ARTICLE 4. LAW ENFORCEMENT

Rule 1. Definitions

312 IAC 4-1-1 Applicability
Authority: IC 14-9-8-3
Affected: IC 14-9-8

Sec. 1. The definitions in this rule are in addition to those in 312 IAC 1-1 and apply throughout this article. *(Natural Resources Commission; 312 IAC 4-1-1; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3933; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA)*

312 IAC 4-1-2 "Chain of command" defined
Authority: IC 14-9-8-3
Affected: IC 14-9-8

Sec. 2. "Chain of command" means the formal lines of communication going downward or upward within the organizational hierarchy through each successive level of command. *(Natural Resources Commission; 312 IAC 4-1-2; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3934; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA)*

312 IAC 4-1-3 "Civilian employee" defined
Authority: IC 14-9-8-3
Affected: IC 14-9-8

Sec. 3. "Civilian employee" means an employee of the division other than a conservation officer or the division director. *(Natural Resources Commission; 312 IAC 4-1-3; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3934; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA)*

312 IAC 4-1-4 "Conservation officer" defined
Authority: IC 14-9-8-3; IC 14-10-2-4
Affected: IC 9-13-2-92; IC 14-8-2-53; IC 35-31.5-2-185

Sec. 4. "Conservation officer" has the meaning set forth in IC 14-8-2-53 and is a law enforcement officer under IC 9-13-2-92 and IC 35-31.5-2-185. *(Natural Resources Commission; 312 IAC 4-1-4; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3934; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA; filed Oct 14, 2014, 3:29 p.m.: 20141112-IR-312130448FRA)*

312 IAC 4-1-5 "Deputy director" defined (Repealed)

Sec. 5. *(Repealed by Natural Resources Commission; filed Oct 14, 2014, 3:29 p.m.: 20141112-IR-312130448FRA)*

312 IAC 4-1-6 "District" defined
Authority: IC 14-9-8-3
Affected: IC 14-9-8

Sec. 6. "District" means a grouping established for the purpose of operation and administration. *(Natural Resources Commission; 312 IAC 4-1-6; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3934; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA)*

312 IAC 4-1-7 "Division" defined

Authority: IC 14-9-8-3
Affected: IC 14-9-4-1; IC 14-9-8

Sec. 7. "Division" means the division of law enforcement established under IC 14-9-4-1. *(Natural Resources Commission; 312 IAC 4-1-7; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3934; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA)*

312 IAC 4-1-8 "Division director" defined

Authority: IC 14-9-8-3
Affected: IC 14-9-8-6

Sec. 8. "Division director" means the director of the division appointed under IC 14-9-8-6. *(Natural Resources Commission; 312 IAC 4-1-8; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3934; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA)*

312 IAC 4-1-9 "Division headquarters" defined

Authority: IC 14-9-8-3
Affected: IC 14-9-8

Sec. 9. "Division headquarters" means the permanent headquarters of the division located in the Indiana Government Center-South, 402 West Washington Street, Room W255-D, Indianapolis, Indiana 46204. *(Natural Resources Commission; 312 IAC 4-1-9; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3934; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA)*

312 IAC 4-1-10 "Employee" defined

Authority: IC 14-9-8-3
Affected: IC 14-9-8

Sec. 10. "Employee" means an individual in the paid service of the division. *(Natural Resources Commission; 312 IAC 4-1-10; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3934; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA)*

312 IAC 4-1-11 "General order" defined

Authority: IC 14-9-8-3; IC 14-10-2-4
Affected: IC 14-9-8

Sec. 11. "General order" means a permanent written directive to govern the conduct of all employees that is issued with the approval of the division director and the director. *(Natural Resources Commission; 312 IAC 4-1-11; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3934; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA; filed Oct 14, 2014, 3:29 p.m.: 20141112-IR-312130448FRA)*

312 IAC 4-1-12 "Memorandum" defined

Authority: IC 14-9-8-3
Affected: IC 14-9-8

Sec. 12. "Memorandum" means an informal written document used to clarify, inform, or inquire. A memorandum used to direct compliance or convey an order must be issued under proper functional authority. *(Natural Resources Commission; 312 IAC 4-1-12; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3934; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA;*

readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA)

312 IAC 4-1-13 "Officer trainee" defined
Authority: IC 14-9-8-3
Affected: IC 14-9-8

Sec. 13. "Officer trainee" means an employee who is in training to become a conservation officer. *(Natural Resources Commission; 312 IAC 4-1-13; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3934; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA)*

