

	<b>DEPARTMENT OF PUBLIC SAFETY</b>	<b>EFFECTIVE DATE:</b> February 22, 2019	<b>POLICY NO.:</b> ADM.03.07
	<b>DEPARTMENT ADMINISTRATION POLICY AND PROCEDURES</b>	<b>SUPERSEDES (Policy No. &amp; Date):</b> ADM.03.07 (February 22, 1993) & LAW.03.01 (December 14, 2009)	
<b>SUBJECT:</b>  <b>OUTSIDE EMPLOYMENT</b>		Page 1 of 8	

## 1.0 PURPOSE

This policy establishes guidelines governing the outside employment of all Department of Public Safety employees.

## 2.0 POLICY

The Department shall allow employees to engage in outside employment, subject to the guidelines set forth in this policy. The Department shall review and approve all outside employment. This policy establishes rules and conditions to ensure efficient and effective operations, to promote accountability within the Department, and prevent conflicts of interest. All employees shall comply with Department policies, directives, rules, standards of conduct and other State requirements, while engaged in outside employment.

All employees shall recognize and acknowledge that their primary employment is with the Department of Public Safety and that any acceptance of outside employment shall not interfere with their primary employment or other orders to report for duty.

## 3.0 REFERENCES, DEFINITIONS, AND FORMS

### .1 References

- a. Hawaii Administrative Rules for the Department of Public Safety § 23-1-5, Director's Authority.
- b. HRS § 353C-2, Director of Public Safety, Powers and Duties.
- c. HRS § 353C-4, Appointment of Employees with Police Powers and Other Employees.
- d. Department of Public Safety, Corrections and Law Enforcement Division, Standards of Conduct.

### .2 Definitions

- a. Employee: An individual hired by the Department on a permanent, temporary, excluded, exempt, contract, limited term, or 89-day hire basis.

**NOT CONFIDENTIAL**

ADM  P & PM	SUBJECT:	POLICY NO.: ADM.03.07
	<b>OUTSIDE EMPLOYMENT</b>	EFFECTIVE DATE: February 22, 2019
		Page 2 of 8

- b. Employment: The providing of free, in-kind or paid service, not including volunteer work.
- c. Law Enforcement Employees: Department Law Enforcement Officers, who receive an appointment to a position in which he/she is granted police authority under HRS 353C-4. This shall include Deputy Sheriffs, Sheriff Division investigators, Narcotics Enforcement Division Investigators, and Internal Affairs Office Investigators.
- d. Outside Employer: Person, company, or organization receiving free, in-kind, or paid services from Department employees, inclusive of employee's ownership in a business or being part of a corporate entity.
- e. Outside Employment: Any secondary employment outside the Department performed during non-assigned hours of duty for direct or indirect payment or compensation of any kind, except: 1) work for the Department of Public Safety, and 2) special duty employment pursuant to LAW.03.02.
- f. Volunteer Work: A service that is performed outside the scope of the employee's Departmental position for which there is no direct or indirect payment or compensation of any kind, including payments for the benefit of another person. The service has no nexus to the employees' duties and responsibility within the Department.

.3 Forms

- a. PSD Form 8315: Request for Outside Employment.

**4.0 RULES AND PROCEDURES**

In accordance with HRS § 353C-2, the Director oversees the work force of the Department, including law enforcement officers, correctional officers, and other Department employees.

.1 Outside Employment Generally

- a. Outside employment shall be conducted during non-assigned hours of duty only. The Warden, Sheriff, Branch Administrators, and Division Administrators are prohibited from adjusting an employee's work schedule to accommodate outside employment.

**NOT CONFIDENTIAL**

ADM  P & PM	<b>SUBJECT:</b>  <b>OUTSIDE EMPLOYMENT</b>	<b>POLICY NO.:</b> ADM.03.07
		<b>EFFECTIVE DATE:</b> February 22, 2019
		Page 3 of 8

- b. Employees engaged in outside employment shall not be covered by state workers' compensation or other state liability insurance for injuries or accidents incurred during the outside employment.

.2 Outside Employment Prohibited

- a. Law enforcement employees (Deputy Sheriffs, Sheriff Division investigators, Narcotics Enforcement Division Investigators, and Internal Affairs Office Investigators) shall not engage in any outside employment that involves:
1. Real or implied law enforcement services;
  2. Use of law enforcement status to initiate or influence any private or business transaction;
  3. Accessing Department information, files, data bases, records, or services, including but not limited to security work for a private entity. Law enforcement employees may be allowed to work for a private security company or vendor upon approval by the Director, but may not invest this outside employment with any law enforcement authority conferred by the Director of the Department of Public Safety.
  4. Wearing Department uniforms, using his/her department issue or approved firearm(s) and equipment, or conducting Departmental investigations;
  5. Collecting money or property for private purposes (bill collector, reposessor, tow truck operator, bail bondsman, etc.);
  6. Case preparation for the defense in any criminal or civil action or proceeding;
  7. Sale of any service or commodity to a state agency;
  8. Ownership, operation or a financial interest in any firm offering security services;
  9. Use of law enforcement employee's name in any type of advertising, including commercials, business cards, and advertisements, unless specifically approved by the Director on a case by case basis;
  10. Gambling;

