


<p>Department of Public Safety and Correctional Services</p>  <p>Internal Investigative Unit Procedures</p>	<p>Procedure Number: A01.A.09.009.003/IIU.050.0003</p>
	<p>Title: Secondary Employment</p>
	<p>Effective Date: Draft Dated: August 21, 2007</p>
	<p>Authorized By: Douglas Cloman Number of Pages: 4</p>

.01 Purpose.

This document establishes policy and procedures concerning secondary employment for a Department of Public Safety and Correctional Services (Department) Internal Investigative Unit (IIU) employee.

.02 Scope.

This directive applies to IIU employees.

.03 Policy.

- A. The IIU shall establish procedures to review and approve an employee’s request for employment with an organization other than the Department and other Department agencies that is in addition to IIU employment obligations.
- B. Employment with an organization other than the Department may not:
 - (1) Reflect negatively on the State, Department, IIU, or the employee;
 - (2) Interfere with the employee’s performance of Department or IIU duties and responsibilities; and
 - (3) Establish a conflict of interest between the Department or IIU and the other organization.

.04 Authority/Reference.

- A. Correctional Services Article, §10-701, Annotated Code of Maryland.
- B. Secretary’s Department Directive 04-2005 dated March 10, 2005.

.05 Definitions.

- A. In this document, the following terms have the meanings indicated.
- B. Terms Defined.
 - (1) Employment.

- (a) “Employment” means providing a product or service in exchange for compensation that involves:
 - (i) The exchange of money; or
 - (ii) Bartering.
 - (b) “Employment” does not include providing a product or service without obligation to or compensation from the person receiving the product or service, such as volunteer services.
- (2) “Extra-duty employment” means employment that:
- (a) Is performed during the time the employee is not normally scheduled to perform Department or IIU duties and responsibilities; and
 - (b) Is based upon the employee’s certification as a law enforcement officer in order to provide, or potentially provide, law enforcement services as part of the extra-duty employment.
- (3) “Off-duty employment” means employment that:
- (a) Is performed during the time the employee is not normally scheduled to perform Department or IIU duties and responsibilities; and
 - (b) Is not based upon the employee’s certification as a law enforcement officer in order to provide, or potentially provide, law enforcement services as part of the off-duty employment.
- (5) Secondary Employment.
- (a) “Secondary employment” means employment:
 - (i) Performed in addition, but not necessarily related, to the employee’s Department or IIU duties and responsibilities; and
 - (ii) Performed during the time the employee is not normally scheduled to perform Department or IIU duties and responsibilities.
 - (b) Secondary employment” includes:
 - (i) Extra-duty employment; and
 - (ii) Off-duty employment.

.06 Responsibility/Procedure.

A. Secondary Employment — General.

- (1) An employee may not engage in secondary employment that is not approved by the Director.
 - (a) An employee shall submit a written request to engage in secondary employment to the Director.
 - (b) The Director shall review a request to engage in secondary employment and advise the employee making the request of the decision.
 - (c) The Director, or a designee, shall file each request, approved or disapproved, in the employee's personnel file.
- (2) An employee approved to engage in secondary employment shall advise the Director, in writing, of a change in the employee's secondary employment status as soon as possible after the change in status occurs.
- (3) An employee may not engage in secondary employment until the Director approves the written request.
- (4) An employee shall have approval for each employer or organization for which the employee performs secondary employment.
- (5) An employee approved to perform secondary employment may not perform secondary employment while on sick leave or other form of leave used for sick leave from the Department or IIU.
- (6) An employee's secondary employment work schedule may not:
 - (a) Interfere with the employee's ability to effectively and safely perform Department or IIU duties and responsibilities; and
 - (b) Require the employee to perform secondary employment while scheduled to perform IIU duties and responsibilities.
- (7) Department duties and responsibilities take priority over secondary employment duties and responsibilities.

B. Secondary Employment — Extra-duty Employment.

The director may approve an employee's request to engage in extra-duty employment if:

- (1) The employee is certified as a law enforcement officer by the Maryland Police Training Commission;
- (2) Performance of the extra-duty employment requires the employee to have law enforcement authority; and
- (3) The Department or the IIU has a contract, agreement, or memorandum of understanding with:

- (i) The government agency, federal or State, providing the extra-duty employment opportunity; or
- (ii) Another Department agency providing the extra-duty employment opportunity.

C. Secondary Employment — Off-duty Employment.

The director may approve an employee's request to engage in off-duty employment if the requested off-duty employment does not:

- (1) Require or expect, real or implied, the employee to perform law enforcement-related duties or responsibilities while performing off-duty employment activities;
- (2) Pose, or create the potential for, a conflict of interest between the employee's Department or IIU duties and responsibilities and duties and responsibilities of the off-duty employment;
- (3) Involve a product or service that the general public may consider to be objectionable or offensive and thereby reflecting negatively on the Department, IIU, or employee;
- (4) Involve using the employee's Department, IIU, or law enforcement authority to obtain information otherwise not legally available to the off-duty employer;
- (5) Involve a product or service that is regulated or licensed by the Department or a Department agency, commission or board;
- (6) Involve gambling as the employer's primary service;
- (7) Involve the sale, manufacture, distribution, or transfer of an alcoholic beverage as the employer's primary business concern;
- (8) Offer products or services of a sexual nature; or
- (9) Otherwise violate federal, State, or local statutory and regulatory requirements.

D. The Director may suspend or revoke an employee's approved secondary employment if, in the Director's opinion, suspension or revocation:

- (a) Is in the best interest of the Department, IIU, or the employee; or
- (b) The employee exceeded the guidelines established by this procedure.

.07 Attachments.

There are no attachments to this document.

.08 History.

- A. This document replaces IIU Secondary Employment dated June 6, 2002.
- B. This document supercedes any current IIU policy or procedure with which it may be in conflict.