312 IAC 4-1-14 "Order" defined
Authority: IC 14-9-8-3
Affected: IC 14-9-8

Sec. 14. Notwithstanding 312 IAC 1-1-25, "order" means a lawful verbal or written instruction or direction that may be provided either generally or specifically. *(Natural Resources Commission; 312 IAC 4-1-14; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3934; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA)*

312 IAC 4-1-15 "Permanent grade" defined
Authority: IC 14-9-8-3
Affected: IC 14-9-8-12

Sec. 15. "Permanent grade" means the status achieved after successful completion of the period of probation described under IC 14-9-8-12. *(Natural Resources Commission; 312 IAC 4-1-15; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3935; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA)*

312 IAC 4-1-16 "Policy" defined
Authority: IC 14-9-8-3
Affected: IC 14-9-8

Sec. 16. "Policy" means a broad statement of division principles or general division direction with respect to employees that is intended to provide uniform understanding and application. Policy intended to direct compliance or convey an order must be issued under proper functional authority. *(Natural Resources Commission; 312 IAC 4-1-16; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3935; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA)*

312 IAC 4-1-17 "Probationary officer" defined
Authority: IC 14-9-8-3; IC 14-10-2-4
Affected: IC 14-9-8

Sec. 17. "Probationary officer" means an officer employee of the division, who has completed satisfactorily the Indiana conservation officer recruit school and the Indiana law enforcement academy, with less than one (1) year of service. *(Natural Resources Commission; 312 IAC 4-1-17; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3935; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA; filed Oct 14, 2014, 3:29 p.m.: 20141112-IR-312130448FRA)*

312 IAC 4-1-18 "Region" defined
Authority: IC 14-9-8-3
Affected: IC 14-9-8

Sec. 18. "Region" means a group of districts combined for purposes of supervision. *(Natural Resources Commission; 312 IAC 4-1-18; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3935; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA)*

312 IAC 4-1-19 "Section" defined
Authority: IC 14-9-8-3
Affected: IC 14-9-8

Sec. 19. "Section" means a group of services within the division that are combined for purposes of administration and supervision. *(Natural Resources Commission; 312 IAC 4-1-19; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3935; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA)*

312 IAC 4-1-20 "Special order" defined
Authority: IC 14-9-8-3
Affected: IC 14-9-8

Sec. 20. "Special order" means a personnel action issued under proper authority. A special order may be either temporary or permanent. *(Natural Resources Commission; 312 IAC 4-1-20; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3935; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA)*

312 IAC 4-1-21 "Standard operating procedure" defined
Authority: IC 14-9-8-3
Affected: IC 14-9-8

Sec. 21. "Standard operating procedure" means a step by step guideline issued under proper authority and designed to carry out the activities of the division. *(Natural Resources Commission; 312 IAC 4-1-21; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3935; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA)*

312 IAC 4-1-22 "Temporary assignment" defined
Authority: IC 14-9-8-3; IC 14-10-2-4
Affected: IC 14-9-8

Sec. 22. "Temporary assignment" means an assignment, outside an officer's permanent assignment, addressed by special order. *(Natural Resources Commission; 312 IAC 4-1-22; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3935; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA; filed Oct 14, 2014, 3:29 p.m.: 20141112-IR-312130448FRA)*

312 IAC 4-1-23 "Written directive" defined
Authority: IC 14-9-8-3
Affected: IC 14-9-8

Sec. 23. "Written directive" means a written document used to guide or affect the performance or conduct of an employee. *(Natural Resources Commission; 312 IAC 4-1-23; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3935; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA)*

Rule 2. Role and Authority

312 IAC 4-2-1 Oath of allegiance

Authority: IC 14-9-8-3
Affected: IC 14-9-8

Sec. 1. Each conservation officer must subsequently take and abide by an oath to uphold all laws and local ordinances and to comply with court decisions and orders of courts having jurisdiction. The form of the oath shall be as prescribed by division director. *(Natural Resources Commission; 312 IAC 4-2-1; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3935; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA)*

312 IAC 4-2-2 Compliance with division orders and procedures

Authority: IC 14-9-8-3
Affected: IC 14-9-8

Sec. 2. A division employee must abide by any standard operating procedure, written directive, general order, special order, or other order issued under this article. *(Natural Resources Commission; 312 IAC 4-2-2; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3935; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA)*

