Entrance and Search Procedures**, or other authority officially granted to them.
- Endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards promulgated in this policy and the statutes.
- Avoid conflicts of interest in matters that affect their financial interests.
- Comply with post-employment restrictions.
- Conform to procurement integrity regulations.
- Uphold the ethical rules governing their professions, including complying with applicable licensing authority rules, except when they conflict with Federal law.
- Follow special rules to avoid conflicts of interest when seeking employment outside the Bureau.

As soon as practicable (generally within 24 hours), report to their CEO (or other appropriate authority such as the Office of Internal Affairs or the Office of the Inspector General) any violation, appearance of a violation, or attempted violation of these Standards, or of any law, rule, or regulation.

Every employee is required to immediately report to management any act or omission by any person that could result in a breach of institution security.

Failure by employees to follow these regulations and policy or any other Bureau policy or relevant regulation(s) could result in disciplinary action, up to and including removal (see Attachment A).

## 5. PERSONAL CONDUCT

Employees are expected to conduct themselves in a manner that contributes to the orderly running of Bureau facilities. Some types of behavior cannot be tolerated in the Bureau:

a. **Alcohol/Illegal Drugs.** The use of illegal drugs or the abuse of any drug, including prescription-controlled substances, is strictly prohibited. Illegal drugs include, but are not limited to:

- Marijuana and synthetic marijuana products.
- Cocaine.
- Ecstasy.
- Heroin.
- Amphetamines (“speed” or “crank”).
- Lysergic Acid Diethylamide (LSD).

Employees are cautioned that, regardless of individual state legislation or initiatives, the use of any Federal Controlled Substances Act, Schedule I drug, to include marijuana and synthetic marijuana products, whether for non-medical or ostensible medical purpose, violates, and is prohibited under Federal law, Federal Controlled Substances Act, and Bureau testing requirements.

Use of cannabinoids such as cannabidiol (CBD) and delta-8 THC are not currently regulated by the Food and Drug Administration (FDA) Federal regulations and employees using these products assume all risks and liability associated with such use. Employees found to test positive for THC while using these products will be subject to appropriate disciplinary action in accordance with this policy.

Use of alcoholic beverages or being under the influence of alcohol while on duty or immediately before reporting for duty are prohibited. Employees are subject to disciplinary action if found to possess a .02 or greater blood alcohol content while on duty.

**b. Sexual Relationships/Contact With Inmates.** Employees may not show partiality toward, or become emotionally, physically, sexually, or financially involved with inmates, former inmates, or persons known (or who should have been known based on circumstances) to the employee as a family member, associate, or close friend of inmates or former inmates.

Chaplains, psychologists, and psychiatrists may continue a previously established therapeutic relationship with a former inmate in accordance with their codes of professional conduct and responsibility. These employees must obtain prior approval to communicate with former inmates, their family members, or associates from the CEO. All communications must occur from an institution setting.

Bureau employees may not serve as program volunteers in Bureau religious services and educational programs. Under no circumstances are volunteers authorized to participate in inmate programs.

An employee may not engage in, or allow another person to engage in, sexual behavior with an inmate. There is never any such thing as consensual sex between employees and inmates.

Title 18, U.S. Code Chapter 109A provides penalties of up to life imprisonment for sexual abuse of inmates where the force is used or threatened. Sexual contact is defined as the intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, humiliate, harass, degrade, arouse, or gratify the sexual desire of any person.

Penetration is not required to support a conviction for sexual contact. All allegations of sexual abuse will be thoroughly investigated and, when appropriate, referred to authorities for prosecution.

Employees are subject to administrative action, up to and including removal, for any inappropriate contact, sexual behavior, or relationship with inmates, regardless of whether such contact constitutes a prosecutable crime. Physical contact is not required to subject an employee to sanctions for misconduct of a sexual nature.

**c. Prohibited Personal Relationships.** Supervisors are responsible for ensuring their interactions do not impact their impartiality or appearance of impartiality with subordinate employees. Supervisors shall not engage in a sexual, emotional, or financial relationship with a subordinate employee(s), including employees over whom the supervisor may exert supervisory

control. When such a relationship exists, appropriate steps will be taken, in consultation with the Ethics Officer, to determine whether to sever the supervisor-subordinate relationship. Supervisors who engage in any such relationships with a subordinate(s) may be subject to disciplinary action, up to and including removal.

d. **Social Media.** Employees are responsible for following statutes, regulations, and policies that govern Federal employees, including but not limited to, the Hatch Act and the Standards of Ethical Conduct for Employees of the Executive Branch, which apply to an employee's personal use of social media, including closed and restricted access social media groups. Social media may never be used in a way that violates Bureau policies or compromises correctional or informational security. This includes the following Program Statements:

- **Release of Information**
- **Bureau of Prisons Anti-Discrimination Policy**
- **Bureau of Prisons Anti-Harassment Policy**
- **Workplace Violence Prevention, Staff**

While Bureau employees do not surrender their First Amendment rights or whistleblower protections as a result of their employment, employees shall not post any material on social media sites that could adversely affect the confidence of the public in the integrity of the Department of Justice or the Bureau. This includes creating the appearance of associating with criminal entities. Employees may not use social media to engage in harassing or discriminatory conduct toward others (individuals or groups) based on their race, color, religion, national origin, sex, ~~gender identity~~, age, disability (physical or mental), genetic information, status as a parent, sexual orientation, marital status, political affiliation, or any other protected status. Likewise, employees may not use social media to make threatening statements toward other employees or groups of employees.

Employees must not post on social media non-public information gained through Federal employment and/or that the employee knows or reasonably could have known is not accessible to the general public. This includes, but is not limited to, information that is exempt from disclosure under 5 U.S.C. 552; is protected from disclosure by statute, Executive order, or regulation; is designated as confidential by an agency; or has not actually been disseminated to the general public and is not authorized to be made available to the public upon request. When utilizing social media platforms, unless authorized in the performance of their duties or by law, employees shall not state or imply that their personal opinions and social media content are authorized or endorsed by the Bureau. In situations in which there may be confusion about whether an employee is communicating in an official or personal capacity, employees will include a disclaimer on their personal pages or posts stating that they are communicating in a personal/individual capacity. Employees may not engage in anonymous online activity (or use a

pseudonym) to engage in conduct or communication that they otherwise would not be permitted to engage in if their identities were known. Employees may not establish social media accounts on behalf of the Bureau without prior authorization through the Office of Public Affairs.

