
 <input checked="" type="checkbox"/> General Order <input type="checkbox"/> Division Order <input type="checkbox"/> Bureau Order <input type="checkbox"/> Special Order  Order No.: <b>11-82</b> ----- <input checked="" type="checkbox"/> Procedure <input type="checkbox"/> Plan <input checked="" type="checkbox"/> Rule	<b>Iowa Department of Public Safety</b>	
	<b>TITLE/SUBJECT:</b> Secondary Employment	<b>IDENTIFIER:</b> 12-03.02
	<b>TO:</b>	<b>CC:</b>
	<b>RELATED DIRECTIVES/FORMS:</b> <a href="#">DPS Form 8</a> , <i>Notice of Intent to Engage in Secondary Employment</i> ; <a href="#">DPS Form 10</a> , <i>Extra-Duty Employer Agreement</i>	
	<b>APPLICABLE CALEA STANDARD(S):</b> 22.3.3, 22.3.4.	
	<b>EFFECTIVE DATE:</b> 7-5-2011	<b>REVISION #:</b> 1
<b>INSTRUCTIONS:</b> This directive replaces and rescinds GO 06-83, same Identifier number, dated 11-27-2006. Updated with hyperlinks and changes in secondary employment definitions (II.D) , extra-duty employment availability (IV.C 15), and procedures [VI.9) and VI.13)].		
<b>APPROVED BY:</b>  Steven L. Ponsetto, Executive Officer to the Commissioner	<b>DATE:</b>  July 1, 2011	

## I. Purpose

The purpose of this policy is to set forth guidelines to govern off-duty/extra-duty employment by members of the Department.

## II. Definitions

- A. *Conflict of Interest* – A situation in which regard for your secondary employment duties could tend to lead to the disregard of your duties as an employee of the Department.
- B. *Department* – The Iowa Department of Public Safety or any subunit thereof.
- C. *Employment* – The provision of a service, whether or not in exchange for a monetary fee.
- D. *Secondary Employment* - The provision of services to any person or entity other than the Department of Public Safety, including all self-employment and business ownership, which involves any use of the member’s personal time in providing goods or services to another whether or not in exchange for a monetary fee. This includes any volunteer work performed, except for charitable and religious organizations. For purposes of this policy, there are two categories of *Secondary Employment*:
  1. *Extra-Duty Employment* – Any employment of an off-duty sworn employee that is conditioned on the actual or potential use of law enforcement powers provided by the Department of Public Safety.
  2. *Regular Off-Duty Employment* –
    - a) Any employment of an off-duty sworn or non-sworn employee that will not require the use or potential use of law enforcement powers.
    - b) Employment of an off-duty sworn or non-sworn employee conditioned on the actual or potential use of law enforcement powers provided under the authority, jurisdiction and liability of another law enforcement agency.

### **III. Policy**

- A. It is the policy of the Department to provide guidelines to all Department employees informing them of the types of off-duty/extra-duty employment that are appropriate, and to establish procedures to maintain accountability for the welfare of the Department. These requirements are essential for the protection of the agency, and the community.
- B. It is the policy of the Department that:
  - 1. Employees may be permitted to engage in off-duty/extra-duty employment as long as it does not interfere with his or her performance as an employee of the Department and is not determined to be detrimental to the best interests of the Department.
  - 2. Permission to engage in off-duty/extra-duty employment is solely at the discretion of the Commissioner and may be revoked for inadequate job performance, violation of this or other Department policy, or infractions of criminal or traffic laws of the State of Iowa or other states.
  - 3. Employees must have a satisfactory performance evaluation and sick leave record before off-duty/extra-duty employment is approved.
  - 4. Employees must maintain a satisfactory performance evaluation and sick leave record to retain permission to engage in off-duty/extra-duty employment.
  - 5. Off-duty/extra-duty employment requests submitted for approval will be processed and the requesting employee will be notified within fourteen (14) calendar days of the status of the request.
  - 6. All requests to engage in off-duty/extra-duty employment are confidential.

