

Code of Ethical Conduct

Arizona Department of Emergency
and Military Affairs

January 15, 2013



Janice K. Brewer
GOVERNOR

STATE OF ARIZONA
DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS

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MG Hugo E. Salazar
THE ADJUTANT GENERAL

January 15, 2013

To All Soldiers, Airmen, and Civilian Employees:

We are fortunate to serve in one of the most admired professions, public service. Our agency's reputation has been enhanced and safeguarded over the years by a rich culture of integrity and ethical conduct that is interwoven with the core values of military service.

Acting in accordance with the code of ethical conduct is about more than just our image and reputation; it is about sustaining a place where we are all proud to serve. Ultimately, it is about doing the right thing and making the right decisions - it reflects who we are as both an organization and as individuals.

Every decision we make and every action we take can affect our organization and the way it is perceived. To conduct yourself in accordance with the code and all accompanying policies, rules, and regulations is not voluntary - they are the foundation upon which our culture of selfless service, duty, and honor are built and is something that each of you is expected to adhere to.

Generations of service members and civilian employees before us have built this agency into the proud organization it is today. Thank you in advance for taking the time to read and understand our code of ethical conduct - and more importantly, for taking personal responsibility to be sure we always live up to these expectations. We owe it to our fellow Soldiers, Airmen, and civilian employees, as well as the public that we serve.

A handwritten signature in black ink, appearing to read "Hugo E. Salazar".

Hugo E. Salazar
Major General, Arizona National Guard
The Adjutant General

A. Code of Ethical Conduct.

1. Integrity and Honesty: Members of this Agency do what is right legally and morally regardless of whether someone is watching.
2. Responsible Leadership: Leaders within this Agency shall responsibly manage those areas within the scope of their supervisory control.
3. Open Lines of Communication: We must have an environment in which Members may ask questions, report violations of this Code, laws, or regulations without fear of reprisal. Most issues can and should be resolved at the lowest supervisory level. Members are encouraged to utilize supervisors' and commanders' open door policies to voice concerns. Members shall disclose credible allegations of waste, fraud, abuse, and corruption to appropriate authorities within the Agency.
4. Dedication to Equal Opportunity: Members shall adhere to all applicable laws, regulations, and policies that provide equal opportunity for all individuals regardless of race, color, religion, sex, national origin, age, or disability.
5. Inappropriate Relationships: Members shall avoid personal relationships with other Members that are prohibited by military regulations or that are, or appear to be, exploitive or coercive in nature or those that create an actual or clearly predictable adverse impact on discipline or morale.
6. Protection of Agency Records and Information: Members must adhere to established laws, regulations, and procedures regarding the release of Agency records and information, including personal information. Only designated individuals may speak on the Agency's behalf.
7. Fiscal Responsibility: Members shall protect and conserve federal and state property and financial resources and shall not use them for other than authorized purposes.
8. Conflicts of Interest: Members shall not use their official position for private gain and shall avoid conflicts of interest, whether actual or potential. Additionally, Members involved in the procurement process must work to preserve the integrity of the government contracting process at the state and federal levels.
9. Safety and Health: Members must comply with federal and state health and safety laws and regulations. All Members regardless of position or rank are responsible for correcting coworkers when unsafe acts or hazardous conditions are observed and they must inform their supervisor if the unsafe act or condition continues.
10. Avoiding the Appearance of Impropriety: Members shall endeavor to avoid any actions creating the appearance that they are violating the law or ethical standards.

