

**ARKANSAS FORESTRY COMMISSION
STANDARDS OF CONDUCT AND DISCIPLINARY POLICY
POLICY & PROCEDURE STATEMENT**

§ 40

- A. The Arkansas Forestry Commission (AFC) is responsible as a public service agency for the protection and sustainability of Arkansas' forests.
- B. In the performance of duties related to this responsibility, the AFC expects, and the public demands, exemplary conduct of all AFC employees.
- C. Every AFC employee is required to read and sign they understand the AFC's Standards of Conduct and Disciplinary Policy, Form A35.303.
- D. The following Standards of Conduct provide guidelines of conduct in areas in which actions of individuals might be detrimental to the reputation of the AFC or impede its ability to carry out its mission.
- E. While the following Standards of Conduct apply to all AFC employees, those employees designated as emergency response must be able to assume full responsibility for their actions and duties when scheduled for subject-to-call.

STANDARDS OF CONDUCT

- 1. No AFC employee shall use his position to secure special privileges or exemptions for the employee, spouse, child, parents or other persons as defined in the Nepotism Policy (Section 65), or for those with whom he has a financial relationship.
- 2. No AFC employee shall disclose to any unauthorized person any information acquired by him by reason of job position which is declared by law or regulation to be confidential, nor shall he otherwise use such information for personal gain or benefit.
- 3. The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited on AFC premises, to include state vehicles and to include off premise while the employee is on duty or while off duty in uniform.
- 4. The term "controlled substance" means any drug listed in 21 U.S.C. Section 812 and other federal regulations. Generally, these are drugs, which have a high potential for abuse. Such drugs include, but are not limited to Heroin, Marijuana, Cocaine, PCP, and "Crack". They also include "legal drugs" which are not prescribed by a licensed physician.
- 5. All AFC employees shall abstain from the use of alcoholic beverages or drugs while on duty, or while off duty if in uniform. No AFC employee shall report for duty, emergency or otherwise, after consumption of alcoholic beverages or use of illegal drugs.

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6. An employee shall notify the employer of any criminal drug statute conviction no later than five (5) days after such conviction. Employees violating this standard are subject to immediate dismissal.
7. No AFC employee shall publicly criticize or ridicule the AFC operations, its policies or other AFC members by talking, writing or other expression in any manner which would tend to impair AFC operation by substantially interfering with its efficiency; interfering with the ability of supervisors to maintain discipline; or which is made with reckless disregard for truth or falsity.
8. Employees wearing the AFC uniform shall wear the standard regulation uniform and shall not wear any part of the uniform with regular clothing, i.e...uniform shirt with blue jeans.
9. Employees are encouraged to use good judgment and discretion in their dress and appearance; and shall dress while on duty in a manner to promote the image of a professional public servant.
10. AFC employees shall not willfully mistreat or use unnecessary force toward any person.
11. AFC funds shall not be used or converted by any employee for an employee's use and/or benefit.
12. No property, equipment, or vehicles shall be used or converted by any employee for an employee's use and/or benefit without State Forester approval and appropriate reimbursement to the AFC.
13. AFC employees shall not threaten, intimidate, coerce or interfere with the rightful and lawful management of the AFC.
14. AFC employees shall not intentionally disobey or refuse to carry out reasonable instructions.
15. AFC employees shall not intentionally falsify statements or material facts in connection with work, employment applications, attendance, or in any report, investigation or other proceedings.
16. AFC employees shall not willfully neglect AFC safety practices, procedures, and policies and shall take precautions as dictated by the circumstances.
17. AFC employees shall comply with proper electronic procedures as dictated by law and AFC Policy and Procedure.

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18. AFC employees are conspicuous state government representatives. An employee's conduct is closely scrutinized; and when his actions are found to be excessive, unwarranted, or unjustified, they are criticized far more severely than comparable conduct of persons in other occupations.

19. Since the conduct of an employee, on or off-duty, may reflect upon the AFC, all AFC employees must at all times conduct themselves in a manner which does not impair AFC operations or morale or cause the public to lose confidence in the AFC.

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Required form(s): A40.100 and/or A90.100 and A90.200, if applicable

DISCIPLINARY POLICY

- A. The Disciplinary Policy is representative of offenses and disciplinary action but is not all-inclusive.
- B. The AFC endorses measures that will provide employees with notice of deficiencies and an opportunity to improve. However, the AFC retains the right to administer discipline based on individual circumstances. Certain offenses are grounds for immediate discharge.
- C. The following table lists offense levels and consequence of violations; however not all guidelines can provide for specific actions in all situations.
- D. The AFC will document a disciplinary process beginning with the first verbal warning. A report of the disciplinary/incident will be retained in the employee's personnel file 2 years for Offense Level 1 and 2; 3 years for Offense Level 3; and 4 years for Offense Level 4. Level 5 Offenses will remain in the employee's personnel file.
- E. File retention for Standards of Conduct violations will be retained in the employee's personnel file for a minimum of 2 years depending on the violation.
- F. Record on Disciplinary/Incident Form, A40.100.