### **IV. Regular Off-Duty and Extra-Duty Secondary Employment Restrictions**

- A. Employees may engage in regular off-duty employment that does not constitute a threat to the status or dignity of law enforcement as a professional occupation.
- B. Employees shall not engage in any employment, activity, or enterprise, which is clearly inconsistent, incompatible, or in conflict with duties performed by the employee or with the duties, functions, or responsibilities of the Department.
- C. Prohibited off-duty employment shall include but is not limited to:
  - 1. Work as a process server, reposessor, or bill collector; towing of vehicles; or any other employment in which police authority might be used to collect money or merchandise for private purposes.
  - 2. Work involving personnel investigations for the private sector or any employment that might require the employee to have access to police information, files, records, or services as a condition of employment.
  - 3. Employment that assists (in any manner) the case preparation for the defense in any criminal action or for either side in any civil action or proceeding arising from or with a nexus to an ongoing or potential criminal investigation.
  - 4. Working for a business or labor group that is on strike.
  - 5. Working in occupations that are regulated by, or that must be licensed through, the Department.
  - 6. Examining vehicle accidents, accident scenes or vehicles involved in accidents.
  - 7. Offering opinions about causes of accidents.

8. Adjusting insurance claims related to accidents.
9. Employment as a bodyguard or bouncer.
10. Employment by an establishment that sells pornographic books or magazines, sexual devices or videos, or that otherwise provides entertainment or services of a sexual nature.
11. Any employment involving the sale, manufacture, or transport of alcoholic beverages as the principal business.
12. Holding elective office as a member of a political party, except as allowed by Iowa Code §80F.1(14), Peace officer, public safety and emergency personnel bill of rights
13. Sales positions that involve soliciting with the following types of clients:
  - a) Firms doing business with the Department unless the firm's business is done through competitive bidding.
14. Solicitation sales may create a conflict of interest. Division Directors/Commissioner Bureau Chiefs, with the approval of the Commissioner, may approve solicitation sales if the solicitations do not create a conflict of interest or have the potential to create the perception of a conflict of interest.
15. **Extra-Duty Employment**

DPS peace officers may work extra-duty employment only under terms agreed upon in writing between the Department and the State Peace Officers Council (SPOC).
16. **Security Services-Permitted**
  - a) Employees may, in their off-duty hours, perform security work as off-duty employment.
  - b) While performing approved off-duty security work, employees shall not wear, carry or use any State of Iowa issued equipment or uniform nor will he/she identify himself/herself as a departmental peace officer or employee of the department.

## **V. Conditions for Approval of Regular Off-Duty Employment And Extra-Duty Employment**

- A. In order to be eligible for off-duty/extra-duty employment an employee must be in good standing with the Department. Continued department approval is contingent on such good standing.
- B. Those employees who have not completed their probationary period shall not be eligible to engage in off-duty / extra-duty employment.
- C. Except as provided in paragraph [E.4](#) of this section, those employees who are on medical or other leave due to sickness, temporary disability, or an on-duty injury shall not be eligible to engage in off-duty/extra-duty employment.
- D. Prior to engaging in off-duty/extra-duty employment, an employee shall comply with Department procedures for granting approval of such employment or registration for extra-duty employment including execution of the *Extra-Duty Employer Agreement* ([DPS Form 10](#)).
- E. Hours of work
  1. A maximum of 30 hours per week is allowed for work in another job.
  2. An employee's supervisor may occasionally approve more than 30 hours of work at another job within one week.
  3. Employees utilizing accrued leave, other than sick leave, may work additional hours in an amount equal to the hours of leave taken without supervisory approval.