B. Discussion.

1. Integrity and Honesty:

- a. ***What guidelines can I use in making ethical decisions?*** We are a public agency and our actions must be transparent and ethical. When faced with an ethical dilemma, ask yourself the following questions:
 - i. Is it legal?
 - ii. Does it follow Agency policies?
 - iii. Does it support the Agency's culture as defined by this Code of Ethical Conduct?
 - iv. Would I be comfortable discussing this with my family?
 - v. Would I be comfortable with this being reported in the newspaper?
- b. ***I am concerned that a particular issue is being handled in a manner that is either unethical or illegal. But when I ask my coworkers, they tell me not to worry because "this is the way we have always done it." If we have done it a certain way before, it must be legal and ethical, correct?*** Not necessarily. "This is the way we have always done it" is not the end of the inquiry and often perpetuates an unethical culture. If you truly have concerns about whether something is legal and/or ethical, you should raise your concerns with the chain-of-command, the Inspector General's Office, or another appropriate individual in the Agency, regardless of how it has always been done.
- c. ***I really do not want to get involved. Do I have to report suspected misconduct?*** Yes. Every Member of this agency has a duty to report alleged misconduct to the chain-of-command if he or she reasonably believes that there is some truth to the allegations.
- d. ***What about gossip and rumors?*** Gossip and rumors severely undermine good order and discipline in the Agency and cause unnecessary animosity between coworkers. If you know of misconduct and there is a reasonable amount of factual support for the allegations, it should be reported to the chain-of-command. But if all you have is an unsubstantiated rumor, do not engage in gossip. Gossiping and disrespect for coworkers, subordinates, or superiors demonstrates a lack of integrity and is not tolerated in this Agency.

2. Responsible Leadership:

- a. ***Now that I have achieved a leadership position in this Agency, can I finally relax?*** Absolutely not. You should be proud of what you have accomplished and that the senior leadership has confidence in your abilities and professionalism. But with greater authority comes greater responsibility. You are expected to lead by example and to be a subject matter expert in your area. You are also expected to be thoroughly familiar with the laws, regulations, and policies that govern your area of responsibility. Consider this an opportunity to show what you can do.

- b. ***This is basically a military agency so “tough love” is acceptable, right?*** It depends on what is meant by “tough love.” The rigors of military service and the demands placed upon service members to accomplish the mission often require strict compliance with orders. But this Agency does not tolerate bullying, hazing, or any instance where a Member inflicts any form of physical or psychological abuse that unreasonably degrades, insults, dehumanizes, or injures another Member. It is the obligation of each Member to prevent such conduct.
- c. ***I have received allegations of misconduct involving a full-time Member with whom I have worked for many years. I even know his family. What should I do?*** Responses to allegations of misconduct and corresponding disciplinary action are to be applied fairly and impartially, based upon the law and the facts of the particular case. While it is natural to feel uncomfortable in these types of situations, you have obligations as a leader that extend beyond your friendship. There is no room for favoritism in this Agency.

3. **Open Lines of Communication:**

- a. ***Who should I speak to about a question or concern that I have?*** Most issues can and should be addressed at the lowest possible level in the chain-of-command. Your supervisor/commander deserves an opportunity to resolve your concern, if at all possible, and that should be your first step in addressing any work-related issues.
- b. ***What should I do if I cannot take my concerns to my immediate supervisor?*** There are some limited situations where bringing your concerns to your immediate supervisor/commander is either impractical or unreasonable, such as when allegations of misconduct or safety concerns involve your supervisor. In those cases, you may utilize the first supervisor/commander’s open door policy in the chain-of-command that is appropriate under the circumstances, up to and including those of the Assistant Adjutants General or the Adjutant General. Enlisted service members should first attempt to utilize their enlisted support channel before taking advantage of a commander’s open door policy. Civilian employees who cannot address their concerns with their immediate supervisors can contact their relevant Human Resources Office at 602-629-4800 (federal employees) or 602-267-2642 (state employees). State employees can obtain further information from AZ DEMA Policy Letter 20.02, Procedure for Grievances Involving Supervisor/Chain-of-Command, dated 2 February 2009. Of course, members of the collective bargaining unit may always speak with their union representatives about workplace concerns.
- c. ***If I am expected to use my chain-of-command to address issues, does that mean that I cannot go directly to the IG, EO, or to a member of Congress?*** No. Any Member of AZ DEMA has the right to take legitimate concerns directly to the Inspector General’s Office or Equal Employment Office, etc., and no Member, supervisor or commander may unreasonably restrict another Member from doing so. Service members have additional rights regarding communications with members of Congress. Remember that most issues can and should be resolved at the lowest level

and may be resolved more quickly and simply by referring it through your chain-of-command, to your commanding officer, through your NCO support channel, or to your supervisor and his/her superior.

