

RULES OF CONDUCT FOR EMPLOYEES

6.01 PURPOSE

It is the policy of the Department that the treatment of, and interaction with, individuals, both within and outside the Department, be held in the highest regard. Treatment and interaction are also represented by the variety and quality of service Department personnel provide. This regulation ensures that all employees are familiar with the standards of conduct and performance expected of them. Appendages A and B further define the tradition and policy of the Department as it relates to public service and interaction with people. This regulation also furnishes supervisory and command personnel with standards which may be employed to improve management effectiveness. Specific restrictions contained in this regulation are necessary to protect the integrity of the Department and to ensure that efficient and effective police services are delivered to the Commonwealth.

6.02 SCOPE

The Department has a right to maintain discipline and harmony within its ranks, and an obligation to promote close working relationships among its personnel. Therefore, each employee, as a representative of the Department and State government, has an obligation to adhere to high standards of honesty, integrity, and impartiality in their personal conduct. The following rules of conduct are provided for the guidance of all employees in meeting this obligation. Employees are also bound by all other Department directives/regulations, Governor's Management Directives, and applicable Collective Bargaining Agreements. In addition, Civil Service employees shall be guided by the Civil Service Act and Rules of the Civil Service Commission. Employees who commit any acts or omit any acts which constitute a violation of these rules, or any other rules, regulations, directives, or orders of the Department, shall be subject to disciplinary action.

6.03 GENERAL PROVISIONS

A. Department: Employees shall conduct themselves at all times in such a manner as to reflect most favorably on the Department and the Commonwealth, thereby promoting good public relations. Undesirable conduct shall include immorality or any act or conduct not specifically mentioned in these rules which

tends to bring the Department and/or Commonwealth into disrepute or reflects discredit upon the individual employee.

1. Conformance to laws: Employees shall conform to, and abide by, statutory laws and governmental regulations and shall uphold the Constitutions of the United States and of the Commonwealth.
2. Legal action against employees: Employees who have been arrested, or notified that civil action has been instituted against them, shall immediately advise their Troop Commander or Bureau/Office Director, by the most expedient means available, and shall comply with the provisions of FR 5-4, Legal Action Against Department Personnel. The term "arrested," for the purpose of this regulation, shall have the same meaning as that stated in FR 5-4.
3. Performance of duty: Employees shall perform their assigned duties at all times without shirking from responsibility.
4. Associates: Employees shall avoid associations or dealings with racketeers, illegal gamblers, criminals, or other persons with criminal reputations, except in the performance of duty and while acting under proper and specific orders from a supervisor.
5. Prohibited establishments: Employees are prohibited from knowingly frequenting, visiting, or entering a house of prostitution, illegal gambling house, or other establishment(s) where violations of the criminal laws of the United States and/or the Commonwealth are being committed, except in the performance of duty and while acting under proper and specific orders from a supervisor.
6. Discrimination or harassment: Employees shall not discriminate against or harass any other employee, member, or the public on the basis of race, color, sex, religious creed, national origin, ancestry, age, disability, or sexual orientation; nor shall an employee prepare any communication which makes reference to a person's race, color, sex, religious creed, national origin, ancestry, age, disability, or sexual orientation, unless it serves a specific and legitimate purpose in accordance with Department directives/regulations. Employees shall not

engage in the presentation of any racial, sexual, religious, ethnic, or disability-related joke, slur, or story, in any form. Employees shall fully adhere to the requirements of AR 4-26, Discrimination, Discriminatory Harassment, Sexual Impropriety, and Retaliation.

7. Sexual impropriety: The Department enforces a zero-tolerance policy towards sexual impropriety (i.e., sexual misconduct or sexual harassment), as defined below:
 - a. Sexual misconduct: Sexual misconduct includes any form of uninvited or unwelcome sexual touching, sexual contact, or conduct of a sexual nature which victimizes another. Sexual touching or sexual contact includes intentional touching or other physical contact, whether applied directly to the skin or to clothing covering the skin of one's self or another individual, which is meant to, is reasonably likely to, or is reasonably perceived to abuse, degrade, harass, humiliate, or sexually arouse any person. Sexual misconduct also includes any conduct specified in the following sections of Title 18 Pa.C.S, whether or not criminally charged: Section 3121, Rape; Section 3122.1, Statutory sexual assault; Section 3123, Involuntary deviate sexual intercourse; Section 3124.1, Sexual assault; Section 3124.2, Institutional sexual assault; Section 3125, Aggravated indecent assault; Section 3126, Indecent assault; Section 3127, Indecent exposure; Section 3129, Sexual intercourse with animal; Section 5901, Open lewdness; Section 6301, Corruption of minors (only as it relates to acts of a sexual nature); and equivalent offenses committed in other jurisdictions (whether or not criminally charged).
 - b. Sexual harassment: Sexual harassment is defined to include any unwelcome sexual advance, request for sexual favor, and/or other conduct of a sexual nature where any or all of the following occur:
 - (1) Submission to, or rejection of, such conduct is an explicit or implicit term or condition of an individual's employment.