4. An employee's supervisor may approve secondary employment exceeding 30 hours per week if the employee is unable to perform his/her duties due to a medical impairment. The determination to approve hours in excess of 30 will be made on a case-by-case basis.
  5. Employees utilizing accrued leave for an entire week, other than sick leave, may work more than 30 hours during the leave period. If the employee is an officer, he/she must be available to respond for work if contacted and ordered by the Department.
- F. Work hours for all off-duty/extra-duty employment must be scheduled in a manner that does not conflict or interfere with the employee's performance of duty.
- G. An employee engaged in any off-duty/extra-duty employment is subject to call-out in case of emergency, and may be expected to leave his off-duty/extra-duty employment in such situations.
- H. Permission for an employee to engage in off-duty/extra-duty employment may be revoked where it is determined, pursuant to department procedure that such outside employment is not in the best interests of the agency.

#### VI. Procedure To Request Permission To Perform Regular Off-duty/Extra-duty Employment

RESPONSIBILITY OF	ACTION REQUIRED	NOTE/COMMENT
Employee Requesting To Engage In Off-Duty /Extra-Duty Employment	1) Complete off-duty/extra-duty employment form and forward to immediate supervisor.	<u>DPS Form 8</u> - This form may be accessed from our on-line directives system, and completed, saved and sent on-line.
Immediate Supervisor	2) Review request made by employee for consistency with current DPS rules and Iowa law. Discuss with other command staff if necessary.	
	3) Review latest performance evaluation and sick leave record of employee.	Evaluation must be satisfactory before approving off-duty/extra-duty employment request. Sick leave use must not be excessive.
	4) Approve/deny request based on #2 and #3 above.	
	5) <b><u>If</u></b> denied provide written or electronic communication to requesting employee as to why request was denied and that he can appeal this decision in written or electronic form to the Division Director and ultimately to the Commissioner's office.	<u>All DPS Forms 8, whether approved or denied, will be forwarded to the Commissioner's Office for tracking purposes.</u>
	6) <b><u>If</u></b> approved forward request through chain of command to	Each person in chain of command may review the request and pass comments or recommendations

	Division director.	onto next level in the chain.
Division Director/Designee	7) Review request form and any comments or recommendations made by chain of command.	Director may send back down through chain of command for further clarification on any issue or request further information before denying or approving.
	8) Deny, approve as written, or approve with added conditions.	<u>All DPS Forms 8, whether approved or denied, will be forwarded to the Commissioner's Office for tracking purposes.</u>
Commissioner/Designee	9) Review request form and any comments or recommendations. Make sure approval or denial is consistent with other requests.	Commissioner or designee may send back down through chain of command for further clarification on any issue or request further information before denying or approving.
	10) Deny, approve as written, or approve with added conditions.	
	11) Forward original to Administrative Services Division - HR and one copy to division of requesting employee.	
Administrative Services Division - HR	12) Update employee database with current secondary employment information.	
Division Director / Designee	13) Send copy of request back to requesting employee with approval or denial.	<u>All DPS Forms 8, whether approved or denied, will be forwarded to the Commissioner's Office for tracking purposes.</u>

## VII. Additional Documentation Required For Extra-Duty Employment

RESPONSIBILITY OF	ACTION REQUIRED	NOTE/COMMENT
Employee Requesting To Engage In Extra-Duty Employment	1) Determine that business/organization requesting to employ DPS officer(s) meets requirements of employment as designated in this policy.	<i>DPS Form 10</i> , Extra-Duty Employer Agreement
	2) Provide prospective employer with DPS Form 10 for completion and submission of documents requested in DPS form 10.	
	3) Submit DPS Form 10 and required documents to immediate supervisor.	
Immediate Supervisor	4) Review documents submitted by employee for consistency with current DPS rules and Iowa law. Discuss with other command staff as required.	
	5) <b>If</b> not complete, return to employee for completion.	
	6) Forward to Division director/designee.	
Division Director/Designee	7) Review all forms and other required documentation for accuracy and completeness.	Director may send back down through chain of command for further clarification on any issue or request further information before denying or approving.
	8) Deny or approve based on DPS policy and forward to Commissioner's Office.	
Commissioner/Designee	9) Review request form and any comments or recommendations. Make sure approval or denial is consistent with DPS policy and other such requests.	Commissioner or designee may send back down through chain of command for further clarification on any issue or request further information before denying or approving.
	10) Deny or approve based on DPS policy.	
	11) File DPS Form 10 in Commissioner's Office file.	
	12) Add Extra-Duty Employer Agreement to database.	