Unless authorized to do so, in the performance of their duties, employees may not take or post on social media photographs, video, or audio recordings from within any Bureau-owned or contracted correctional or residential facility, training facility, Bureau vehicle, or in the course of inmate transportation (e.g., airlifts, medical flights, and hospital escorts) as such may compromise correctional security, public safety and/or implicate individual privacy. This does not apply to reposting photographs, video, or audio recordings, which are otherwise publicly available.

Employees should contact the Ethics Office for guidance concerning social media use.

e. **Additional Conduct Issues.** An employee may not offer or give to an inmate or a former inmate or any member of their family, or to any person known to be associated with an inmate or former inmate, any gift, article, favor, or service that is not authorized in the performance of the employee's duties.

Neither shall an employee accept any gift, article, favor, or personal service from an inmate or former inmate or any member of their family, or to any person known to be associated with or related to an inmate or former inmate. This prohibition includes becoming involved with families or associates of inmates.

An employee may not show favoritism or give preferential treatment to one inmate, or a group of inmates, over another.

Consistent with other Program Statements, policies, and regulations:

- An employee may not use brutality, physical violence, or intimidation toward inmates, or use any force beyond what is reasonably necessary to subdue or control an inmate.
- An employee may not use brutality, physical violence, threats, or intimidation toward any person visiting a Bureau work site or toward fellow employees.

In their official capacity, employees must act professionally in all interactions and communications and may not use profane, obscene, or abusive language when communicating with inmates, fellow employees, or others. Employees shall conduct themselves in a manner that will not be demeaning to inmates, fellow employees, or others. This requirement extends to the employees off-duty conduct, if there is a nexus between the employee's conduct and their position.

An employee who becomes involved in circumstances as described in this section (or any situation that might give the appearance of improper involvement with inmates or former inmates or their families, or known associates, including employees whose relatives are inmates or former inmates) must report the contact in writing to the CEO as soon as practicable. (This includes, but is not limited to, telephone calls or written communications with such persons outside the normal scope of employment.) The employee will then be instructed as to the appropriate course of action.

Employees must avoid situations that give rise to a conflict of interest or the appearance of a conflict of interest (see Section 2, Definitions).

Employees shall not participate in conduct that would lead a reasonable person to question their impartiality.

## **6. RESPONSIVENESS**

Inattention to duty in a correctional environment can result in escapes, assaults, and other incidents. Employees are required to remain fully alert and attentive during duty hours.

Because failure to respond to an emergency may jeopardize the security of the institution, as well as the lives of employees or inmates, it is mandatory that employees respond immediately, effectively, and appropriately during all emergency situations.

Employees are to obey the lawful orders of their superiors at all times. In an emergency situation, carrying out the orders of those in command is imperative to ensure the security of the institution.

Bureau employees in law enforcement positions must recognize and act upon the affirmative duty to intervene to prevent or stop, as appropriate, any fellow Bureau employee from engaging in excessive force or any other use of force that violates the Constitution, other Federal laws, or Bureau policies on the reasonable use of force.

## **7. ILLEGAL ACTIVITIES**

Illegal activities on the part of any employee, in addition to being unlawful, reflect on the integrity of the Bureau and betray the trust and confidence placed in it and its employees by the public.

It is expected that employees obey not only the letter of the law, but also the spirit of the law,

while engaged in personal or official activities.

Should an employee be charged with, arrested for, or convicted of any felony or misdemeanor, that employee must immediately inform and provide a written report to the CEO.

## 8. INTRODUCTION OF CONTRABAND

Per 28 C.F.R. § 500.1(h), contraband is defined as “material prohibited by law, or by regulation, or material which can reasonably be expected to cause physical injury or adversely affect the security, safety, or good order of the institution.”

Introducing or attempting to introduce contraband into or upon the grounds of any Federal correctional institution or taking or attempting to take contraband out of it, without the CEO’s knowledge and consent, is prohibited.

Employees may bring personal items into or upon the grounds of an institution, unless otherwise prohibited by the CEO. Such items must remain in the possession of the employee, and/or be secured away from inmates, and disposed of properly when no longer needed.

The Bureau retains the right to conduct searches of employees in accordance with the Program Statement **Staff Entrance and Search Procedures**.

## 9. OFFICIAL INVESTIGATION

During the course of an official investigation, employees are to cooperate fully by appearing for any scheduled interview(s) and providing all information they may have, consistent with Constitutional protections. Full cooperation requires truthfully and fully responding to questions and providing a signed affidavit if requested. Full cooperation also includes refraining from discussing any pending investigation with other potential witnesses. Any employee who fails to cooperate fully or who hinders an investigation is subject to disciplinary action, up to and including removal. The BP-A0194, Warning and Assurance to Employee Required to Provide Information form will be provided upon request to the employee who is the subject of the investigation.

In official investigations conducted by the Bureau, an employee will be provided a copy of their signed affidavit upon request, absent rare or exigent circumstances. If this occurs, employees will be given the opportunity to review prior affidavits before giving another affidavit.

Employees must respond truthfully and in a timely manner to requests for information related to their background security investigation. Failure to do so may result in disciplinary action up to

and including removal.

## **10. JUST DEBTS**

Failure on the part of any employee, without good reason and in a timely manner, to honor debts acknowledged by them to be valid or reduced to judgment by a court, or to adhere to satisfactory arrangements for the settlement of the debts, may be cause for disciplinary action.

Depending on the circumstances, an employee who receives a legally valid garnishment order may be subject to disciplinary action.

## **11. CONFIDENTIALITY**

Employees of the Bureau have access to official information ranging from personal data concerning employees and inmates to information involving security. Because of the varying degrees of sensitivity, such information may be disclosed or released only as required in the performance of an employee's duties or upon specific authorization from someone who has the authority to release official information. The only persons so authorized are:

- In the Central Office, the Director or designee.
- In a Regional Office, the Regional Director or designee.
- In other locations, the CEO or designee.

The above shall not be construed as a reason to deny authorized persons access to official records and files. The Bureau has an obligation to supply official information, as authorized by Federal law, in response to requests from organizations or individuals who have been properly identified and are acting in an official capacity.

To ensure the proper use of official information, the following rules of conduct are established:

- Employees must verify the identification and authority of individuals requesting access to information before giving or discussing records, personnel files, or other official information.
- Employees may not deny authorized persons access to official information.
- Employees may not use, or release for use, official information for private purposes unless that information is available to the general public.
- Employees may not remove information from files or make copies of records or documents, except in accordance with applicable laws, established procedures or upon proper authorization.
- Employees may not make statements or release official information that could breach the security of the institution or endanger any person.

- Employees must guard against providing or disclosing official information to persons without a valid need to know.
- Former employees may be granted access only to information available to the general public and have no greater standing than the general public, irrespective of their past employment and any associations developed during it.

