




Employ Milwaukee Administrative Memo		
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Sponsoring Executive	<input checked="" type="checkbox"/> Interim President and CEO	<input type="checkbox"/> CFO
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**TO:** Employ Milwaukee Staff and Workforce Partners

**FROM:** Julie Cayo, Interim President and CEO 

**RE:** Fraternalization Policy - Windows to Work

- I. **BACKGROUND:** Employ Milwaukee, Inc. (EMI) contracts with the Department of Corrections (DOC) and abides by their current Executive Directive pertaining to fraternization. The DOC prohibits certain relationships and conduct between its employees, adult and juvenile offenders, and their relatives. DOC also requires the reporting of certain relationships, including when the employee's own relatives are offenders. This policy is designed to eliminate any potential conflict of interest or impairment of the supervision and rehabilitation provided to adult and juvenile offenders by DOC employees, and to provide opportunities for positive change and success as set forth in DOC's mission statement.
- II. **DEFINITIONS:**
- A. "Adult or juvenile offender" or "offender" means an adult or juvenile under the legal custody or supervision of the DOC, the Department of Health Services, or agency contracting with the DOC. "Adult or juvenile offender" or "offender" includes individuals on adult probation, parole, extended supervision, or juvenile community supervision, and adults and juveniles committed to state correctional institutions, including the Wisconsin Resource Center, Mendota Juvenile Treatment Center, and Emergency Detention with the Department of Health Services.
  - B. "Employee" means any person employed by the DOC, including limited term, project, and permanent employees, students, volunteers, Department of Administration Region 2 Bureau of Human Resources staff and those persons under a contractual relationship with the DOC under a purchase of services arrangement if the contract places the vendor in an employment relationship with the Department. This definition does not include inmate workers.
  - C. "Facility" means a place, institution, center or building (or part thereof), set of buildings, structure or area (whether or not enclosing a building or set of buildings) that is operated by the DOC for the confinement of individuals.
  - D. "Relationship" means a personal association between an employee and an individual listed under Section IV.A of this policy, including, but not limited to, the relationships prohibited under Section II.I.
  - E. "Social Media" means technologies that facilitate the creation and sharing of information, ideas, career interests, and other forms of expression via virtual communities and networks. Forms of social media outlets include, but are not limited to: Twitter, Facebook, Instagram, LinkedIn, Pinterest, Tumblr, and Reddit.
  - F. "Sexual Contact" means intentional touching by the offender or staff member, either directly or through clothing by the use of any body part or object, of the offender's or staff member's intimate parts if that intentional touching is either for the purpose of sexually degrading; or for the purpose of sexually humiliating the offender or sexually arousing or gratifying the staff member or if the touching contains the elements of actual or attempted battery. Intentional penile ejaculation of ejaculate or intentional emission of urine or feces by the staff member upon any of the body, clothed or unclothed, of the

offender if that ejaculation or emission is either for the purpose of sexually degrading or sexually humiliating the offender or for the purpose of sexually arousing or gratifying the staff member.

- G. "Sexual Intercourse" means any vulvar penetration and does not require emission. Sexual intercourse also includes cunnilingus, fellatio or anal intercourse between persons or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal opening either by the staff member or upon the staff member's instruction. The emission of semen is not required.
- H. "Sexual Misconduct" means any behavior or act of sexual nature directed toward an offender on supervision by an employee. This includes, but is not limited to, acts or attempts to commit acts of sexual assault, sexual abuse, sexual harassment, sexual contact, conduct of sexual nature, sexual gratification of any party, obscenity or unreasonable invasion of privacy. Sexual misconduct also includes conversations or correspondence, which suggests a romantic or sexual relationship.
- I. "Prohibited Relationships" include, but are not limited, to:
  - 1. Having personal contacts or being in a social or physical relationship with an individual listed under Section IV.A. The policy does not prohibit personal contacts that are required for employees to perform their duties. It also does not prohibit Incidental personal contacts in group activities such as church-related or sporting events. The policy prohibits personal contacts that are usually one-to-one such as dating, knowingly forming close friendships, corresponding or communicating in person, writing, phone or through social media without an exception being granted, and visiting that is not job related or without an exception being granted.  
*Exception: Volunteers may continue to provide counseling, spiritual guidance and personal growth encouragement to PIOC upon release from DAI and while under the supervision of DCC. In such cases, volunteers must abide by all other fraternization rules unless an exception is specifically authorized within this policy.*
  - 2. Living in the same household with an individual listed under Section IV.A. Living in the same apartment building or complex but in a separate apartment or in a separate unit of a duplex is permitted.
  - 3. Working for or employing an individual listed under Section IV.A with or without remuneration.
  - 4. Extending, promising, or offering any special consideration or treatment to an individual listed under Section IV.A. This provision also includes giving special preference outside normal work practices, such as granting a furlough to an inmate who does not meet requirements for furloughs or granting work release to an inmate who does not meet the requirements for work release.
  - 5. Providing or receiving goods or services to or from individuals listed under Section V(A). This provision is not meant to prohibit casual contact such as buying groceries at a business where a listed individual works. It does prohibit accepting or giving gifts or loans, providing services in exchange for work performed, or activities in violation of Wis. Stat. § 302.095.  
*Exception: External organizations may provide PIOC releasing from DAI with clothing, housing, transportation, etc., even if it means a DAI Volunteer will coordinate these services.*
- J. "Sexual Conduct" means having sexual contact or sexual intercourse with an adult or juvenile offender.