- d. ***How and under what circumstances can I contact the Inspector General's Office?*** If you need to speak to the Inspector General's Office, they can be reached at 602-267-2670 and can give you more information on your options. You can also review the IG memorandum entitled "Right to Request Assistance from the Inspector General," dated 14 October 2010.
- e. ***I have information concerning fraud, waste or abuse, but I would rather not get involved.*** You don't have the option of sitting on the sidelines when it comes to reporting misconduct or safety issues. All Members of this Agency have an affirmative duty to report these issues to proper authorities within this Agency. A failure to report could result in disciplinary action up to and including separation.
- f. ***I want to report suspected misconduct but I am afraid of what will happen to my career. What can I do?*** Report it. This Agency has a zero tolerance policy toward reprisal. No person may take or threaten to take an unfavorable personnel action, or withhold a favorable personnel action, in reprisal against any member of this Agency for making a good faith report of suspected misconduct or violations of safety standards. Allegations brought to the appropriate authorities in this Agency will be investigated through state, federal, or military channels. The investigating authority will make an initial factual inquiry to determine whether there is sufficient evidence to support a formal investigation of the allegations. For more information on whistleblower protection, you should review the AZ DEMA policy letter entitled "Whistleblower and Anti-Reprisal Policy," dated 29 February 2012.
- g. ***Are there limits to whistleblower protection?*** Yes. Only good faith reports of alleged misconduct receive whistleblower protection. Reports are made in good faith when the Member making the report has a reasonable belief that the allegations are accurate, even if the allegations are ultimately found to be unsubstantiated. But allegations that are not made with a reasonable belief of their accuracy or those that are clearly made for an improper purpose (such as to improperly defame another Member of the Agency) are not made in good faith and Members can be held accountable for false claims. In addition, although Members are encouraged to make good faith reports, Members are expected to adhere to acceptable standards of civility and respect for superiors when communicating the report of alleged misconduct, safety violations, etc.

4. **Dedication to Equal Opportunity:**

- a. ***What is this Agency's policy regarding equal employment opportunity?*** This Agency will provide Equal Opportunity (EO) for Soldiers and Airmen in military status and Equal Employment Opportunity (EEO) for Soldiers, Airmen, and civilians in technician status (including state employees). All Members are entitled to serve in an

environment free from discrimination, sexual harassment, and harassment. Allegations of discrimination, sexual harassment, and harassment will be given prompt attention and resolved as expeditiously as possible.

- b. ***Is this standard meant to expand the coverage of existing EO laws to apply them to all Members, regardless of status?*** No, this standard merely requires Members to comply with EO laws, regulations, and policies that are applicable to their status. It is not meant to broaden the application of a particular law to individuals that were not previously covered by the law. For example, this standard is not meant to apply the Rehabilitation Act to this Agency's service members.
- c. ***Where can I go to get more information on EO issues?*** Service members and federal technicians can obtain further information from the State Equal Employment Office at 602-629-4836/4811 or www.azguard.gov/hro. State employees can obtain further information from the State Human Resources Office at 602-267-2731. State employees can also obtain relevant information by reviewing AZ DEMA Policy Letter 20.08, Equal Opportunity, dated 16 March 2011, and the Arizona Non-Discrimination Policy at <http://www.azdema.gov/sa/publications/Policy/non-discrimination.pdf>.