**NOT CONFIDENTIAL**

ADM  P & PM	<b>SUBJECT:</b>  <b>OUTSIDE EMPLOYMENT</b>	<b>POLICY NO.:</b> <b>ADM.03.07</b>
		<b>EFFECTIVE DATE:</b> <b>February 22, 2019</b>
		<b>Page 4 of 8</b>

11. Sale of pornographic books, magazines, sexual devices, videos or digital entertainment that is sexual in nature;
  12. Any establishment that provides entertainment of a sexual nature;
  13. Any activity that would involve the collection of bills or accounts or require the use of law enforcement authority for private purposes of a civil nature;
  14. Any employment involving operations or control connected with the towing of vehicles;
  15. Any employment connected with or related to medical marijuana or medical marijuana dispensaries;
  16. Any employment that provides services currently managed by the Department;
  17. Any illegal activity; or
  18. Any employment by businesses or entities licensed to sell, distribute, manufacture, or transport alcoholic beverages, unless specifically approved by the Director on a case by case basis.
- b. Non-Law Enforcement Employees (including Adult Correctional Officers) shall not engage in any outside employment that involves:
1. Accessing Department information, files, data bases, records or services;
  2. Case preparation for the defense in any criminal or civil action or proceeding;
  3. Gambling;
  4. Collection of money or property for private purposes (bill collector, reposessor, bail bondsman, etc.);
  5. Use of employee's name in any type of advertising, including commercials, business cards, and advertisements, unless specifically approved by the Director on a case by case basis;

**NOT CONFIDENTIAL**

ADM  P & PM	SUBJECT:	POLICY NO.: ADM.03.07
	<b>OUTSIDE EMPLOYMENT</b>	EFFECTIVE DATE: February 22, 2019
		Page 5 of 8

6. Any employment connected with or related to medical marijuana or medical marijuana dispensaries;
  7. Any employment that provides services currently managed by the Department;
  8. Illegal activity; or
  9. Any employment by businesses or entities licensed to sell, distribute, manufacture, or transport alcoholic beverages, unless specifically approved by the Director on a case by case basis.
- c. In addition to "b" above, Adult Corrections Officers shall not engage in any outside employment that involves employment by an agency, either public or private, for the purpose of guarding prisoners or forms of investigative work.
  - d. The Department shall review all requests for outside employment and may deny approval when:
    1. There exists an actual or potential conflict of interest between the Department, the State, and the outside employment;
    2. The employee's efficiency and required availability for duty may be adversely affected; or
    3. There is a threat to the status or dignity or possible disrepute to the Department.
  - e. If such a request is denied, the Department will provide reasons in writing.
- .3 Request for Outside Employment
- a. Employees shall submit PSD 8315: Request for Outside Employment Form through their chain of command to the respective Deputy Director with final approval/disapproval by the Director, at least seven (7) scheduled working days prior to the effective start date of the outside employment and annually in January thereafter.
  - b. The Director shall have the final authority to approve or disapprove any requests for outside employment.

**NOT CONFIDENTIAL**

ADM  P & PM	<b>SUBJECT:</b>  <b>OUTSIDE EMPLOYMENT</b>	<b>POLICY NO.:</b> ADM.03.07
		<b>EFFECTIVE DATE:</b> February 22, 2019
		Page 6 of 8

- c. Once reviewed and signed by the Director, PSD 8315 shall be distributed as follows:
    - 1. The original PSD 8315 shall be placed in the employee's personnel file.
    - 2. A copy of PSD 8315 shall be returned to the employee.
    - 3. A copy of PSD 8315 shall be forwarded to the Warden, Sheriff, Branch Administrator, or Division Administrator.
  - d. The Wardens, Sheriff, Branch Administrator, and Division Administrators shall ensure that their employees annually submit in January for re-approval of any previous year's authorization for outside employment status.
  - e. Employees shall inform the Department of any changes to his/her outside employment status by submitting a revised PSD 8315 through their chain of command as described above.
- .4 Termination of Outside Employment
- a. Employees shall notify their Wardens, Sheriff, Branch Administrator, and Division Administrator when the outside employment terminates by completing the appropriate section of PSD 8315.
  - b. If the outside employer is being investigated by a government entity for unlawful, unethical or deceptive practices, the employee shall immediately notify the Department and terminate the outside employment.
  - c. The Director may revoke prior approval, when it is determined based on the Director's discretion, that the outside employment violates any Department policy, rule, standard of conduct or other mandates.
  - d. The Director may revoke prior approval, on a case by case basis, of any outside employment for employees, who are on leave without pay, on sick leave, temporary disability, other protected leaves, or workers' compensation leave.

