

# OREGON STATE HOSPITAL

PORTLAND – SALEM

## POLICIES AND PROCEDURES

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SECTION 5: Human Resource Management

POLICY: 5.020

SUBJECT: STAFF/VOLUNTEER – INMATE WORKER  
RELATIONSHIP

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POINT PERSON: BILLY MARTIN  
HUMAN RESOURCES MANAGER

APPROVED: GREGORY P. ROBERTS  
SUPERINTENDENT

DATE: AUGUST 22, 2012

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### I. POLICY

- A. It is the policy of the Oregon State Hospital (OSH) that all persons employed by or serving as a volunteer to OSH shall confine relationships with inmate workers to activities which are duly sanctioned as an integral part of assigned duties and responsibilities.
- B. Relationships between staff, volunteers and inmate workers are to be guided by and consistent with the highest level of professional conduct in order to ensure protection of the hospital and its employees against compromise of professional integrity and legal or financial liability.
- C. On-duty or off-duty contacts of a personal nature between OSH employees/volunteers and inmate workers are specifically prohibited, except as defined by these policies and procedures.

### II. DEFINITIONS

- A. "Employee" means any person employed full-time, part-time, or on temporary appointment by OSH; any person employed under contractual arrangement to provide services to OSH; person employed by private or public sector agencies who is serving under OSH-sanctioned special assignment to provide services or support to any OSH program or department.
- B. "Volunteer" means anyone who provided services to OSH without remuneration, including students, interns, and practicum students. A volunteer may also be a patient, ex-patient, or employee.

- C. "Inmate Worker" means any person working at OSH through the Inmate Work Program under the supervision of the Department of Corrections who is not on parole, post-prison supervision, or probation status.
- D. "OSH Inmate Work Program Coordinator" means the senior OSH Manager assigned to serve as the liaison between OSH and the Department of Corrections regarding the Inmate Work Program.

### **III. PROCEDURES**

- A. No OSH employee or volunteer shall knowingly engage in any personal or business transaction with any inmate worker, or the family and friends of such, except as authorized by their position descriptions or as specifically authorized in advance by their supervisor or designee. This includes giving or accepting personal gifts, favors, and special considerations of any kind.
- B. If the personal or business transaction was entered into before the inmate worker became subject to supervision and the transaction is of a continuing nature, the employee/volunteer shall immediately report this circumstance to his/her supervisor upon becoming aware of the supervision status of the inmate worker.
- C. Any employee or volunteer who is approached by an inmate worker and asked to engage in activities of a personal or business nature which are not an integral part of their job duties, either on or off the job, shall refuse to engage in such activity and shall immediately report the incident to his/her supervisor. Employees and volunteers are expressly prohibited from initiating engagement in activities with inmate workers, or the family or friends of such, which are not an authorized part of their job assignments.
- D. Any employee/volunteer who was the victim or has a relative, spouse, or close personal acquaintance who as the victim of a crime committed by an inmate worker under the Department of Corrections supervision shall submit written notification of this fact to his/her supervisor. The OSH supervisor shall ensure that the employee/volunteer is not placed in a position of compromise or conflict of interest regarding the inmate worker.
- E. Upon receipt of notification or written report from an employee/volunteer or the employee's/volunteer's supervisor, as outlined in this policy, the supervisor will consult with the Office of Human Resources to determine:

1. If the relationship would negatively impact the employee/volunteer or the employee's/volunteer's capacity to effectively perform his/her job duties and responsibilities;
  2. If the relationship would negatively impact the capacity of OSH to carry out its legal responsibilities;
  3. If the relationship would negatively impact the public's willingness to support OSH; and,
  4. If the employee/volunteer is being placed in a situation which would compromise his/her professional integrity. In applying these facts, careful consideration will be given to the geographic relationship between the employee/volunteer and person under supervision and the likelihood of contact between them.
- F. This review shall include a discussion of the situation with the employee/volunteer and other affected persons, as the supervisor/designee deems appropriate.
- G. Any summary findings, restrictions, or action plan should be documented and a copy sent to the Office of Human Resources and to the OSH Inmate Work Program Coordinator. If the situation ceases, the employee/volunteer will notify his/her supervisor who will, in turn, notify the Office of Human Resources.
- H. Violations of these policies and procedures will have occurred:
1. If the employee/volunteer:
    - a. fails to report as required by this policy;
    - b. fails to comply with official denial of an activity;
    - c. fails to cease an activity as ordered; and/or
    - d. otherwise violates this policy.
  2. If the OSH supervisor finds that the conduct:
    - a. adversely affects the employee's/volunteer's ability to perform his/her job duties and responsibilities;
    - b. adversely affects the ability of OSH to carry out its legal responsibilities;

- c. adversely affects the public's willingness to support OSH; and/or
    - d. places the employee/volunteer in a situation which compromises the employee/volunteer or the employee's/volunteer's capacity to effectively perform his/her job duties and responsibilities.
  - 3. As a result of these violations, the OSH supervisor may:
    - a. order reassignment or termination of the inmate worker;
    - b. order reassignment or discharge of the volunteer;
    - c. reassign/transfer the employee; and/or
    - d. take other disciplinary actions, up to and including dismissal.
  - I. A copy of the administrative review and findings will be given to the employee/volunteer and an additional copy will become part of the personnel file.
  - J. Violations of this policy or refusal to transfer by an employee, if the OSH supervisor determines transfer appropriate and necessary, shall be grounds for disciplinary action. In the event disciplinary action is considered necessary, it will be accomplished in accordance with provisions of the applicable collective bargaining agreement.
  - K. Intimate relations between staff/volunteers and inmates is prohibited based on ORS 163.452 and ORS 163.454. If an employee becomes aware of such relations between staff/ volunteers and inmates, refer to OSH Policy and Procedure 8.019, "Staff Response to Alleged Criminal Acts, Contraband, and Critical Incidents" for reporting procedures.

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#### IV. REFERENCES

ORS 163.452

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OSH Policy and Procedures 5.014, Conflict of Interest

OSH Policy and Procedures 5.016, Inmate Work Force

OSH Policy and Procedures 5.018, Volunteers

SEIU Collective Bargaining Agreement

Replaces OSH Policy and Procedure 5.020, *Staff-Inmate Worker Relationships*, dated 3/3/2009.