



Arkansas Department of Military
Cabinet Secretary - Major General Jonathan M. Stubbs,
The Adjutant General

Policy Title: Code of Conduct Policy

Policy Number: 2

Authority: Ark. Code Ann. §§ 12-61-106; 21-8-304; 19-11-701, *et seq.*

Effective Date: June 1, 2023

I. PURPOSE:

The following shall establish and set forth the guidelines governing employee conduct for the Department of the Military (DOTM), in order to support a culture of ethical and efficient service to the citizens of the State of Arkansas on behalf of the DOTM.

II. POLICY:

This policy describes the behavior expected by all DOTM employees. All DOTM employees must comply with all applicable state and federal laws and regulations and are expected to perform their jobs in an honorable, professional, competent, and diligent manner.

DOTM will not condone employee conduct that either violates or has the appearance of violating the law or DOTM policies, including ethical provisions such as illegal acts, indirect contributions, rebates, or bribery. DOTM does not discriminate in the hiring, promoting, or the administration of disciplinary actions among its employees and will likewise not condone any discriminatory practices by any employee.

If an employee is uncertain about the application or interpretation of any legal or procedural requirement, the employee should ask for guidance from his or her immediate supervisor.

III. CONFLICTS OF INTEREST:

DOTM employees must perform their duties in an ethical manner and must not use their position or knowledge gained from their position within DOTM for private or personal advantage. At a minimum, this means DOTM employees are prohibited from:

- A. Using or attempting to use his or her official position to secure special privileges or exemptions for himself or herself or his or her spouse, child, parents, or other persons standing in the first degree of relationship, or for those with whom he or she has a substantial financial relationship that are not available to others except as may be otherwise provided by law.
- B. Accepting employment or engaging in any public or professional activity while serving as a public official which he or she might reasonably expect would require or induce him or her to disclose any information acquired by him or her by reason of his or her official position

which is declared by law or regulation to be confidential.

- C. Disclosing any such information gained by reason of his or her position, nor shall he or she otherwise use such information for his or her personal gain or benefit.

If an employee becomes involved in a situation that could be considered a prohibited activity, the employee should immediately communicate all the facts to his or her immediate supervisor.

Furthermore, employees must adhere to Ark. Code. Ann. § 19-11-705 in their relationships with clients and suppliers to avoid any conflict of interest.

Any employee who has or obtains any benefit from a state contract with a business in which the employee has a financial interest shall immediately make a disclosure to the Director of the Department of Finance and Administration, pursuant to Ark. Code Ann. § 19-11-706.

IV. OUTSIDE ACTIVITIES, EMPLOYMENT, AND DIRECTORSHIPS:

DOTM employees should avoid acquiring any business interest, engaging in outside employment, or participating in any activity outside the DOTM that conflicts with his or her official duties.

V. GIFTS, ENTERTAINMENT, AND FAVORS

Employees must not accept or solicit gifts, personal favors, forms of entertainment, or other preferential treatment that could influence or appear to influence their decisions in performing their job functions. For more information about gratuities under state law, please see Ark. Code Ann. § 19-11-107, Part 4 of the Procurement Law and Regulations promulgated by the Office of State Procurement, and the “Rules on Gifts” issued by the Arkansas Ethics Commission.

VI. KICKBACKS AND PROHIBITED COMMISSIONS

DOTM employees may not receive kickbacks, prohibited commissions, or other prohibited payments from third parties. Violations of this rule will result in the impositions of penalties, as provided by law. For more information about kickbacks and commissions under state law, please see Ark. Code Ann. §§ 19-11-107 and 19-11-108, as well as Part 4 of the Procurement Law and Regulations promulgated by the Office of State Procurement.

VII. ORGANIZATION FUNDS AND OTHER ASSETS

Employees who have access to DOTM funds in any form, must follow the procedures detailed in the Department of Finance and Administration’s Financial Management Guide and other explanatory materials for recording, handling, and protecting money.

Personal use of DOTM funds or assets is strictly forbidden. If an employee has knowledge of fraud or waste of public assets, the employee should immediately advise his or her immediate supervisor.

VIII. ORGANIZATION RECORDS AND COMMUNICATIONS

DOTM books and records must reflect accurate and timely recording of all business transactions. Full disclosure of assets, liabilities, receipts, and disbursements must be made.

Employees must not make or engage in any false record or communication whether internal or external, including, but not limited to, submitting any false reports or statements (such as expense, attendance, production, or financial) or participating in any misleading representation in advertising or any other deceptive marketing practice.

IX. HIRING AND DISCIPLINARY PROCEDURES

DOTM does not discriminate on the basis of race, sex, gender, ethnicity, disability, or other protected status in the hiring, promoting, or the administration of disciplinary actions among its employees.

X. TRAINING

DOTM provides training for all agency employees to maintain professional excellence and encourage personal professional development. Employees interested in state training sessions should contact HR to learn about available programs.

XI. INTERACTIONS WITH OUTSIDE PEOPLE AND ORGANIZATIONS

When dealing with anyone outside the DOTM, including the public at large and public officials, Employees may not speak publicly or give the appearance of speaking publicly on behalf of the DOTM in regards to any subject, without specific TAG or Chief of Staff approval.

DOTM employees shall not use their position, title, or affiliation with the DOTM when communicating with others in matters not involving DOTM business. Employees are prohibited from using DOTM identification, stationary, supplies, and/or equipment for personal or political matters.

XII. PROMPT COMMUNICATIONS

Employees of the DOTM shall respond promptly and accurately to all requests for information and complaints, regardless of the source.

XIII. PRIVACY AND CONFIDENTIALITY

When handling financial and personal information about customers or others with whom the DOTM has dealings, DOTM employees shall:

- Obtain, use, and retain only the personal information necessary to conduct DOTM business or further a legitimate DOTM business purpose;
- Use personal information only for the legitimate business purpose for which it was obtained;
- Obtain any relevant personal information from the person concerned, whenever possible;
- Use only reputable and reliable sources to supplement or verify information;
- Retain the information only for as long as necessary or as required by law;
- Limit access to personal information to only those with a legitimate business need to have the information;
- Require all individuals seeking release of obtained personal information who are not related to the legitimate business purpose for which the information was obtained to submit a Freedom of Information Act request for such information; and,

- Keep obtained tax information confidential, except for disclosures as permitted by law.

XIV. REPORTING SUSPECTED FRAUD

DOTM employees have a responsibility to report occurrences of ethical violations, fraud, waste or abuse of resources that can be verified through investigation. DOTM employees who report suspected ethical violations in good faith will be protected from retaliation in any form, including discharge, as stated in the Arkansas Whistleblower Act (A.C.A 21-1-601 *et seq.*) Investigations to substantiate reported allegations will be conducted in a confidential manner.

Allegations of ethical violations or fraud may be reported by phone to the Arkansas State's Employee Fraud, Waste, and Abuse Report Center at 1-800-952-8248 or to the Office of Internal Audit at 501-682-0370. An individual may also report suspected fraud, waste, or abuse by printing and completing the Complaint Form located at:

<https://www.dfa.arkansas.gov/images/uploads/humanResourcesOffice/internalauditComplaint.pdf>

and mailing the completed form to:

Department of Finance and Administration, Office of Internal Audit

1515 West 7th St.

Room 215

Little Rock, AR 72201