- (2) Submission to, or rejection of, such conduct is used as a basis for employment decisions affecting the individual.
 - (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.
- 8. Furnishing false information: The integrity and high moral standards of the Department must be maintained; therefore, no person shall procure employment with the Department by means of furnishing false information or concealing material information about their qualifications, character, or reputation.
- 9. Intoxicating beverages:
 - a. Employees shall refrain from consuming intoxicating beverages during scheduled working hours, unless it is necessary in the performance of duty and while acting under proper and specific orders from a supervisor. Employees who have been authorized to consume intoxicating beverages during working hours shall not consume to the extent that they would be in violation of the laws of the Commonwealth. Employees shall refrain from consuming intoxicating beverages during nonworking hours to the extent that it would result in the commission of obnoxious or offensive behavior which would tend to bring discredit upon the employee or the Department or render the employee unfit to report for their next scheduled work assignment.
 - b. Intoxicating beverages shall not be brought into or stored in any Department installation or vehicle, or any part thereof, except in an emergency situation, on orders from a supervisor, or when it has been officially seized (e.g., property of a suspect or prisoner, evidence of a crime, found property).
 - c. Consumption of intoxicating beverages on Department property or in Department vehicles is

prohibited, except during Department-sanctioned training where the use of intoxicating beverages is an integral and essential component of the approved training curriculum, and the training is supervised by personnel authorized to administer and conduct such training.

10. Improper receipt of public assistance or other benefits: Employees who improperly receive public assistance or other benefits are subject to disciplinary action.

B. Official Information:

1. Altering notices: Employees shall not mar, alter, or deface any printed or written notices placed on a bulletin board, or otherwise brought to their attention, except where dictated by established procedure, or where initials or names of employees are required.
2. Official files: Employees authorized by a supervisor may divulge, make known, or exhibit the contents of an official file or criminal record only:
 - a. To duly authorized criminal justice agencies or employees.
 - b. As provided by law and Department directives/regulations, and on approval of the Troop Commander or Bureau/Office/Division Director.
 - c. Under subpoena duces tecum served on the Commissioner.

C. Dissemination of Information:

1. Public information: Dissemination of information to the news media by authorized employees shall be made in accordance with the provisions of AR 6-1, Department Information.
2. Release of information: Nonpublic records or information therefrom by authorized employees shall be made in accordance with the provisions of AR 6-1.

3. Employees shall not disseminate, in any manner, any confidential information of the Pennsylvania State Police (PSP) or its personnel without proper authority. For the purpose of this regulation, confidential information shall be defined as information which:
 - a. Is specifically identified as being confidential, privileged, or for Department use only in any directive, regulation, Management Directive, or by an employee's supervisor.
 - b. A person could foresee that the disclosure thereof could:
 - (1) Endanger Department personnel or any other person.
 - (2) Reveal the identity or presence of Department undercover personnel.
 - (3) Impede the just disposition of a case or investigation.
 - (4) Aid a person to escape arrest.
 - (5) Delay the apprehension of a criminal.
 - (6) Permit the removal of stolen property or evidence.
 - (7) Compromise or negate a judicial process.
 - (8) Violate a statute of the United States or this Commonwealth pertaining to the release of designated confidential information.
 - (9) Make known the contents of an internal or criminal investigation record or report to an unauthorized person.
4. Employees may only request, review, or copy confidential information in accordance with existing regulations and/or procedures, and under proper authority.
5. Employees who fail to abide by Department rules or regulations that contain procedures for the secure storing

of confidential information, which may or does result in confidential information being viewed or in the possession of persons not authorized to view or possess such information, shall be considered in violation of the prohibition against dissemination of information.

- D. **Publicity:** Employees shall not permit or authorize the use of their name, photograph, or official position which identifies them as an employee of the Department in connection with testimonials or advertisements of any commodity or commercial enterprise without the written approval of the Commissioner.
- E. **Politics:** Employees shall not use their official position which identifies them as an employee of the Department for political reasons, nor shall they participate in any political activity which would affect the efficiency or effectiveness of such employee in the discharge of official duties.
- F. **Organizations:**
 - 1. **Membership:** Employees shall have the right to join and maintain membership in any union or organization. Employees shall not, with specific intent to further its aims, join or belong to any organization or society which has, as a purpose, the overthrow of, or interference with, the lawfully-constituted government of the United States, except in the performance of duty and while acting under proper and specific orders from a supervisor.
 - 2. **Holding of office:** Employees shall not serve as an officeholder of any organization licensed by the Pennsylvania Liquor Control Board to dispense alcoholic beverages within the Commonwealth of Pennsylvania without the written approval of the Commissioner, nor shall they do so in any other state.
- G. **Solicitations and Representations:**
 - 1. Employees shall not circulate subscription papers; sell tickets, participate in the sale of tickets, collect money; participate in the sale of advertisements; or make solicitations of funds, or anything of value, from the general public by any means for any purpose using the name of the PSP, whether during working or nonworking hours, without the written approval of the Commissioner.