## 12. GOVERNMENT PROPERTY

Government property is to be used for authorized purposes only. Authorized purposes include personal use of Government office equipment such as computers, printers, fax machines, telephones, copiers, calculators, and Government-issued cellular phones, provided there is only a negligible cost to the Government. The *de minimis* use exception only applies to Government office equipment and does not apply to other Government property.

Personal use of office equipment may take place before or after official working hours or during non-paid meal breaks.

Negligible costs are those which have no adverse impact to the Government and include, but are not limited to, the cost of electricity, ink, and ordinary wear and tear. Employees must provide their own paper.

Personal use of office equipment will not take place during official working hours, with the following exceptions:

a. **Office and Cellular Telephones.** Employees may place a personal call on a Government telephone during official working hours if the call:

- Does not adversely affect the performance of official duties by the employee or the Bureau.
- Is of reasonable duration and frequency.
- Could not reasonably have been made at another time.
- Is a toll-free number or within the employee's local commuting area (not applicable to cellular telephones).

Employees do not have an expectation of privacy with respect to emails and texts placed from their government telephone or computers.

b. **Fitness Equipment.** Employees may use Government-owned fitness equipment during breaks if such equipment is intended exclusively for employee use.

This policy does not prevent the establishment of additional rules or restrictions, for business

reasons, on the use of Government property.

### 13. CREDENTIALS

Employees may not obtain or use identification cards, credentials, or badges from sources other than the Bureau that give the appearance of being an official Bureau identification card, credential, or badge. Employees may use Bureau-issued identification cards and credentials to prove Government employment for purposes of permissible discounts offered to a broad class of Government employees.

Bureau identification cards or credentials may always be used by employees to verify Bureau employment to any entity. This includes, but is not limited to, presenting your Bureau identification card or credentials, when necessary, to another Federal, state, or local law enforcement officer for purposes of explaining your eligibility to carry a concealed personal firearm under the Law Enforcement Officers Safety Act. This situation could arise during a routine traffic stop, while shopping in public, or in other situations.

In these types of situations, it is important that off-duty employees not misrepresent that they are acting in furtherance of their official Bureau duties. Employees may never use Bureau-issued identification cards, credentials, or badges to represent that it is a Bureau requirement to carry a personal firearm on or off duty. Doing so could subject employees to disciplinary action.

### 14. OUTSIDE EMPLOYMENT

a. **Definitions.** (for purposes of this section)

(1) **Criminal Matters.** Involvement with Federal, state, or local law enforcement agencies, matters carried out under title 18 of the United States Code, involvement with Federal, state, or local inmates.

(2) **Outside Employment.** Any form of employment, business relationship, or activity involving the provision of personal services, whether or not for compensation, other than when discharging official duties.

It includes, but is not limited to, services as a lawyer, officer, director, trustee, employee, agent consultant, contractor, or general partner (see 5 C.F.R. § 3801.106). Outside employment may also include speaking, writing, and teaching (see 5 C.F.R. § 2635.807).

b. **General Limitations.** An employee may not engage in outside employment, as defined above, that conflicts with their official duties. In addition, employees may not engage in:

- Any outside employment or activity that involves representations before the Federal Government (*see* 18 U.S.C. § 205).
- The practice of law, unless it is uncompensated and in the nature of community service, or unless it is on behalf of the employee or their parents, spouse, or children (*see* 5 C.F.R. § 3801.106(b)(1)(i)).
- Any outside employment or activity that involves criminal matters or habeas corpus matters, be it Federal, state, or local (*see* 5 C.F.R. § 3801.106(b)(1)(ii));.
- Litigation, investigations, grants, or other matters in which the Department of Justice is or represents a party, witness, litigant, investigator, or grant-maker (*see* 5 C.F.R. § 3801.106(b)(1)(iii)).

**c. Approval.**

(1) **Prior Approval.** An employee must obtain written approval before engaging in outside employment (as defined above) which involves:

(i) **Outside Employment Within One’s Profession.** Employees serving in the professions listed below, including other employees who may not officially serve in those positions but are licensed as a psychologist, physician, or attorney, wishing to engage in outside employment within that profession must utilize the BP-A0543, Request for Outside Employment Within One’s Profession form, and obtain the approval of their immediate supervisor, CEO, Regional Director or Assistant Director, and the Director prior to starting their outside employment activity. This is required, even if employed by the Agency in another position.

- Architect.
- Attorney.
- Chaplain.
- Physician.
- Psychologist.

Attorneys who seek to practice law outside the Bureau must also refer to Section 15, Rules for Attorneys.

**Note:** For the purpose of this subsection, teaching, writing, and speaking are not considered practicing within one’s profession.

(ii) **Outside Employment Involving Use of a Weapon.** Employees seeking to engage in outside employment that involves the use of a weapon must utilize the BP-A0166, Request for Approval for Outside Employment form, and obtain approval from their supervisor, CEO, and the Ethics

Officer prior to starting their proposed outside employment.

(iii) **All Other Positions Seeking Prior Approval.** For any employee who is not otherwise required to seek prior approval may obtain formal review and approval prior to beginning their outside position by submitting form BP-A0166.

(2) **Notification.** All other employees engaging in outside employment in accordance with this section must provide written notification to the CEO, by submitting the BP-A0927, Notification of Outside Employment form within 30 days from the date outside employment begins.

(3) **Exceptions.** Unless required to seek prior approval, employees who perform voluntary service, which specifically involves employee's club, credit union, or union activities, which do not conflict with their official duties or with the Bureau's mission, are exempt from the requirement to request approval or submit notification for these activities. Only the specific voluntary service activities outlined above are exempt. All other voluntary service activities must have the appropriate outside employment form on file.

(4) **Other Requirements.**

- Any approval granted for outside employment or activity applies only to the particular position or activity referenced in the application and approval.
- Any employee whose outside employment status changes due to accepting a different position with the same company, beginning work for a different company, a change of Bureau duty station, etc., must submit a new request form, and receive approval for the outside employment per Section 14.c.(1) or c.(2), above.
- Any employee who wishes to serve as an officer or director of any organization, whether compensated or uncompensated, must complete an outside employment request form. Certain high-level officials who wish to serve as an officer or director of an organization must submit the request through the Director to the Deputy Attorney General. For further guidance, see 18 U.S.C. Section 208.