5. **Inappropriate Workplace Relationships:**

- a. ***Are there any policies governing personal relationships in the workplace?*** There are several regulations and policies that govern personal relationships in this Agency and their applicability depends upon the status of the Member. The safest bet is to avoid questionable relationships at the outset. But if you have questions about whether a particular relationship is prohibited, such as romantic relationships or business relationships outside the workplace, it is best to speak with your supervisor/commander, the Human Resources Office at 602-602-629-4800 (for federal employees), or the State Human Resources Office at 602-267-2731 (for State employees). Bear in mind that one common theme, regardless of the status of the Member, is that any personal relationship that appears coercive in nature or is disruptive in the workplace is prohibited.
- b. ***I am a Soldier. Where can I go to find out what limitations apply to me regarding personal relationships with other service members?*** You should review AR 600-20, paragraph 4-14 and/or DA PAM 600-35 for information specific to your status as a Soldier. You can also seek specific guidance from your chain-of-command.
- c. ***I am an Airman. Where can I go to find out what limitations apply to me regarding personal relationships with other service members?*** You should review AFI 36-2909 for information specific to your status as an Airman. You can also seek specific guidance from your chain-of-command.

- d. ***When does a relationship “appear to be exploitive or coercive in nature?”*** A relationship has the appearance of coercion when one party to the relationship can use the authority that he/she is entrusted with by the Agency to improperly exert control over the other party in their personal relationship. The clearest example of a relationship that has the appearance of coercion or exploitation is a romantic relationship between a supervisor and a Member that he/she supervises. Such situations usually create an inference that the subordinate did not freely consent to the relationship or that the subordinate will benefit professionally from the relationship. Such situations must therefore be avoided.
- e. ***I am a supervisor. If I see a personal relationship forming in my workplace that will likely cause disciplinary issues in the future, how should I address the issue?*** Unless the relationship is one that is clearly prohibited and should be referred to your chain of command, you should counsel your subordinate in writing, explain the reasons why the relationship will likely have a negative impact upon the workplace, and direct him or her to end the relationship. But it is recommended that you speak with your servicing judge advocate or the appropriate human resources office (602-629-4800 for federal employees or 602-267-2731 for state employees) before taking any action.

6. **Protection of Agency Records and Information:**

- a. ***Are there procedures by which the public or the news media can obtain Agency records or information?*** Yes. The goal of this Agency is to maintain the maximum level of public transparency while complying with legal restrictions and principles of operational security. Individuals seeking the release of most types of Agency records or information (except ANG records) may submit a written request to the FOIA Manager pursuant to the Freedom of Information Act or the Arizona Public Records Law. The FOIA Manager may be reached at 602-267-2035 or www.azguard.gov/freedominfo.htm. The FOIA process is handled differently in the Air National Guard so individuals who want to make a FOIA request pertaining to an Air National Guard issue can find information at www.ang.af.mil/foia.
- b. ***Are there procedural restrictions on the release of Agency records and information to the public?*** Yes. Any release of Agency information to the public or media must go through either the Public Affairs Office or the Staff Judge Advocate’s Office. Remember, only designated individuals may speak on behalf of the Agency. If you do not know if you are one, you probably are not.
- c. ***What are some of the categories of Agency records and information that are protected from disclosure?*** Examples of information that cannot be released or that can only be released in certain circumstances include, but are not limited to: (1) classified information; (2) medical information; (3) personnel records; (4) some information of a legal nature; and (5) operationally-sensitive information. The categories are too numerous to list and all disclosures must therefore be made by the Public Affairs Office or the Staff Judge Advocate’s Office.

- d. ***What should I do if a member of the news media approaches me requesting Agency information?*** Refer the media representative to the Public Affairs Office and independently report the interaction to the Public Affairs Office. While transparency is the goal for this Agency, Members must ensure that they do not violate Federal or State law in disclosing Agency information. For that reason, only certain individuals are authorized to speak on behalf of the Agency.
- e. ***Where can I go to get more information on this subject, including guidance on interaction with the media?*** You can contact the Public Affairs Office at 602-267-2550 for more information. You should also review the AZ DEMA policy memorandum regarding social media for any issues involving online posting of information.