2. Employees shall not solicit, seek, or accept from any person, individual, or corporation, any gift or favor which might reasonably be expected to influence the employee in the discharge of official duties.
3. Employees shall not solicit or accept items such as athletic uniforms, equipment, supplies, trophies, prizes, or any other property from a person or business which is regulated by the Commonwealth, has certain contracts with the Commonwealth, or is seeking to obtain business with the Commonwealth.
4. Employees shall not accept athletic uniforms, equipment, supplies, trophies, prizes, or any other property if:
 - a. The sponsor's name and an insignia, etc., identifying the PSP appear on the item(s).
 - b. The sponsor's name appears on the item(s) and it is common knowledge that the team is affiliated with the PSP.
5. Employees shall not use any insignia or emblem designating the PSP, or the term "State Police," "Trooper," etc., which could be reasonably construed to represent the PSP individually or as a member of an organization in which the employee is an officer, chairperson, etc., in context with any promotion, solicitation, fundraiser, or merchandising effort, without the written approval of the Commissioner.
 - a. The use of the name "Pennsylvania State Police," or an insignia or emblem designating or representing the Department may be used in conjunction with a publicly accepted, legally constituted charitable function (e.g., Camp Cadet, Gifts for Kids, Special Olympics, Heart Fund, Cancer Society, Cystic Fibrosis).
 - b. Questions concerning the appropriateness of a charity shall be directed, through channels, to the Deputy Commissioner of Staff.
6. Employees shall not use the name "Pennsylvania State Police" or "State Police" as part of the address on their

driver's license and/or vehicle registration card(s) (nor for any other personal reason not authorized by the Commissioner); or have their driver's license photo taken while in uniform or while wearing any attire, insignia, or emblem displaying/infering an affiliation with the PSP.

7. Employees shall not modify the Department uniform patch or any digital images of the Department uniform patch in any manner. For the purpose of this regulation, the term "Department uniform patch" shall have the same meaning as that stated in FR 1-1, General Requirements.

a. Any copying or modification of any authorized version(s) of the Department uniform patch by any person or organization, or usage of the patch for any purpose without the written approval of the Commissioner of the PSP, is prohibited. Any such misuse of the Department uniform patch will be pursued through legal and/or disciplinary channels.

b. Employees shall not knowingly provide any Department uniform patch (including those deemed unserviceable), Patch Brochure, or any digital image(s) of the patch to any person or organization if there is reason to believe the recipient or organization will use the uniform patch, Patch Brochure, or digital image(s) of the patch for any type of financial consideration or gain. Additionally, employees are prohibited from personally using the Department uniform patch (including those deemed unserviceable), Patch Brochure, digital image(s) of the patch, or depiction(s) of the patch for any type of financial consideration or gain.

H. Vehicles:

1. Use of vehicles: Employees shall not use Commonwealth vehicles for personal business or for any other reasons except as authorized.

2. Operation of vehicles: Employees, when driving any vehicle, private or state owned, shall drive in a careful and prudent manner, obey all laws of the Commonwealth or other state or territory pertaining thereto, and shall expect

the same compliance from the driver of any vehicle in which they may be a passenger. Employees shall, at all times, set a proper example for other persons in the operation of motor vehicles.

- I. Use of Commonwealth Property: Excluding use as prescribed by existing Collective Bargaining Agreements, the use of Commonwealth telephones to conduct private business activities is prohibited. In addition, employees have a duty to protect and conserve Commonwealth property, including equipment and supplies. Department property shall not be used for any activity which is not specifically connected with the official business of the Commonwealth without the prior approval of the Commissioner.
 1. Troop Commanders and Bureau/Office Directors shall review and evaluate all requests for the use of Department property under their command for nonwork-related activities.
 2. Troop Commanders and Bureau/Office Directors shall forward those requests that are not expressly prohibited, through channels, to the Commissioner, via Department Correspondence, Form SP 3-201. The correspondence shall provide the following:
 - a. The name of the requester and the date of the request.
 - b. The name of the organization conducting the activity. Include the name and telephone number of a contact person from the organization.
 - c. The nature of the activity and the date(s) requested.
 - d. Any comments or justification for holding the activities on Department property.
 - e. Any additional relevant information.
 - f. Any recommendations of the Troop Commander or Bureau/Office Director.
 3. If necessary, because of time constraints, either prior to or after submitting Department Correspondence, Troop

Commanders or Bureau/Office Directors may contact the Deputy Commissioner of Staff for assistance.