III. **PURPOSE:** This memo defines ethical and professional boundaries between employees contracted under and participants served under the Windows to Work contract.

IV. **POLICY:**

- A. Employees may not have prohibited relationships prohibited with:
  - i. An adult or juvenile offender; or

- ii. The spouse or relative of an adult or juvenile offender.
- B. Employees shall not engage in prohibited sexual conduct with an adult or juvenile offender.
- C. Employees must report relationships involving:
  - i. An adult or juvenile offender;
  - ii. The spouse or relative of an adult or juvenile offender;
  - iii. The children or legal guardian of an adult or juvenile offender;
  - iv. Other persons who reside in the same household as an Offender.
- D. Reporting requirements regarding relationships
  - i. Employees shall report any present or intended relationship which may be in violation of this policy by submitting form DOC 2270 — Fraternization Policy Exception Request. This form must be submitted by the next scheduled shift following the employees' awareness of the potential violation.
  - ii. Employees shall report any unanticipated, non-employer directed contacts with individuals listed under by submitting form DOC 2270 — Fraternization Policy Exception Request. This form must be submitted by the next scheduled shift following the contact. Such contacts must be kept brief and professional.
  - iii. Employees shall report when they become aware their relatives are offenders by submitting form DOC 2270— Fraternization Policy Exception Request. This form must be submitted by the next scheduled shift.
  - iv. For previously approved exceptions, Employees shall submit a new DOC-2270, Fraternization Policy Exception Request, when the employee becomes aware of a status change (i.e. movement between divisions or if a former offender has re-offended and under new WI DOC supervision).
- E. Evaluation of exception requests
  - i. An Employee shall complete and submit form DOC-2270 — Fraternization Policy Exception Request
  - ii. The Supervisor and Appointing Authority/designee will review the request and make a recommendation regarding approval.
  - iii. The respective Division Administrator/designee will make the final decision and notify the employee in writing.
  - iv. The local human resources department will retain the finalized DOC-2270 form in accordance with the Records Retention Schedule.
  - v. Submissions of any request for exception from this policy do not constitute an exception from the policy or immediate authorization of contact. A letter from the Division Administrator/designee will be the only authorization for exception. In limited circumstances (e.g. shared residence, child, spouse), the Appointing Authority/designee may grant temporary approval pending review of the request by the Division Administrator/designee.
  - vi. The Department may amend or rescind any decision made under this policy with notice to the employee.
- F. This policy does not include employer-directed contacts or those that are part of the employee's job duties.
- G. Employees may request exceptions from this policy by following the procedures outlined below.
- H. Violations of this policy may lead to discipline up to and including termination.

**V. Procedures.**

- A. An Employee shall complete and submit form DOC-2270 as necessary.

**VI. Action Required**

- A. Posting of this Admin Memo to the Employ Milwaukee website for open access to all personnel.
- B. Employees shall complete and return a written EMI acknowledgement and the completed DOC 1588 Statement of Acknowledgement form to their supervisors verifying receipt of the fraternization policy. This form will be retained in the employee's personnel file.

**REFERENCES:**

- DOJ Executive Directive #16: Fraternization Policy
- Wis. Stats. §15.001(2)(a).
- Wis. Stat. §302.095
- Wis. Stats. §940.225
- Executive Directive 02 — Employee Discipline
- Executive Directive 72 — Sexual Abuse and Sexual Harassment in Confinement (PREA) Wis. Stats. §940.225
- 117 at. 972 Prison Rape Elimination Act of 2003
- The Secretary of the Department of Corrections (DOC), as the head of a principal administrative agency within the executive branch of Wisconsin state government, has the power and duty to issue an executive directive to plan, direct, coordinate and execute the functions vested in the agency in carrying out programs and policies within the limits established by the legislature under
  - s. 15.001 (1),
  - s 15.01 (5),
  - s. 15.01 (8),
  - sr. 15.04 (1) (a) and s. 15.14, Wis. Stats.

**REVISIONS:** None

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