**X. Procedure For Terminating/Revoking Off-Duty/Extra-Duty Employment Permission**

A. Procedure for termination by employee:

<b>RESPONSIBILITY OF</b>	<b>ACTION REQUIRED</b>	<b>NOTE/COMMENT</b>
Employee	1) Inform immediate supervisor in written or electronic form of intent to terminate off-duty/extra-duty employment.	
Immediate Supervisor	2) Inform Commissioner's Office and Administrative Services Division - HR in written or electronic form, through chain of command of employee's intent to terminate off-duty/extra-duty employment.	
	3) Attach communication to Division copy of original request form (DPS Form 8).	
Administrative Services Division - HR	4) Indicate in employee database that employee is terminating off-duty/extra-duty employment. In addition, attach communication from step 2 to original request form in HR file.	

**XI. Procedure for Revoking Permission to Engage In Off-Duty/Extra-Duty Employment.**

<b>RESPONSIBILITY OF</b>	<b>ACTION REQUIRED</b>	<b>NOTE/COMMENT</b>
Immediate Supervisor	1) Explain in written or electronic form through chain of command to Division Director Reasons for recommending revocation of permission to engage in off-duty/ extra-duty employment. Discuss with chain of command.	Such as unacceptable performance or performance evaluation. Violation of rule on off-duty/extra-duty employment.
Division Director	2) Review reasons from chain of command as to why permission should or should not be revoked.	

	3) Deny or approve revocation of permission to engage in off-duty/ extra-duty employment.	
	4) Forward all available information from chain of command and forward to the Commissioner/designee with recommendation to deny or approve revocation.	
Commissioner/Designee	5) Review all available and pertinent information regarding the revocation of permission to engage in off-duty/ extra-duty employment.	
	6) Deny or approve revocation.	
	7) Send Commissioner's office response back down through chain of command to immediate supervisor.	
	8) If permission is revoked, inform Administrative Services Division – HR.	
Administrative Services Division – HR	9) Edit employee database to denote change in status of secondary employment	
Immediate Supervisor	10) If revocation is approved, inform employee in written or electronic form of intent and reasons for revoking permission to engage in off-duty/ extra-duty employment.	
	11) If revocation is not for violation of rules or laws inform employee of decision process and inform employee that he or she has 14 days to discontinue off-duty/ extra-duty employment.	



**XII. Procedure for Changes in Off-Duty / Extra -Duty Employment.**

RESPONSIBILITY OF	ACTION REQUIRED	NOTE/COMMENT
Employee	1) Notify immediate supervisor in written or electronic form of intended changes.	
Immediate Supervisor	2) Review changes for conformance to DPS policy and state law.	
	3) Forward changes made by employee and recommendation to deny or approve changes through chain of command to division director.	
Division Director	4) Review changes for conformance to DPS policy and state law.	
	5) Deny or approve changes.	Ask for clarification from previous steps.
	6) Notify employee in written or electronic form through chain of command of denial or approval of changes and reasons why.	
	7) <b>If</b> approved, send changes in employment to Commissioner’s office for review and approval/disapproval.	
Commissioner/Designee	8) <b>If</b> approved send copy of changes to Administrative Services Division – HR.	
Administrative Services Division – HR	9) Attach original request form (DPS Form 8) and edit off-duty/extra-duty employment database if necessary.	

**XIII. Annual Review of Off-Duty/Extra-Duty Employment Requests**

- A. All requests are non-expiring until terminated by the employee or revoked by the Department.
- B. Secondary employment requests will be reviewed with the employee at the time of their annual performance evaluations.