- J. Private Business Activities: Employees shall not engage in any private business activity, including sales, negotiations, the taking of orders, or display of wares, in Commonwealth offices or facilities.
- K. Payment of Debts: Any employee who files a bankruptcy petition or receives notice that a financial judgment and/or creditor claim has been filed against them shall submit Department Correspondence, through channels, to their Commander/Director. The correspondence shall set forth the circumstances of the bankruptcy petition, or an accounting of how the judgment/claim will be satisfied, or the grounds for contesting the judgment/claim. Upon receipt of the correspondence, the Commander/Director shall ensure a BlueTeam entry is prepared and submitted in accordance with AR 4-25, Internal Investigations, with a copy of the correspondence attached.

6.04 EMPLOYEE SPEECH RIGHTS AND OBLIGATIONS

- A. Unprotected Speech: Employees are subject to disciplinary action for speech constituting treason, libel, slander, perjury, incitement to riot, and/or knowingly false statements or statements made with a reckless disregard for their truth regarding Department operations or personnel.
- B. On-Duty Speech Restrictions:
 - 1. Conduct: Employees on duty shall refrain from using indecent or profane language or gestures. Employees shall be courteous to citizens; maintain command of their temper; and not employ coarse, boisterous, or insolent language or gestures. Upon request, employees are required to provide citizens their name and job classification.
 - 2. Demeanor: Employees shall treat supervisors, subordinates, and associates in a respectful manner. Employees are prohibited from making personal attacks that maliciously ridicule, belittle, or defame another employee.

3. Management: Management-level employees have a duty of loyalty to support and defend management policies when addressing non-management-level employees or subordinates.
- C. Public Criticism of the Department: Employees are required to express, either verbally or in writing, any work-related criticism to their immediate supervisor prior to expressing that criticism publicly. This shall in no way be construed to circumvent/contradict the provisions of the Whistle-Blower Law. Constructive criticism is encouraged, and employees will not be disciplined for responsively expressing their criticism to their immediate supervisor or appropriate authority.
- D. Public Appearances and Speeches on Behalf of the Department:
1. Conventions or meetings: Employees may attend conventions or meetings, and/or make speeches or public appearances as a representative of the Department, only with the approval of their Troop Commander or Bureau/Office/Division Director.
 2. Department representation: Employees shall refrain from generating any impression that they officially represent the Department at any public function when they do not, in fact, officially represent the Department. The expression of personal views by employees, during nonworking hours in their capacity as private citizens, regarding matters of significant public interest or concern is not encompassed by this subsection.

6.05 PERSONAL USE OF SOCIAL MEDIA

- A. **Definitions: The following terms shall apply for the purpose of this regulation, according to these generally accepted definitions:**
1. **Social Media: An umbrella term that defines the various activities integrating technology and social interactions and generally refers to various online platforms, applications, or technologies which enable the sharing of electronic text, audio, photographic, video, or multimedia files.**
 2. **Social Media Site (Social Network): An internet site, application, or platform enabling users to create**

personal profiles, share information and/or user-generated content, and interact with other profiled users on the site. Due to the constantly evolving nature of technology, the absence of or lack of explicit reference to a specific social media site does not limit the scope or application of this policy.

3. **Social Networking:** Interacting (networking) with other users of a social media site by direct communication or the exchange of information and/or user-generated content.
 4. **Speech:** Any expression of ideas or beliefs, regardless of the nature or method of expression.
- B. Use:** Employees shall exercise care during their personal use of social media to ensure that it is clear that whatever information they provide or personally publish, forward, or post to social media represents their own views and opinions and is not endorsed by or in any way represents the views of the Department. Employees using social media in a personal capacity shall not:
1. Represent themselves in any way to be an official Department presence.
 2. Use a Departmental email address (i.e., CWOPA) to register with or join a social media site.
 3. Use Department equipment to engage in personal use of social media.
 4. Engage in social networking while on duty using privately owned property.
- C. Content and Speech:** This regulation is not intended to prohibit an employee's constitutional right to freedom of speech. However, in their personal use of social media, or their personal publishing, forwarding, or posting to the internet, employees are expected to assume personal responsibility for the content of their speech and to further avoid speech that:
1. Violates federal law or any statute, regulation, or policy of the Commonwealth of Pennsylvania.