(5) **Waiver.** Employees whose request for approval has been denied in accordance with the General Limitations in Section 14.b. may request a waiver from the Ethics Official per 5 C.F.R. 3801.106(b)(2).

e. **Expert Witness.** An employee may not serve, other than on behalf of the United States, as an expert witness (with or without compensation) in any proceeding before a court or agency of the United States in which the United States is a party unless their participation is authorized by the Bureau. Authorization may be provided by the Bureau Ethics Officer, per 5 C.F.R. § 2635.805(c).

f. **Other Government Employment.** With limited exceptions, Bureau employees may not be employed by or contract for employment with any other Federal or law enforcement agency while employed by the Bureau. This prohibition does not apply to Federal military service, including reserve duty and National Guard service.

g. **Guidance.** Employees should contact the Ethics Office for guidance concerning outside employment.

## 15. RULES FOR ATTORNEYS

a. **Approval of Exceptions.** Attorneys for the Bureau may not practice law for compensation on behalf of any other person or entity without the written approval of the Deputy Attorney General. However, Bureau attorneys may perform uncompensated legal practice outside the Bureau if:

- The work does not violate 18 U.S.C. §§ 203 and 205.
- The General Counsel has approved the request.
- The work does not involve criminal matters.

b. **Confidentiality.** Only under limited circumstances does the attorney/client privilege of confidentiality apply to communications with a Bureau employee.

c. **Successive Government and Private Employment.** A former Bureau attorney may not represent a private client in connection with a matter in which the attorney participated personally and substantially as a public officer. In such a case, the attorney's firm may have obligations to screen the former employee under applicable bar rules from any participation in the matter in which they participated in personally, and is awarded no part of the fee.

Like any Bureau employee, an attorney may not negotiate for private employment with any party involved in a Bureau matter in which they are participating personally and substantially.

d. **Other Duties.** In addition to the ethical rules attorneys must follow, the duties of a Bureau attorney are further defined by Federal regulations and Bureau policy.

## 16. CONFLICTS OF INTEREST

Bureau employees, acting in their official capacities, must avoid situations that affect or appear to affect their private interests, financial or non-financial. An employee may not engage in outside activities that conflict with their official duties.

Bureau employees shall not purchase, directly or indirectly, from the Department of Justice (DOJ), the Bureau, or the agent of either, property formerly used by the Bureau. Without written approval, an employee may not purchase or use property that has been forfeited to the Government and offered for sale by the DOJ, Bureau, or the agent of either. (5 C.F.R. § 3801.104). Employees seeking approval shall submit a request to the Ethics Officer.

a. **Prohibitions.** Employees are prohibited from taking official action, on behalf of the Government, on matters that affect the financial interests of:

- The employee, spouse, minor child, or a general partner of an employee.
- An organization where the employee is an officer, director, trustee, partner, or employee.
- An organization the employee is negotiating with for future employment (18 U.S.C. § 208).

b. **Waivers.** The Director may grant an individual waiver if the interest is found not to be so substantial as to affect the employee's service to the Bureau.

An employee with a conflict of interest may ask to have themselves recused from the matter, sell the asset, or resign.

An employee must seek written authorization before participating in a matter that could lead a reasonable person to question their impartiality, even if there is no statutory conflict of interest (5 C.F.R. § 2635.502).

Procurement officials: see Section 19, Procurement Integrity.

## 17. SEEKING OTHER EMPLOYMENT

A Bureau employee who wishes to seek employment with persons who would be affected by the performance or nonperformance of the employee's official duties is required to disqualify themselves from participation in any matter that will have a direct and predictable effect on the financial interests of the person with whom they are negotiating. In order for an employee to disqualify themselves, they must first seek approval from their supervisor to confirm they can complete their duties in a state of recusal.

When an employee is not actually negotiating for employment, but lacks impartiality in dealing with a prospective employer, the employee should disqualify themselves.

A Bureau employee who is or should be aware of the need to disqualify themselves from participation in a particular matter must contact their supervisor and request in writing to be

removed from the matter.

## 18. POST EMPLOYMENT

The Office of Government Ethics, in accordance with statutes, has issued post-employment restrictions for Federal employees who leave Federal service. There is a general restriction on the representation of parties in matters related to their Federal employment. This regulation is not designed to bar an individual from accepting employment with any private or public employer after their service at the Bureau, but does prohibit certain acts that are detrimental to public confidence in Government. Any employee interested in seeking post-employment should contact the Ethics for guidance prior to proceeding.

a. **Lifetime Prohibition.** Former Bureau employees are prohibited from representing another party before the Government on a particular matter involving specific parties in which they participated personally and substantially while working for the Government. This prohibition does not apply to:

- An appearance or communication involving purely social contacts.
- A request for publicly available documents.
- A request for purely factual information or the supplying of such information (18 U.S.C. § 207(a)(1)).

b. **Two-Year Prohibition.** After leaving the Bureau, a former employee is restricted from acting as a representative on a particular matter for which the employee had official responsibility, rather than personal participation. The restriction applies if the former employee knew, or reasonably should have known, that the matter was pending under their official responsibility during their last year of Government service (18 U.S.C. § 207(a)(2)).

c. **One-Year Prohibition.** Former senior-level employees who meet a certain compensation threshold (please consult with the Ethics Office for the current threshold) are prohibited from representing any party before or making any communications with the intent to influence to any Government agency for one year (18 U.S.C. § 207(c)).

## 19. PROCUREMENT INTEGRITY

During the conduct of a procurement, a procurement official is prohibited from knowingly, directly, or indirectly, soliciting or accepting any promise of future employment or business from an officer, employee, representative, agent, or consultant of a competing contractor. This prohibition includes engaging in any discussion of future employment or business opportunity. See the Procurement Integrity Act, 41 U.S.C. § 423.

a. **Recusal To Discuss Employment.** In certain instances, a procurement official may obtain permission to withdraw from further participation in a procurement to discuss future employment with a competing contractor. An eligible procurement official may, in accordance with specific procedures in the regulations, request to be recused from participation in the procurement.

A procurement official is not eligible for recusal if, during the period beginning with the issuance of a procurement solicitation and ending with the award of a contract, they have participated personally and substantially in the evaluation of bids or proposals, the selection of sources, or the conduct of negotiations.

An individual may not commence discussions with a competing contractor until they have received written approval of the recusal request from their supervisor.

Rejection of a recusal request is not an adverse personnel action.

b. **Post-Employment Restrictions for Procurement Officials.** The Procurement Integrity Act places restrictions on employees involved in procurement who leave Federal service. A former procurement official cannot, for one year after their last personal and substantial involvement in a procurement in excess of \$10,000,000, accept compensation from such contractor as an employee, officer, director, or consultant. This does not prohibit former procurement officials from accepting compensation from any division or affiliate of a contractor that does not produce the same or similar products or services for which the employee contracted while a Government employee.