7. **Fiscal Responsibility:**

- a. ***I want to use Agency funds for a particular purpose and I cannot find any regulations that prohibit what I am planning to do with the funds. Can I do it?*** Be careful. Remember that fiscal law issues are addressed in exactly the opposite manner from the way most other types of legal issues are handled. In most cases, the laws and regulations will tell you what you cannot do. But for a fiscal issue, there must be some type of law, regulation, etc. telling you that you CAN use those particular funds for your desired purpose. Without express permission, you cannot use the public's money for any particular purpose.
- b. ***Where can I go for more information on fiscal issues?*** You can contact the Staff Judge Advocate's Office at 602-267-2588, your MACOM/Wing Command Judge Advocate, or the State Resource Manager's Office at 602-267-2730 (for State employees).

8. **Conflicts of Interest and Procurement Integrity:**

- a. ***Is procurement integrity really an issue that we have to worry about?*** Yes. A violation of ethical standards in the procurement process places both the Agency and the individual at risk. Deviations from ethical standards in the procurement process can expose the Agency to a bid protest or severely undermine the public's confidence in our Agency. More directly, procurement fraud is a crime under both state and federal law.
- b. ***I work in the State Contracting Office and my brother's company wants to bid on an AZ DEMA project. Is that OK?*** No. The awarding of contracts to companies closely connected to AZ DEMA Members creates the appearance that the procurement process is illegitimate. For that reason, family members of those involved in AZ DEMA's procurement/contracting process, whether federal or state,

are not permitted to bid on AZ DEMA projects. This prohibition includes companies owned in part by those family members.

- c. ***Can I get into trouble if I publicly release information about AZ DEMA's future procurement plans and strategies?*** Yes. As a Member of this agency, you may have access to nonpublic information that could affect a contract bid or the award process. Unauthorized disclosure of such information is likely a crime. This is true even if you do not work in the procurement field.
- d. ***A contractor is offering me a gift. Can I accept it?*** Generally no. As a Member of this agency, you may not solicit or accept gifts from contractors and/or their employees. Even if you work closely with contractor employees on a daily basis, remember that contractors and their employees are considered "prohibited sources" for gifts. Remember, you always have to watch for the appearance issue.
- e. ***What if I am not sure if the thing being offered is a "gift?"*** It is always best to say "no" but you can run your particular situation by the State Ethics Counselor, located in the Staff Judge Advocate's Office at 602-267-2588. There are some limited circumstances where you may accept small gifts.
- f. ***I have a second job, am considering a second job, or am beginning my search for a new job after separation from military service. How do I find out if there are any conflict of interest restrictions that apply?*** Obtain a DD Form 2945 and submit the completed form to the Staff Judge Advocate's Office or your MACOM/Wing Command Judge Advocate for review. State employees should contact the State Administrative Services Office for assistance. Remember that most full-time employees of this agency must obtain written permission from their supervisors in order to have a second job, even when there is no conflict of interest. You can find out more by reviewing the HRO Standards of Conduct memorandum, dated 4 January 2010. It is an individual's responsibility to determine if this restriction applies to you.
- g. ***Do I need to report my involvement in external organizations?*** Typically, no. But you should inform your chain-of-command if you participate or hold a leadership position in any outside organization that does business with the Agency or that could foreseeably bring discredit upon the Agency.

9. **Safety and Health:**

- a. ***How does safety fit into the organizational structure of the Agency?*** This Agency holds paramount the safety, health, and welfare of its Members, visitors, and the general public. We strive to comply with and enhance applicable federal, state, and local health, safety and environmental regulations and standards in the performance of our duties.