2. **Is disparaging of any race, ethnicity, religion, sex, gender, sexual orientation, nationality, or any other protected class of individuals, groups, or organizations.**
3. **Defames another person, group, or organization.**
4. **Discloses information derived from any criminal, civil, or administrative investigation, inquiry, or proceeding of the Department, or other federal, state, or local agency.**
5. **Discloses the content of a non-public record or any non-public information derived from a record of the Department or other federal, state, or local agency.**
6. **Is reasonably likely to compromise or interfere with a law enforcement operation, investigation, or procedure, or that otherwise impedes the administration of justice.**
7. **Is reasonably likely to compromise or interfere with operational, physical, or personal security by disclosing information regarding Department facilities, equipment, assets, capabilities, or personnel.**
8. **Reflects opinions or conduct which are reasonably likely to provide grounds for impeachment of their testimony in criminal or civil court proceedings.**
9. **When presented to them in criminal or civil court proceedings, could question their character or integrity, or present a negative image of the employee or the Department.**
10. **Depicts identifiable images of, or discloses confidential information regarding, other Department personnel without their express permission.**
11. **Depicts identifiable images of the Pennsylvania State Police uniform patch, badge, or other official Department insignia in a manner tending to imply Department endorsement or approval, without official authorization.**

12. **Is reasonably perceived as tending to erode public confidence in the Department or its personnel.**
13. **Would otherwise bring the Pennsylvania State Police into disrepute.**
14. **Would otherwise be in violation of any other Department regulation(s) or directive(s), or the Governor's Code of Conduct.**

6.06 DUTY REQUIREMENTS

- A. Reporting for Duty: Employees shall report for work at the time and place specified by their supervisor and, at that time, be physically and mentally fit, and present a clean, neat, and well-groomed appearance. Employees may deviate from these standards concerning appearance to accomplish a duty assignment with the approval of their supervisor.
- B. Appropriate Work Attire:
 1. Responsibility: Troop Commanders and Bureau/Office Directors are ultimately responsible for ensuring all employees under their command are appropriately attired during working hours. Therefore, the Troop Commander or Bureau/Office Director must make a determination of the types of clothing that will be considered appropriate for their organizational segment.
 2. Conduct: Employees must be cognizant that their appearance influences the public's opinion of the Department. Employees shall present a professional and businesslike appearance. Their manner of dress shall be appropriate for their position. Their apparel shall be clean, neat, and consistent with that traditionally acceptable for a comparable position in the general business world. The duties of each particular position will dictate what is appropriate, and the garments must be consistent with safety requirements. The types of clothing worn shall not be inconsistent with the guidelines or standards established by the Troop Commander or Bureau/Office Director. Employees who are uncertain if their attire is suitable, or if it may be necessary to deviate from these standards concerning attire to accomplish a specific duty assignment, shall request the

guidance/approval of their immediate supervisor. The supervisor's determination shall be consistent with the policy of the Troop Commander or Bureau/Office Director.

C. Absences:

1. Condition of Absence: Illness or injury will be the only acceptable reasons for employees to be absent from duty without authorized leave or permission. Employees who are unable to report for duty due to illegal or improper conduct may be subject to disciplinary action.
2. Notification of illness or injury:
 - a. Employees who know they will be unable to report for duty due to illness or injury shall ensure timely notification to their supervisor.
 - b. Employees injured while at work shall report such injury to their immediate supervisor, as soon as possible, and shall comply with the provisions of existing directives/regulations pertaining to such injuries. Employees who become ill while at work and find it necessary to leave their duty assignment shall report this to their immediate supervisor before leaving.
3. Fictitious reports-deception: Employees shall not feign illness or injury, or otherwise deceive or attempt to deceive any Commonwealth official or Department representative as to the facts pertaining to any illness or injury.
4. Contagious diseases: Employees who have been exposed to an uncommon, contagious disease shall notify their immediate supervisor, as soon as practicable. The supervisor shall make record of same and take whatever steps are necessary to safeguard other personnel from such uncommon, contagious disease.

D. Assignments and Responsibilities: Employees shall perform all duties as may be required of them by competent authority. Employees shall direct and coordinate their efforts in such a manner as will tend to establish and maintain the highest standard of efficiency in carrying out the functions and objectives of the Department.