## REFERENCES

### *Program Statements*

- 1237.16 Information Security (9/27/2016)  
3730.05 Workplace Violence Prevention, Staff (3/23/2004)  
3735.04 Drug Free Workplace (6/30/1997)  
3740.02 Staff Entrance and Search Procedures (3/24/2016)  
5300.22 Volunteers Services (11/7/2016)  
5500.15 <sup>CN-1</sup> Correctional Services Manual (4/4/2023)  
5510.15 Searching, Detaining, or Arresting Visitors to Bureau Grounds and Facilities (7/7/2013)  
5840.04 Staff Correspondence About Inmates (9/01/1999)

### *Federal Statutes*

- P.L. 108-277 Law Enforcement Officers Safety Act of 2004  
5 U.S.C. Chapter 43  
5 U.S.C. Chapter 75  
18 U.S.C. § 201 Bribery; Illegal Gratuities  
18 U.S.C. § 203 Representational Issues  
18 U.S.C. § 205 Representational Issues  
18 U.S.C. § 207 Post-Employment Statute  
18 U.S.C. § 208 Conflict of Interest Statute  
18 U.S.C. § 2241-45 Sexual Abuse  
41 U.S.C. § 423 Procurement Integrity Act

### *Federal Regulations*

- 5 CFR § 2635 Standards of Ethical Conduct for Employees of the Executive Branch (8/7/1992)  
5 CFR § 2637 Post-Employment (12/30/1993)  
5 CFR § 2641 Post-Employment Conflict of Interest Restrictions (1/28/1992)  
5 CFR § 3801 Supplemental Standards of Ethical Conduct for Employees of the Department of Justice (5/02/1997)  
28 CFR § 50.15 Representation of Federal Employees Sued, Subpoenaed or Charged in Their Individual Capacities (4/9/1990)  
28 CFR § 500.1 Contraband

### *Orders*

- Executive Orders Prescribing Standards of Ethical Conduct  
12674 and 12731

DOJ Order 1735.1      Procedures for Complying with Uniform Standards and Other Ethics Requirements (8/25/1998)

*Other Standards*

ABA Model Rule 1.11      Successive Government and Private Employment Rules for Lawyers (2/07/1987)

ABA Model Rule 1.6      Confidentiality of Information (8/2/1983)

*Bureau Forms*

BP-A0165      Acknowledgement of Receipt of Standards of Employee Conduct

BP-A0166      Request for Approval for Outside Employment

BP-A0194      Warning and Assurance to Employee Required to Provide Information

BP-A0543      Request for Approval for Outside Employment Within One's Profession

BP-A0927      Notification of Outside Employment

*ACA Standards*

Performance-Based Standards and Expected Practices for Adult Correctional Institutions,  
5<sup>th</sup> Edition: 5-ACI-1C-05; 5-ACI-1C-16; 5-ACI-1C-22.

Performance-Based Standards for Adult Local Detention Facilities, 4<sup>th</sup> Edition: 4-ALDF-2A-15;  
4-ALDF-7C-01; 4-ALDF-7C-02.

American Correctional Association, 2nd Edition, Standards for Administration of Correctional  
Agencies: 2-CO-1C-01, 2-CO-1C-04, 2-CO-1C-20, 2-CO-1C-24.

*Records Retention Requirements*

Requirements and retention guidance for records and information applicable to this program are available in the Records and Information Disposition Schedule (RIDS) on the Bureau's intranet site.

## **Attachment A. Standard Schedule of Disciplinary Offenses and Penalties**

1. This table is intended to be used as a guide in determining appropriate discipline to propose according to the type of offense committed. The offenses listed are not inclusive of all offenses.
2. Ordinarily, penalties proposed should be within the range of penalties provided for an offense and should generally be progressive in nature when applicable. In serious cases or those with aggravating factors, a penalty outside the range of penalties may be imposed. For example, supervisors, because of their responsibility to demonstrate exemplary behavior, may be subject to a greater penalty than is provided in the range of penalties. When a more severe penalty than provided for in the range of penalties is proposed, the notice of proposed action must provide a justification.
3. The deciding official considers mitigating factors, as articulated by relevant case law, to determine the penalty which would have the desired corrective effect. Discipline should be applied in a fair and reasonable manner based on the facts and circumstances of each case. The range of penalties provided for most offenses is intentionally broad, ranging from official reprimand to removal. While the principles of progressive discipline are normally applied, it is understood that there are offenses so egregious as to warrant severe sanctions for the first offense, up to and including removal. For example, if an incident is of a sexual nature or includes sexual harassment or is a criminal matter, the penalty must be more severe. This is especially true in cases where there is no indication that the employee would be corrected by a lesser penalty, or if the offense is of such a nature that reoccurrence could jeopardize security or bring disrepute on the Bureau. For example, if an employee failed to respond to an emergency, even if that emergency turned out to be a false alarm, removal would be appropriate if the deciding official was not convinced that the employee would respond promptly to any future emergency.
4. Where appropriate, consideration may be given to a demotion or other action in lieu of removal.
5. Suspension penalties on this schedule refer to calendar days. Except for emergency suspensions and indefinite suspensions, all disciplinary suspensions begin on the first workday of the employee's next regularly scheduled work week.
6. The reckoning period is defined as that period of time following the date management becomes aware of the offense, during which that offense can be used to determine the sanction for a subsequent offense.
7. Offenses falling within the reckoning period, whether related or unrelated, should be considered when determining the appropriate action.

8. Where the deciding official substitutes a letter of reprimand in lieu of a greater proposed sanction, the letter of reprimand itself is to be separate from the decision letter and is not to refer to the greater sanction proposed.

9. This schedule of offenses constitutes categories of offenses. Specific charge labels are determined based on the facts of each individual offense.

<b>NATURE OF OFFENSE</b>	<b>EXPLANATION</b>	<b>FIRST OFFENSE</b>	<b>SECOND OFFENSE</b>	<b>THIRD OFFENSE</b>	<b>RECKONING PERIOD</b>
1. Unexcused or unauthorized absence of less than 1 workday or shift.	Unauthorized absence of less than 1 workday (i.e.: tardiness, leaving the job without permission).	Official reprimand to 3-day suspension.	Official reprimand to 7-day suspension.	Official reprimand to removal.	6 months.
2. Unexcused or unauthorized absence of between 1 and 5 consecutive workdays.	Unauthorized absence between 1 and 5 consecutive workdays.	1-day to 5-day suspension.	5-day to 14-day suspension.	14-day suspension to removal.	1 year.
3. Excessive unauthorized absence.	Unauthorized absence of more than 5 consecutive workdays or more than 15 non-consecutive days in a calendar month.	5-day suspension to removal.	14-day suspension to removal.	Removal.	2 years.
4. Careless workmanship or negligence resulting in spoilage or waste of materials or delay in work production.		Official reprimand to removal.	14-day suspension to removal.	Removal.	2 years.
5. Failure to account for keys, tools, or other equipment.		Official reprimand to removal.	14-day suspension to removal.	Removal.	2 years.
6. Failure or delay in carrying out work assignments, orders, or instructions of superiors.	Includes written or verbal instructions from any managerial official, superior, or other official with appropriate authority to give such orders or assignments. Includes failure to follow post orders, institution supplements, program statements, and other general policy and similar documents.	Official reprimand to removal.	14-day suspension to removal.	Removal.	2 years.