- b. ***Which is of greater importance, expediency or accuracy?*** All Members of this Agency shall conduct operations in a manner that conforms to the highest standard of safety. Quality and safety should never be compromised to save time.
- c. ***Does this Agency have a policy with regard to the environment?*** Absolutely. This Agency is committed to sound environmental stewardship, continuous improvement, compliance with regulatory and other requirements, conserving our natural resources, preventing pollution or contamination, gaining the support of the communities in which we work and live, and incorporating professionalism and environmental planning in all that we do. For more information on this subject, you should review AZ DEMA policy letter entitled “Environmental Policy,” dated 1 February 2010 and AZ DEMA Policy Letter 10.18, DEMA Sustainability Policy, dated 15 December 2009.
- d. ***Where can I go to get more information or to report violations of safety procedures?*** You can address your concerns to your immediate supervisor, your chain-of-command, the State Aviation Office at 602-629-4251 (for military service members and federal employees), your Wing safety officer, or the DEMA Risk Management Office at 602-629-4285 (for state employees).
- e. ***Is there any help available to those Members that are at risk of suicide?*** Absolutely. If you, or someone you know is struggling and having suicidal thoughts and feelings, you should take action. Remember, showing you care will not make a person suicidal and sometimes providing a person with an opportunity to express his or her feelings can provide relief from loneliness and pent-up negative feelings, and may prevent a suicide attempt. Use the “Be Resilient Program – Crisis & Stress Response Plan for National Guard Members and Their Families” to access help. The plan details resources available to help those Members showing an increase in signs and symptoms of distress. You can get more information on resiliency and suicide prevention from the Total Force Team at 602-717-9836 or www.azguard.gov/resilience/index.html. State employees can also take advantage of the AZ DEMA Employee Assistance Program (EAP). More information on the EAP is available through the State Human Resources Office at 602-267-2731
- f. ***I am a commander and one of my service members is threatening to hurt himself, but I think he is just trying to get out of work. Can I take disciplinary action against him?*** No. The Adjutant General has withheld authority to address all allegations of attempted suicide, threatened suicide, intentional self-injury, or malingering by service members. No subordinate leader may take action against the service member without the express permission of TAG. Report this situation immediately through your chain-of-command to the Adjutant General’s Office and to the Total Force Team. You should immediately review the policy letter entitled “Command Withholding Policy to Dispose of Allegations of Attempted Suicide, Self-Injury, or Malingering,” dated 7 May 2012.

10. **Avoiding the Appearance of Impropriety:**

- a. ***I know that what I am doing looks bad, but I am not ACTUALLY violating any particular law or policy so there is no problem, right?*** Wrong. Members must actively avoid the appearance that they are violating a law, regulation, policy, or ethical standard. Remember, if it looks bad, it likely is bad.
- b. ***But if I can justify it in my own mind. Am I OK on the appearance issue?*** No. The fact that you can convince yourself that it is legal is not the end of the inquiry. Whether or not particular circumstances create an appearance that the law or ethical standards have been violated is determined based upon the perspective of a reasonable person with knowledge of the relevant facts. If a reasonable person would think that you are violating a particular law or policy, you have an appearance problem and you need to rethink your actions.

C. Definitions:

1. ***Agency.*** The Arizona Department of Emergency and Military Affairs, as defined in “AZ DEMA”.
2. ***AZ DEMA.*** The Arizona Department of Emergency and Military Affairs and all of its subordinate commands, departments, divisions, and offices. The Arizona Army National Guard, the Arizona Air National Guard, and the Arizona Division of Emergency Management are included in the definition of AZ DEMA.
3. ***Chain-of-Command.*** Includes not only the succession of commanding officers from a superior to a subordinate through which command is exercised, but also the succession of officers, enlisted members, or civilian personnel through whom administrative control is exercised, including supervision and rating of performance.
4. ***Member.*** All state and federal employees and military service members assigned or attached to the Arizona Department of Emergency and Military Affairs.