1. Instructions and assignments: Employees shall promptly obey and execute all proper assignments emanating from a superior, including assignments originating from a superior in charge of a Department activity or operation, regardless of whether the superior is in the employee's regularly established chain of command. A proper assignment is any order or instruction, in keeping with the performance of any duty, issued either verbally or written over the signature of the Commissioner; Deputy Commissioners; Bureau, Office, or Division Director; Troop Commander; or other superior, including Department manuals, regulations, and directives which are necessary for the preservation of good order, efficiency, or proper discipline.
2. Conflicting orders: Employees who are given an assignment that is in conflict with a previous assignment or regulation shall respectfully call attention to such conflict. If the supervisor giving the assignment does not alter or retract the conflicting assignment, then such assignment shall stand, and, under these circumstances, the responsibility shall rest with the supervisor. In such situations, the employee obeying the subsequent, conflicting assignment shall not be held responsible for disobedience of any previous assignment. When an assignment contrary to the provisions of any previous assignment, regulation, directive, or manual is given to an employee, the employee shall comply with the assignment, unless it is a violation of the law, and shall thereafter submit Department Correspondence, through channels, stating the facts and circumstances to the Commissioner.
3. Responsibility: Employees shall be held responsible for the proper performance of all assigned duties, the proper use of delegated authority, and compliance with all written regulations and directives which govern Department personnel.
 - a. Employees shall be responsible for their own actions and shall not attempt to shift the burden of responsibility for executing or failing to execute an assignment.
 - b. Employees shall become familiar with and obey all directives/regulations which have specific impact

on their conduct and/or performance of duty. Ignorance of any directive/regulation shall not be considered as an excuse or justification for any violation.

- c. New employees shall become familiar with all directives/regulations which are applicable to their conduct and/or performance of duty. Familiarization should take place during the first two weeks of employment. All directives/regulations shall be readily available to any employee, upon request. Questions concerning the content of any directive/regulation shall be directed to the appropriate supervisor.
- d. Supervisors shall ensure employees are familiar with and comply with those directives/regulations having specific impact on employee conduct and performance. Additionally, supervisors shall ensure their subordinates are fully informed of new or modified rules and regulations.

E. Competency:

- 1. Competency to be maintained: The fact that an employee was deemed competent at the time of employment shall not preclude a judgment of incompetency as a result of their performance of duty, which would indicate a lacking of qualifications or capacity to fulfill the requirements of their assigned tasks. Such incompetency may be demonstrated by an apparent unwillingness or inability to perform assigned tasks, or by the failure to conform to work standards established for the employee's grade or position.
- 2. Record of Incompetency: In addition to other methods of proof, a written record of repeated disciplinary actions for infractions of directives/regulations will be considered prima facie evidence of incompetency.

F. Cooperation: Employees shall cooperate with public and private agencies to the full extent permitted by statutes and Department directives/regulations.

- G. Courtesy:
1. Conduct and demeanor: Courtesy toward the public shall be strictly observed. Employees' conduct and deportment shall always be quiet, civil, orderly, and courteous. Employees shall be diplomatic and tactful in the performance of their duties, controlling their temper and exercising the utmost patience and discretion. Employees shall not engage in argumentative discussions, even in the face of extreme provocation; however, when required, employees must act with firmness and sufficient energy to properly perform assigned duties. Employees shall, at all times, refrain from using coarse, violent, profane, or insolent language and from voicing any bias or prejudice concerning race, color, religious creed, national origin, ancestry, sex, sexual orientation, age, disability, or politics.
 2. Addressing the public: Employees, when working in any capacity, shall, at all times, address members of the general public by their surname and not by first names. For example: Mr. Davis, Mrs. Davis; not Hugh or Vicky. Professionals shall be addressed by their titles, if known.
- H. Personal Business: Employees shall not shop or trade during working hours, nor shall they devote any working time to any activity other than that which relates to their assigned duties.
- I. Reports: Reports submitted by employees shall be truthful, and employees shall not knowingly enter, or cause to be entered, any inaccurate, false, or improper information or data on such reports, nor shall pertinent information be omitted.
- J. Requests for Assistance: When the public requests assistance/advice or makes complaints/reports, either by telephone or in person, all pertinent information shall be obtained in an official and courteous manner and shall be properly and judiciously acted upon, consistent with existing Department directives and policies. The person shall not be referred to another agency in matters necessitating police action. Instead, all information shall be provided, in accordance with existing directives/regulations, to the agency or department having jurisdiction.
- K. Truthfulness: Upon order of a supervisor, employees shall truthfully answer all questions, specifically directed and narrowly

related to the scope of their employment and to the operations of the Department.

- L. Submitting to Medical or Psychiatric Examinations and/or Tests: Whenever a Troop Commander or Bureau/Office Director has reasonable grounds to believe that an employee under their command is being influenced by a medical and/or psychiatric condition which affects, or is likely to affect, the employee's ability to perform assigned duties, the Troop Commander or Bureau/Office Director may require the employee to undergo reasonable test(s) and/or examination(s), at the expense of the Department, to determine the employee's fitness for duty. Such a condition includes, but is not limited to, the use of an intoxicant or other drug.