<b>NATURE OF OFFENSE</b>	<b>EXPLANATION</b>	<b>FIRST OFFENSE</b>	<b>SECOND OFFENSE</b>	<b>THIRD OFFENSE</b>	<b>RECKONING PERIOD</b>
7. Instructing another to disregard policy, work assignments, orders, or instructions of superiors.	Includes instructing another employee to ignore appropriate instructions issued by any management official, superior, supervisor, or other official with appropriate authority to give such orders or assignments. Includes, but is not limited to post orders, institution supplements, program statements, and other general policy and similar documents.	Official reprimand to removal.	14-day suspension to removal.	Removal.	2 years.
8. Insubordination.	Deliberate or conscious disobedience to constituted authorities, or refusal to carry out appropriate instructions or orders issued by any management official, superior, supervisor, or other official with appropriate authority to give such orders or assignments or having responsibility for the work of the employee.	5-day suspension to removal.	14-day suspension to removal.	Removal.	2 years.
9. Inattention to duty.	Potential danger to safety of persons and/or actual damage to property is considered in determining severity of the penalty, as is potential or actual adverse impact on Government operation. Includes, but is not limited to, loafing, wasting time, idleness, carelessness with personal property in the institution, or unproductive activities.	Official reprimand to removal.	14-day suspension to removal.	Removal.	2 years.

<b>NATURE OF OFFENSE</b>	<b>EXPLANATION</b>	<b>FIRST OFFENSE</b>	<b>SECOND OFFENSE</b>	<b>THIRD OFFENSE</b>	<b>RECKONING PERIOD</b>
10. Unauthorized use of government computers, networks, or electronic devices, or equipment.		Official reprimand to removal.	14-day suspension to removal.	Removal.	2 years.
11. Unprofessional Conduct of a Racial, Sexual, or similar nature.	Includes disparaging conduct related to race, racial stereotypes, sex, sexual stereotypes, disability and other discriminatory words or actions based on immutable characteristics.	15-day suspension to removal.	30-day suspension to removal.	Removal.	2 years.
12. Disorderly conduct, fighting, physical altercations, threatening, or attempting to inflict bodily injury to another, engaging in dangerous horseplay.	Workplace violence implications are a primary consideration when considering the penalty.	Official reprimand to removal.	14-day suspension to removal.	Removal.	2 years.
13. Disrespectful conduct, use of insulting, profane, abusive, obscene, or demeaning language or actions to or about others.	Includes verbal abuse of inmates, former inmates, their families, or friends (known or who should be known). Also includes profanity and disrespectful words or actions directed toward employees, visitors, or others.	Official reprimand to removal.	14-day suspension to removal.	Removal.	2 years.

<b>NATURE OF OFFENSE</b>	<b>EXPLANATION</b>	<b>FIRST OFFENSE</b>	<b>SECOND OFFENSE</b>	<b>THIRD OFFENSE</b>	<b>RECKONING PERIOD</b>
14. Reporting for duty or being under the influence of alcohol, intoxicants, or other drugs; unauthorized possession of alcohol, intoxicants, or drugs on Government or leased premises.	Includes, but is not limited to, any substance(s) that impairs and/or interferes with an employee's ability to perform their duties.	15-day suspension to removal.	45-day suspension to removal.	Removal.	Indefinite.
15. Providing a sample which tests positive for an illegal drug; use or abuse of an illegal drug or controlled substance; use or abuse of prescription medication without a valid prescription.	Includes a failure or refusal to provide a sample for testing.	Removal.			Indefinite.
16. Inadvertent or mistaken use of a prescription drug without a valid prescription; inadvertent or mistaken use of a controlled substance.		30-day suspension to removal.	Removal.	Removal.	Indefinite.
17. Failure to follow orders during an emergency.	Includes any management official, superior, supervisor, or other official with appropriate authority to give such orders or assignments. Potential danger to safety and/or damage to property is a primary consideration in determining severity of the penalty.	15-day suspension to removal.	Removal.	Removal.	2 years.

<b>NATURE OF OFFENSE</b>	<b>EXPLANATION</b>	<b>FIRST OFFENSE</b>	<b>SECOND OFFENSE</b>	<b>THIRD OFFENSE</b>	<b>RECKONING PERIOD</b>
18. Failure to respond immediately to an emergency.	Potential danger to safety of persons and/or damage to property is a primary consideration in determining severity of the penalty.	Official reprimand to removal.	14-day suspension to removal.	Removal.	2 years.
19. Failure to observe safety precautions.	Includes: (1) Precautions for personal safety and/or safety of others. (2) Posted rules. (3) Signs. (4) Written or oral safety instructions. (5) Failure to use protective clothing and equipment.	Official reprimand to removal.	14-day suspension to removal.	Removal.	2 years.
20. Endangering the safety of or causing injury to employees, inmates, or others through carelessness or failure to follow instructions.		7-day suspension to removal.	14-day suspension to removal.	Removal.	2 years.
21. Giving an inmate an order that could be hazardous to health and/or safety.	Potential danger to safety of persons and/or actual damage to property is a primary consideration in determining severity of the penalty.	Official reprimand to removal.	14-day suspension to removal.	Removal.	2 years.
22. Unauthorized possession, use of, or loss of, Government property or property of others.		Official reprimand to removal.	14-day suspension to removal.	Removal.	2 years.