GUIDELINES FOR DISCIPLINARY ACTION

OFFENSE LEVEL TABLE

Offenses are set out in five groups according to the severity of the behavior.

CODE: C = Counseling OW = Oral Warning
 WW = Written Warning S = Suspension
 T = Dismissal/Termination of Employment

OFFENSE CATEGORY	FIRST	SECOND	THIRD	FOURTH	FIFTH
Level 1	C	OW	WW	S	T
Level 2	C/OW	WW	S	T	
Level 3	C/WW	S	T		
Level 4	WW/S	T			
Level 5	T				

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DEFINITION OF OFFENSE CATEGORIES AND EXAMPLES OF OFFENSES

Level 1: A fourth violation of any Level 1 offense will result in up to a three-day suspension.

- (a) Excessive personal use of AFC business telephones.
- (b) Non-conformance in wearing AFC uniform.
- (c) Abuse of state time.

Level 2: A third violation of any Level 2 offense will result in up to a five-day suspension.

- (a) Unauthorized absence. In addition to progressive discipline, a pay deduction for unauthorized hours absent is required.
- (b) Chronic tardiness. Defined as 3 times or more in a 30-day period, beginning on the 1st day tardy. The third infraction is a five-day suspension.
- (c) A safety violation, including failure to wear or use PPE (personal protective equipment).
- (d) Unsatisfactory job performance (poor or careless work). Taking unauthorized breaks, visiting other employees without proper reason, engaging in horseplay, personal work on AFC time, or other actions that constitute a dereliction of duty.

Level 3: A second violation of any Level 3 offense will result in up to a ten-day suspension.

- (a) Abuse of prescription drugs.
- (b) Gambling, unlawful betting, or promotion thereof on AFC premises.
- (c) Unauthorized release of confidential information from official AFC records. Penalty setout in state law also applies.
- (d) Discourteous treatment of the public.
- (e) Threatening, intimidating, coercing, or interfering with job performance of fellow employees.
- (f) Making personal long distance telephone calls charged to the AFC from office business phone, may result in criminal charges.
- (g) Deliberate misrepresentation to the public of AFC policies.
- (h) Excessive failure to respond to Subject-to-Call status. Definition of excessive is three incidents in any twelve consecutive months.
- (i) Use of AFC vehicles for unauthorized or unofficial purposes.
- (j) Sleeping during work hours.

Level 4: A first violation of any Level 4 offense will result in up to a ten-day suspension; a second violation of any Level 4 offense on will result in termination of employment.

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- (a) Gross negligence (willful disregard of AFC policies, rules and/or procedures unless violations requiring more serious measures are specified elsewhere in these guidelines).
- (b) Insubordination (intentional disobedience or refusal to carry out reasonable instructions).
- (c) Use of obscene, insulting, or abusive language or conduct in presence of other employees, the public, or on AFC telephones or radio.
- (d) Racial or sexual harassment as further defined in current and subsequent Title VII and other anti-discrimination laws.
- (e) Creating a disturbance on state premises.
- (f) First violation of e-mail or Internet privileges will result in six-month suspension of AFC e-mail and Internet usage.
- (g) Non-AFC employees or family members of AFC personnel may not use AFC computers, two-way radios, or cell phones unless AFC business-related.
- (h) Personal television sets are prohibited in all AFC offices. AFC television sets available for VCR/DVD training purposes shall not be used for television program viewing during work time.
- (i) Failure to report an accident involving property damage or personal injury while driving an AFC vehicle or personal vehicle if mileage reimbursement paid to employee.

Level 5: First violation of a Level 5 offense is termination of employment unless otherwise stated.

- (a) Job abandonment or failure to report will result in termination at 0800 on day five.
- (b) Reporting for duty (or off-duty in uniform) while under the influence or possession of narcotics or alcohol. The appropriate action is termination of employment with one chance after employee counseling if employee volunteers to enter alcohol/drug rehabilitation program (at employee's expense). If rehab is entered, the first violation is counseling and written warning. A second violation is employment termination.
- (c) Manufacture, distribution, dispensing of illegal narcotics or alcohol on the premises of the AFC, including state vehicles, and off premises while employee is on duty or off duty in uniform.
- (d) Falsification (intentional misstatement of material facts in connection with work, employment, application, or in any record, report, investigation, or other proceedings).
- (e) Fighting or physically attacking another individual, unless in self-defense, while on duty.
- (f) Arrest by civil authority for a capital offense or a felony charge, found guilty as charged, and jailed or placed on suspended sentence. At time of arrest employee is subject to termination of employment pending disposition of the case.

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- (g) Theft (actual or attempted theft of AFC property or property of other employee).
- (h) Misappropriation of funds.
- (i) Fraudulent claims for expenses.
- (j) Driving without a valid drivers' license while driving an AFC vehicle or personal vehicle when claiming mileage reimbursement.
- (k) Driving without liability insurance on personal vehicle when claiming mileage reimbursement.

Repeal: This revised AFC Standards of Conduct and Disciplinary Policy § 40 supersedes all earlier versions of AFC § 40 and interpretive memoranda, which are hereby repealed.