**NOT CONFIDENTIAL**

ADM P & PM	SUBJECT:	POLICY NO.: ADM.03.07
	<b>OUTSIDE EMPLOYMENT</b>	EFFECTIVE DATE: February 22, 2019
		Page 7 of 8

.5 Limitations and Other Responsibilities on Outside Employment

- a. Employees shall not work for any other State Executive Branch department or agency where there is a conflict with current State rules or Fair Labor Standards Act.
- b. An employee may continue engaging in previously approved outside employment while on leave pending investigation or under disciplinary suspension. A law enforcement employee on leave pending investigation or under disciplinary suspension will have their badge, service issue weapon, and Department identification card surrendered to the officer who has ordered the action as required by the Law Enforcement Standards of Conduct (Page 22).
- c. Employees engaged in outside employment shall not be entitled to claim workers' compensation or accidental injury leave from the Department for an injury sustained while engaged in outside employment.
- d. Employees shall not wear the Department uniform while engaged in outside employment.
- e. Law enforcement employees shall not carry Department-issued firearms while engaged in outside employment.
- f. All Department employees shall not use any issued equipment (firearms, vehicles etc.) or any State resources (computer access, office equipment etc.) while engaged in outside employment.
- g. If law enforcement employees are approved to work outside employment that requires him/her to carry a firearm:
  1. The outside employer shall provide the firearm(s), and the law enforcement employee must comply with all applicable laws, rules, and regulations regarding outside employer issued firearm
  2. The law enforcement employee shall not use any department issued or approved firearm; and
  3. The Director has the sole discretion and final authority to impose this condition in writing on PSD 8315 as a condition of approval.

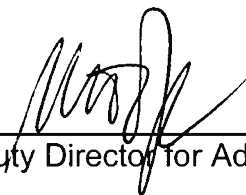
**NOT CONFIDENTIAL**

ADM  P & PM	SUBJECT:	POLICY NO.: ADM.03.07
	<b>OUTSIDE EMPLOYMENT</b>	EFFECTIVE DATE: February 22, 2019
		Page 8 of 8

**5.0 SCOPE**

This policy shall apply to all Department employees in all Divisions, Sections, Programs, and Units.

APPROVAL RECOMMENDED:

  
 \_\_\_\_\_ February 22, 2019  
 Deputy Director for Administration Date

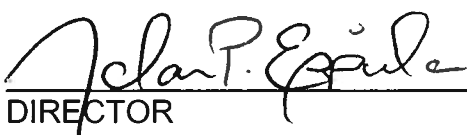
APPROVAL RECOMMENDED:

  
 \_\_\_\_\_ February 22, 2019  
 Deputy Director for Corrections Date

APPROVAL RECOMMENDED:

  
 \_\_\_\_\_ February 22, 2019  
 Deputy Director for Law Enforcement Date

APPROVED:

  
 \_\_\_\_\_ February 22, 2019  
 DIRECTOR Date

**NOT CONFIDENTIAL**



**DEPARTMENT OF PUBLIC SAFETY  
REQUEST FOR OUTSIDE EMPLOYMENT**

NEW REQUEST     ANNUAL REVIEW     CANCEL OUTSIDE EMPLOYMENT

<b>EMPLOYEE NAME:</b>	<b>DIVISION:</b>	<b>WORK SITE:</b>
-----------------------	------------------	-------------------

<b>PROPOSED EMPLOYER:</b>	<b>ADDRESS:</b>	<b>TELEPHONE:</b>
---------------------------	-----------------	-------------------

**BUSINESS NAME & TYPE OF BUSINESS:**

<b>LOCATION OF EMPLOYMENT:</b>	<b>POSITION:</b>
--------------------------------	------------------

**DUTIES TO BE PERFORMED:**

# DAYS PER WEEK/ # HOURS PER WEEK/ # HOURS PER DAY:  / /	HOURS OF EMPLOYMENT (Example 5 p.m. to 10 p.m.):
--	--

**EXPLAIN HOW PROPOSED OUTSIDE EMPLOYMENT WILL NOT INTERFERE WITH YOUR PSD EMPLOYMENT:**

I certify that the above information is true; that I am familiar with the Department of Public Safety policies and procedures pertaining to outside employment and that the above described employment does not conflict with the policy and procedures in any way.

_____ <b>Signature of Employee</b>	_____ <b>Employee's Position</b>
_____ <b>Date</b>	_____ <b>Date</b>
<b>RECOMMENDED / NOT RECOMMENDED:</b>	<b>RECOMMENDED / NOT RECOMMENDED:</b>
_____ <b>Warden/Facility/Program Administrator</b>	_____ <b>Sheriff/Division Administrator</b>
_____ <b>Date</b>	_____ <b>Date</b>
<b>RECOMMENDED / NOT RECOMMENDED:</b>	
_____ <b>Deputy Director ADM/COR/LE</b>	
_____ <b>Date</b>	
<input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	<b>CONDITIONS FOR APPROVAL OF EMPLOYMENT:</b>  _____
_____ <b>DIRECTOR</b>	<b>APPROVAL EXPIRES (Date):</b> _____
_____ <b>DATE</b>	