<b>NATURE OF OFFENSE</b>	<b>EXPLANATION</b>	<b>FIRST OFFENSE</b>	<b>SECOND OFFENSE</b>	<b>THIRD OFFENSE</b>	<b>RECKONING PERIOD</b>
23. Willful use or authorization of use of a U.S. Government-owned or -leased motor vehicle or aircraft for other than an official purpose.	31 U.S.C. Section 1349 provides for a minimum 30-day suspension.	30-day suspension to removal.	45-day suspension to removal.	Removal.	2 years.
24. Theft or attempted theft or misappropriation of Government property or the property of others.		Official reprimand to removal.	21-day suspension to removal.		
25. Use of government funds for any purpose without appropriate authorization.	The number of occurrences, charge value, and efforts to resolve the charges will be considered in determining the penalty.	Official reprimand to removal.	14-day suspension to removal.	Removal.	2 years.
26. Conversion of Government funds or funds in Government custody to personal use.	Includes, but is not limited to, travel advances, amounts received as collections, and inmate funds.	Removal.	Removal.	Removal.	Indefinite.
27. Unauthorized possession or use of a government credit card. Failure to pay or timely pay government travel card balance.	Includes government travel card, purchase card, transit subsidy card, or other credit cards issued by the Bureau.	Official reprimand to removal.	14-day suspension to removal.	Removal.	2 years.
28. Damage to Government property or the property of others.	Degree of damage and nature of the property is a primary consideration in determining severity of penalty.	5-day suspension to removal.	14-day suspension to removal.	Removal.	2 years.

<b>NATURE OF OFFENSE</b>	<b>EXPLANATION</b>	<b>FIRST OFFENSE</b>	<b>SECOND OFFENSE</b>	<b>THIRD OFFENSE</b>	<b>RECKONING PERIOD</b>
29. Gambling or unlawful betting while on Government-owned or -leased premises.		Official reprimand to removal.	14-day suspension to removal.	Removal.	2 years.
30. Promotion of gambling while on Government-owned or -leased premises.		Official reprimand to removal.	14-day suspension to removal.	Removal.	2 years.
31. Physical abuse of an inmate or excessive use of force involving an inmate.	In determining the severity of the penalty, the circumstances of the incident should be given more consideration than the presence or absence of physical injury.	15-day suspension to removal.	30-day suspension to removal.	Removal.	Indefinite.
32. Use of intimidation or threats of force toward an inmate or to compel an inmate to take an action or violate a rule.	In determining the severity of the penalty, the circumstances of the incident will be considered.	Official reprimand to removal.	14-day suspension to removal.	Removal.	2 years.
33. Improper relationship or appearance of improper relationship with inmates, former inmates, their families, or associates.	Includes, but is not limited to, personal, financial, sexual, and/or emotional relationships with an inmate, former inmate, their family members, or associates. Degree and type of involvement is a primary consideration in determining severity of penalty.	10-day suspension to removal.	21-day suspension to removal.	Removal.	2 years.

<b>NATURE OF OFFENSE</b>	<b>EXPLANATION</b>	<b>FIRST OFFENSE</b>	<b>SECOND OFFENSE</b>	<b>THIRD OFFENSE</b>	<b>RECKONING PERIOD</b>
34. Conduct that could lead others to question an employee's impartiality toward an inmate.	Includes, but is not limited to, personal, financial, romantic, sexual, and/or emotional relationship with an inmate, former inmate, their family members, or associates. The degree and type of involvement is a primary consideration in determining the severity of the penalty.	Official Reprimand to Removal.	14-day suspension to Removal.	Removal.	2 years.
35. Soliciting gifts, favors, or bribes in connection with official duties.		5-day suspension to removal.	14-day suspension to removal.	Removal.	2 years.
36. Receiving gifts, favors, or bribes in connection with official duties.		5-day suspension to removal.	14-day suspension to removal.	Removal.	2 years.
37. Acceptance of any gift or favor from an inmate or former inmate, their families, or associates.	Value of gift or favor and the reasons for accepting are primary considerations in determining severity of penalty.	7-day suspension to removal.	14-day suspension to removal.	Removal.	2 years.
38. Giving or offering an unauthorized article or favor to any inmate, their families, or associates.	Value of article or favor and the reasons for giving are primary considerations in determining severity of penalty.	Official reprimand to removal.	14-day suspension to removal.	Removal.	2 years.
39. Preferential treatment of inmates.	Potential or actual negative reaction of other inmates is a primary consideration in determining severity of penalty.	5-day suspension to removal.	14-day suspension to removal.	Removal.	2 years.

<b>NATURE OF OFFENSE</b>	<b>EXPLANATION</b>	<b>FIRST OFFENSE</b>	<b>SECOND OFFENSE</b>	<b>THIRD OFFENSE</b>	<b>RECKONING PERIOD</b>
40. Aiding or abetting inmate violation or attempted violation of any law, rule, or regulation or commission of any prohibited act.	Degree of aid and seriousness of violation is a primary consideration in determining severity of penalty.	30-day suspension to removal.	45-day suspension to removal.	Removal.	2 years.
41. Failure to report or timely report to management any contacts with inmates, former inmates, their families, or associates, not in the performance of their official duties.		1-day suspension to removal.	7-day suspension to removal.	15-day suspension to removal.	2 years.
42. Inadvertent or mistaken failure to conduct a round in a restrictive housing unit.	Failure to complete or accurately complete a single or isolated round in a special housing unit or restrictive housing unit due to exigent circumstances or other intervening variables (i.e.: medical emergency or employee emergency).	Letter of Reprimand to removal.	15-day suspension to removal.	Removal.	2 years.
43. Failure to properly or accurately conduct rounds in restrictive housing settings.	The penalty can and will be impacted by the effect of the failure (i.e., inmate injury or death), and the number of missed rounds.	15-days to removal.	21-day suspension to removal.	Removal.	2 years.
44. Failure to properly or accurately conduct rounds.	Non-restrictive housing settings.	Official reprimand to removal.	14-day suspension to removal.	Removal.	2 years.

<b>NATURE OF OFFENSE</b>	<b>EXPLANATION</b>	<b>FIRST OFFENSE</b>	<b>SECOND OFFENSE</b>	<b>THIRD OFFENSE</b>	<b>RECKONING PERIOD</b>
45. Failure to properly conduct one or more institution counts.		15-day suspension to removal.	21-day suspension to removal.	Removal.	2 years.
46. Providing inaccurate information.	Includes, but is not limited to misstatement of material facts during the performance of official duties; materials related to employment or pre-employment; information provided during an official investigation; or any other information provided on any official government or law enforcement records.	Letter of reprimand to removal.	14-day suspension to removal.	Removal.	2 years.
47. Falsification, misrepresentation, exaggeration, or concealment of material fact in writing or verbally.	Includes, but is not limited to, the destruction of records to conceal facts, and a concealed conflict of interest in the performance of official duties.	30-day suspension to removal.	60-day suspension to removal.	Removal.	Indefinite.
48. Refusal or failure to cooperate, or to provide timely, complete, and accurate information in any official U.S. Government inquiry or investigation, including a refusal or failure to answer work-related questions or attempting to influence others involved in the inquiry.	Includes grievance inquiry, OIA and/or OIG investigation, EEO investigation, and any other administrative inquiry.	Removal.	Removal.	Removal.	2 years.

