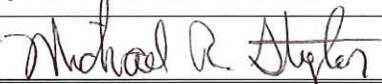


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Michael R. Styler, Executive Director	Signature: 	

I. PURPOSE

To define the policy of the Department of Natural Resources regarding secondary employment and other volunteer services by department law enforcement officers.

II. POLICY

In order to foster and maintain a high degree of professionalism in the public service and to avoid instances of civil liability and potential conflict of interest, it is imperative that the department regulate certain outside employment of law enforcement personnel. Secondary employment shall be defined as the direct or indirect ownership of business interests, employment for compensation, services performed for compensation, or any employment outside the normal scope of duties performed as an officer of the department.

III. PROCEDURES

Secondary employment will be subject to the following conditions or requirements:

- A. Law enforcement personnel shall not have relationships with, engage in any activities paid or unpaid, nor engage in any employment that would likely impair their independence or judgment during the performance of their duties or detract from the time expected to be devoted to public service.
- B. All officers shall comply fully with the Public Officers and Employees Ethics Act as provided in Sections 67-16-1 to 67-16-14, Utah Code Annotated, 1953, as amended.
- C. Department law enforcement personnel shall have no personal or financial interests in any company, corporation, or organization that supplies property, goods or services to the state of Utah without first complying with requirements of III.B. above.
- D. While engaged in secondary employment, officers of the department shall not be armed with a department weapon, use a department vehicle, badge or identification, including a uniform without written permission from the department executive director or their representative. All requests and justifications shall be written in their conflict of interest justification.
- E. Department law enforcement personnel shall comply with Section 53-13-114, off-duty peace officer working as a security officer, and 58-63-304, exemptions from licensure, Utah Code Annotated, 1953 as amended.
- F. It is not the responsibility, desire or intent of the department to regulate the private affairs of its personnel. However, the department must oversee those activities that may cause a conflict of interest, embarrassment, or civil liability to the employee, the department or state.
 - 1. Prohibited activities – Employees of the department shall not engage in the following activities:



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- a. Employment as a hunting or fishing guide, or as an outfitter within the state of Utah, or act as an agent or assistant for any of the above.
 - b. Employment which might require the peace officer to access police information, files, records, etc., as a condition of employment.
 - c. Employment which assists in the case preparation for the defense in any criminal or civil action or proceedings.
 - d. Work as an agent for or be employed by a bail bond agency or as an agent for, or be employed by a collection agency or any other persons in the actual seizure or repossession of real or personal property.
 - e. Employment as a "booking agent" for hunting or fishing activities, regardless of the area.
2. Restricted activities – Any employment or volunteer work deemed by the executive director to be in conflict with the mission of the department shall require a conflict of interest declaration and approval prior to starting.
3. Law enforcement personnel may engage in secondary employment as follows:
- a. For an officer to exercise peace officer powers while working for a second entity, that entity must empower him through their authority and provide training as necessary.
 - b. The secondary entity employer shall solely accept all legal, financial and medical responsibility caused by, or to, the officer while engaged in the employment.
 - c. The officer shall not be granted 24-hour peace officer power by a secondary employer. Such power shall only be granted for on the job time.
 - d. To be eligible for secondary employment, a division officer must have received a "meets expectations" on their last evaluation. Continued division approval of the employee's secondary employment is contingent on such an evaluation. Secondary employment shall not interfere with the performance of department duties.
 - e. It is the responsibility of the immediate supervisor to change the secondary employment status when the officer receives an "unacceptable" evaluation.
- G. The following procedure shall be used to obtain authorization for secondary employment:
1. Requests for approval of any secondary employment may be initiated by an employee by the filing of a *Conflict of Interest Declaration* and a *Hold Harmless Agreement*. Said forms shall be available through each division or from the department's Human Resource office.
 2. The immediate supervisor shall:
 - a. Ensure that duties listed on the form are descriptive of the duties to be performed.



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- b. Discuss the provisions of this policy with the employee to ensure that the principles are understood.
 - c. Ensure the employee is aware that they are not entitled to any special consideration in scheduling.
 - d. Certify that they have discussed the proposed employment with the employee and shall indicate on the form whether they believe the proposed employment to be compatible with the requirements of the policy.
 - e. Forward the request to the appropriate region or headquarters office for review and processing for other required approvals.
 - f. Clearly define what state equipment may be used in the secondary employment.
3. If the secondary employment request is denied and the employee feels aggrieved by the decision, they may request a review by the department executive director.
 4. If, during the course of any approved secondary employment, a situation arises in which a conflict of interest is likely, the employee shall discuss the problem with their immediate supervisor who shall then determine whether the problem may exist and if further action by the department is necessary.
 5. A *Hold Harmless Agreement* form may be required to be submitted with the *Conflict of Interest Declaration*. If an employee is involved in secondary employment with more than one employer, each employer must sign the appropriate agreement.