6.07 USE OF DRUGS

- A. Use or Ingestion: The use or ingestion of any controlled substance, as defined by Act 64, The Controlled Substance, Drug, Device and Cosmetic Act, or prescription drug by employees, either on or off duty, when the substance or drug has not been prescribed by a licensed medical practitioner, is prohibited. For the purpose of this regulation, this shall include the use or ingestion of unregulated hemp products and/or all cannabis products containing any quantity of tetrahydrocannabinol (i.e., THC), including hemp-derived cannabidiol (i.e., CBD). Additionally, the use or ingestion of medical marijuana, as defined by Act 16 of 2016, the Medical Marijuana Act, by employees, either on or off duty, regardless of whether it has been recommended and/or prescribed, is also prohibited.
- B. Abuse: The abuse of any drug by employees, whether on or off duty, and whether the drug has been prescribed or not, is prohibited.
 - 1. Abuse of a legally prescribed drug refers to the inappropriate use of a prescription drug by not following the directions of the licensed medical practitioner regarding dosage, intermixing of drugs and alcohol, misappropriation of a prescription, etc.
 - 2. Abuse of a drug/chemical compound not requiring a prescription refers to the inappropriate use of nonprescription drugs resulting in an adverse effect on an employee's performance or public behavior, which could

reasonably be expected to destroy public respect of the employee and/or the Department.

C. Reporting Requirements:

1. Purposeful Use: Employees who have knowledge that a prescribed medication they are taking is a controlled substance, or who take a prescribed medication that has the possibility of affecting their ability to perform their duties, shall submit Department Correspondence, at or before the start of their scheduled work hours, through channels, to their Troop Commander or Bureau/Office Director. The requirement for employees to prepare correspondence for prescribed medication that has the possibility of affecting their ability to perform their duties, specifically includes, but is not limited to, prescribed medication that has the following side effects:
 - a. Drowsiness/sleepiness/tiredness.
 - b. Disorientation.
 - c. Dizziness/light-headedness.
 - d. Irritability/radical mood swing.
 - e. Interfering with intellectual functioning, judgment or decision-making ability.
2. Department Correspondence: The Department Correspondence shall contain the name of the prescribing practitioner, medication involved, date of the prescription, dosage, frequency of use, expected duration of use, and which of the above side effects may occur as a result of taking the prescribed medication. Troop Commanders or Bureau/Office Directors shall submit a copy of an employee's correspondence concerning prescribed medication to the Department's Medical Officer within three days. The Department's Medical Officer shall review the correspondence and contact the employee's Troop Commander or Bureau/Office Director if the prescribed medication has an adverse effect on the employee's fitness for duty. The original copy of the employee's correspondence concerning prescribed medication shall be maintained in the Troop/Bureau/Office confidential medical file.

3. Inadvertent Use: Should employees accidentally, passively, or unintentionally ingest or use a controlled substance, they shall immediately submit Department Correspondence, through channels, to their Troop Commander or Bureau/Office Director, setting forth, in detail, the time, date, and location of the incident; the identity of those present; the controlled substance involved; and a statement detailing the circumstances pertaining to the use or ingestion of the substance.
- D. Impaired Duty Performance: When employees take any legally prescribed drug or nonprescription drug and have reason to believe that it will functionally impair their performance, it shall be reported to their supervisor immediately prior to engaging in any duty activity. This requirement is in addition to the requirement that employees immediately notify a supervisor if, during the course of their duty activity, they believe their performance is becoming impaired by a legally prescribed drug or nonprescription drug they have taken.
- E. Drug Screen Test: Drug screen tests of employees for controlled substances that results in a confirmed positive finding shall be the basis for administrative/disciplinary action, unless the employee's use or ingestion of the substance was prescribed for the employee by a licensed medical practitioner and/or the employee has fully complied with this section.

6.08 HOLDING OFFICE OR CAREGIVER STATUS IN MEDICAL MARIJUANA INDUSTRY

- A. Employees shall not own, hold office in, have a financial interest in, or be employed by an organization, business, or establishment which grows/processes, produces, and/or dispenses medical marijuana, as defined by Act 16 of 2016, the Medical Marijuana Act, or is otherwise involved in the medical marijuana industry.
- B. Employees shall not be registered, licensed, or serve in a capacity as a caregiver, as defined by the Medical Marijuana Act, for profit.

NOTE: Employees may become licensed/registered as a caregiver, as defined by the Medical Marijuana Act, for an immediate family member(s). For the purpose of this section,

the term "immediate family" shall be defined as the following persons: husband, wife, child, step-child, foster child, parent, brother, or sister of such employee. If an employee becomes a licensed/registered caregiver for an immediate family member(s), the employee shall immediately submit Department Correspondence, through channels, to the Public Safety Human Resource Delivery Center, under confidential cover. The correspondence shall state the relationship of the immediate family member(s) and include a copy of the employee's caregiver identification card and certificate.