<b>NATURE OF OFFENSE</b>	<b>EXPLANATION</b>	<b>FIRST OFFENSE</b>	<b>SECOND OFFENSE</b>	<b>THIRD OFFENSE</b>	<b>RECKONING PERIOD</b>
49. Refusal to undergo a search of person or property.	Includes, but is not limited to, a security search of an employee, their property, or personal vehicles located on government property or premises, or a failure to report for an agency order examination.	30-day suspension to removal.	Removal.	Removal.	2 years.
50. Refusal or failure to provide a sample pursuant to a random or reasonable suspicion drug test.	Includes, but is not limited to, failure to provide a sufficient sample for testing or failure to produce a sample within the allotted time frame, without appropriate medical justification.	Removal.	Removal.	Removal.	2 years.
51. Criminal, dishonest, infamous, or notoriously disgraceful conduct.	Includes conduct on or off duty.	Official reprimand to removal.	14-day suspension to removal.	Removal.	2 years.
52. Conduct that could lead others to question an employee's impartiality.	Includes, but is not limited to, a financial, sexual, or emotional relationship with a subordinate employee, or employee over whom the supervisor or other management official may exert supervisory control.	Official reprimand to removal.	14-day suspension to removal.	Removal.	2 years.
53. Discrimination in official action against an employee or applicant because of race, religion, sex, national origin, age, disability, or sexual orientation, or any reprisal action taken against an employee for filing a discrimination complaint.		Official reprimand to removal.	14-day suspension to removal.	Removal.	2 years.

<b>NATURE OF OFFENSE</b>	<b>EXPLANATION</b>	<b>FIRST OFFENSE</b>	<b>SECOND OFFENSE</b>	<b>THIRD OFFENSE</b>	<b>RECKONING PERIOD</b>
54. Use of Department of Justice identification for other than authorized purposes.	Example: Use to coerce, intimidate, or deceive (includes ID cards, badges, and other Bureau credentials).	Official reprimand to removal.	14-day suspension to removal.	Removal.	2 years.
55. Intentional, willful, or reckless violations of rules governing search and seizure.	Includes acts or actions taken purposefully or by design to violate the rules governing search and seizure; includes actions taken with conscious disregard for the outcome or consequences.	7-day suspension to removal.	15-day suspension to removal.	Removal.	2 years.
56. Negligent violations of rules governing searches and seizures.	Includes carelessly allowing violations of the rules governing searches and seizures.	3-day suspension to removal.	14-day suspension to removal.	Removal.	2 years.
57. Unauthorized dissemination of official information.	Nature of official information disseminated, potential impact, and whether the dissemination was inadvertent are primary considerations in determining penalty.	Official reprimand to 5-day suspension.	5-day to 14-day suspension.	14-day suspension to removal.	2 years.
58. Use of official information for private purposes.	Potential personal gain is a primary consideration in determining severity of the penalty.	Official reprimand to removal.	14-day suspension to removal.	Removal.	2 years.
59. Unauthorized removal of records or documents.	Consequences of loss or breach of security is primary consideration in determining severity of the penalty.	Official reprimand to removal.	5-day suspension to removal.	14-day suspension to removal.	2 years.
60. Release of information that could breach the security of the institution.	Consequences or potential consequences is a primary consideration in determining severity of the penalty.	3-day suspension to removal.	15-day suspension to removal.	30-day suspension to removal.	2 years.

<b>NATURE OF OFFENSE</b>	<b>EXPLANATION</b>	<b>FIRST OFFENSE</b>	<b>SECOND OFFENSE</b>	<b>THIRD OFFENSE</b>	<b>RECKONING PERIOD</b>
61. Improper denial of official information to an authorized official.		Official reprimand to removal.	14-day suspension to removal.	Removal.	2 years.
62. Breach of facility security.	Consequences of loss or breach will be consideration in determining severity of the penalty.	3-day suspension to removal.	14-day suspension to removal.	Removal.	2 years.
63. Failure to report any breach or possible breach of facility security.		Official reprimand to removal.	14-day suspension to removal.	Removal.	2 years.
64. Introduction of contraband.	Includes introduction of any article not otherwise permitted in the institution to or beyond the employees security screening site. Nature of article are primary considerations in determining severity of the penalty.	10-day suspension to removal.	15-day suspension to removal.	Removal.	2 years.
65. Introduction of a weapon (non-firearm).	This includes to the screening site and any location beyond.	7-day suspension to removal.	10-day suspension to removal.	Removal.	5 years.
66. Introduction of a firearm.	This includes to the screening site and any location beyond.	21 -day to removal.	Removal.	Removal.	Indefinite.
67. Improper storage of a firearm on institution grounds.	This includes institution parking, housing and anywhere on institution property.	15-day suspension to removal.	30-day suspension to removal.	Removal.	5 years.
68. Engaging in outside employment without approval.	The nature and length of employment is a primary consideration in determining severity of penalty.	Official reprimand to Removal.	5-day suspension to removal.	14-day suspension to removal.	2 years.
69. Failure to honor just debts without good cause.	A just financial obligation is one acknowledged by the employee, reduced to judgment by a court, or arranged by settlement.	Official reprimand to removal.	5-day suspension to removal.	14-day suspension to removal.	2 years.

<b>NATURE OF OFFENSE</b>	<b>EXPLANATION</b>	<b>FIRST OFFENSE</b>	<b>SECOND OFFENSE</b>	<b>THIRD OFFENSE</b>	<b>RECKONING PERIOD</b>
70. Failure to report arrest or failure to timely report arrest.		Official reprimand to removal.	14-day suspension to removal.	Removal.	2 years.
71. Misconduct off the job.		Official reprimand to removal.	5-day suspension to removal.	14-day suspension to removal.	2 years.
72. Violation of social media standards.	The nature of the violation and nexus to employment will be considered in determining the severity of penalty.	Official reprimand to removal.	5-day suspension to removal.	14-day suspension to removal.	2 years.
73. Failure to report or timely report a violation of the Standards of Conduct, or retaliation or discrimination against those who make such a report.	Offense includes failure to report violation of Program Statement, Government ethics regulations, EEO laws, and criminal laws. In particular, supervisors or managers must report sexual harassment observed by or reported to them. No retaliation can be taken against employees or inmates who report any such violations.	Official reprimand to removal.	14-day suspension to removal.	Removal.	2 years.