6.09 MEDICAL MARIJUANA IN DEPARTMENT INSTALLATIONS AND VEHICLES

Medical marijuana, as defined by Act 16 of 2016, the Medical Marijuana Act, shall not be brought into or stored in any Department installation or vehicle, or any part thereof, except in an emergency situation, on orders from a supervisor, or when it has been officially seized (e.g., property of a suspect or prisoner, evidence of a crime, found property).

6.10 ENTERING MEDICAL MARIJUANA DISPENSARY OR PRODUCTION FACILITY

When on duty, employees shall not enter any place where medical marijuana, as defined by Act 16 of 2016, the Medical Marijuana Act, is grown/processed, produced, dispensed, furnished, or sold, except when acting in an official capacity.

6.11 POSSESSION OF WEAPONS

- A. **General Requirements:** Unless otherwise authorized by the Commissioner, *no employee* of the PSP, with the exception of Liquor Enforcement Officers (LEOs), Enforcement Officer 3s (EO3s), and employees required by official duties specifically defined in their position description (e.g., Troop Procurement and Supply Unit personnel and designated personnel in the Bureau of Staff Services), shall possess, carry, or maintain a firearm or any other weapon, while:
1. In Department facilities/buildings.
 2. Performing a function of their position description or a work-related duty.

3. In Department vehicles or personal vehicles for which the Department will reimburse an operator for mileage, as a passenger or driver.
4. Attending a banquet, conference, meeting, or training program offered through the Commonwealth, approved by the Department, or paid in whole or in part by the Department.
5. Lodging away from home when the Department has paid, or will pay, for all or part of the lodging expenses.

NOTE: This section is applicable even if the employee is licensed to carry a firearm. Employees in violation of this section shall be subject to administrative/disciplinary action by the Department.

B. Scope: For the purpose of this regulation:

1. The word "firearm" shall be defined as any pistol, rifle, or shotgun, whether loaded or unloaded, from which a projectile is fired by use of gunpowder or compressed gas.
2. The word "weapon" shall be defined as any implement, or believable reproduction of such, readily capable of inflicting serious harm on another person or property and is without any normal business use. This definition does not include pocketknives of three inches or less, dinnerware cutlery, or nonlethal defensive personal protective equipment such as mace and gas sprays.

C. Carrying of Weapons and Ammunition by Liquor Enforcement Officers and Enforcement Officer 3s:

1. LEOs and EO3s, while on duty and in uniform, shall carry the Department-issued pistol and ammunition. LEOs and EO3s may also carry one Department-authorized personal handgun and ammunition. The personal handgun and ammunition shall be concealed from public view and may be carried on or about the LEO or EO3.
2. LEOs and EO3s, while on duty and in civilian clothes, shall carry the Department-issued pistol and ammunition or a Department-authorized personal handgun and ammunition. In addition to one of the above-stated

handguns, LEOs and EO3s may also carry an additional Department-authorized personal handgun and ammunition. Any handgun(s) and ammunition shall be concealed from public view. The additional handgun and ammunition may be carried on or about the LEO or EO3.

3. Prior to carrying any personal handgun on duty, LEOs and EO3s shall receive authorization from the approving authority, as defined in FR 9-2, Weapons Qualification and Proficiency Training. Authorization from the approving authority is considered effective only while the LEO or EO3 is qualified with the handgun in accordance with FR 9-2. LEOs and EO3s shall also conform to all other Department requirements and restrictions contained in FR 9-2 and FR 9-3, Weapons Usage and Carry.
 4. LEOs and EO3s, while on duty, shall not carry any other weapon (firearm or otherwise) on their person or in any vehicle, unless such weapon is Department issued or authorized by the Commissioner.
 5. Under no circumstances shall more than one Department-issued pistol and one Department-authorized personal handgun be carried by an LEO or EO3 while on duty and in uniform, and under no circumstances shall more than two Department-authorized personal handguns be carried simultaneously by an LEO or EO3 while on duty and in civilian clothes.
 6. If the carrying of weapons in a court of law is restricted by any federal, state, or county court judge, LEOs and EO3s shall not carry any weapon(s) in that court and may surrender any weapon(s) for secure storage at the court.
 7. The provisions of this section do not apply to LEOs and EO3s carrying weapons/ammunition while off duty, as permitted by law, for purposes such as hunting, fishing, or target shooting.
- D. Use of Firearms by Liquor Enforcement Officers and Enforcement Officer 3s: LEOs and EO3s shall handle and use firearms in a careful and prudent manner at all times. LEOs and EO3s shall not negligently, carelessly, recklessly, knowingly, purposefully, or in any other way unjustly endanger lives or property through the mishandling of firearms in violation of

Department training, policy, rules, regulations, or procedures. The Department's standards with regard to the proper use and handling of firearms shall be strictly interpreted and enforced in accordance with FR 9-2 and FR 9-3.