312 IAC 4-2-3 Officer procedures and priorities

Authority: IC 14-9-8-3
Affected: IC 14-9-8

Sec. 3. (a) The division director shall determine the following with respect to conservation officers:
(1) When legally mandated authority should be vested.
(2) When alternatives to arrest should be pursued.
(3) When sound discretion should be applied.
(b) Primary areas of law enforcement responsibility within the division are as follows:
(1) Fish and wildlife laws.
(2) Recreational boating laws.
(3) Department property rules.
(4) Investigation and reporting to the division of incidents resulting from recreational activities. Examples include accidents associated with hunting, boating, swimming, and the operation of recreational vehicles.
(5) Any other responsibility identified by the division director in a special order.
(Natural Resources Commission; 312 IAC 4-2-3; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3935; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA)

Rule 3. Organization

312 IAC 4-3-1 Organizational structure

Authority: IC 14-9-8-3
Affected: IC 14-9-8

Sec. 1. The division director shall establish the organizational structure of the division. The division director may subdivide the division into sections and subsections with assignments as needed to carry out the work of the division and to maintain continuity of supervision. *(Natural Resources Commission; 312 IAC 4-3-1; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3936; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA)*

312 IAC 4-3-2 Ranks and grades

Authority: IC 14-9-8-3
Affected: IC 14-9-8

Sec. 2. (a) This section establishes ranks and grades for conservation officers.
(b) The ranks are as follows:
(1) Colonel or division director.
(2) Lieutenant colonel.
(3) Major.
(4) Captain.
(5) Lieutenant.
(6) First sergeant.
(7) Sergeant.
(8) Corporal.
(c) The grades of conservation officers are as follows:
(1) Master officer (at least fifteen (15) years of service).
(2) Senior officer (at least ten (10) years but fewer than fifteen (15) years of service).
(3) Conservation officer.
(4) Probationary officer.
(Natural Resources Commission; 312 IAC 4-3-2; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3936; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA)

312 IAC 4-3-3 Commensurate authority

Authority: IC 14-9-8-3
Affected: IC 14-9-8

Sec. 3. An employee has commensurate authority to carry out the responsibilities of the employee's assignment. Each employee is accountable for the use of this authority. A supervisor is accountable for the performance of an employee under the immediate control of the supervisor. *(Natural Resources Commission; 312 IAC 4-3-3; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3936; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA)*

312 IAC 4-3-4 Organizational components

Authority: IC 14-9-8-3
Affected: IC 14-9-8

Sec. 4. An organizational component shall be established under the direct command of only one (1) supervisor. Each employee is accountable to only one (1) supervisor at a time. *(Natural Resources Commission; 312 IAC 4-3-4; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3936; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA)*

312 IAC 4-3-5 Employee responsibilities

Authority: IC 14-9-8-3
Affected: IC 14-9-8

Sec. 5. The division director shall define employee responsibilities through the use of appropriate task analyses, job classifications, and job descriptions. This information is available to all employees. *(Natural Resources Commission; 312 IAC 4-3-5; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3936; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA)*

Rule 4. Direction and Discipline

312 IAC 4-4-1 Command and control

Authority: IC 14-9-8-3
Affected: IC 14-9-8

Sec. 1. The division shall establish clearly each of the following:
(1) The command authority of the division director.
(2) The designated command during any absence of the division director.
(3) Supervisory accountability.
(4) The need to obey lawful orders.
(Natural Resources Commission; 312 IAC 4-4-1; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3936; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA)

312 IAC 4-4-2 Office communications

Authority: IC 14-9-8-3
Affected: IC 14-9-8

Sec. 2. (a) To assure each supervisor is informed concerning department activities and decisions, routine matters shall be routed through the chain of command as practicable and applicable.
(b) All functions of the division shall communicate, coordinate, and cooperate to the extent necessary to maintain the efficient conduct of division business. *(Natural Resources Commission; 312 IAC 4-4-2; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3936; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA)*

312 IAC 4-4-3 Issuance and effectiveness of orders by the division director

Authority: IC 14-9-8-3; IC 14-10-2-4
Affected: IC 14-9-8

Sec. 3. (a) The division director may issue:
(1) general orders;
(2) special orders;
(3) standard operating procedures;
(4) administrative procedures; and
(5) policies;
to assist in the implementation of this article and the function of the division.
(b) The establishment, amendments, or repeal of a general order or a special order is as follows:
(1) Initiated upon the signature of the division director and forwarded to the director for review and approval.
(2) Effective upon distribution to the employees.
(c) All written directives shall include a date of effectiveness. *(Natural Resources Commission; 312 IAC 4-4-3; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3937; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA; filed Oct 14, 2014, 3:29 p.m.: 20141112-IR-312130448FRA)*

312 IAC 4-4-4 Temporary assignments

Authority: IC 14-9-8-3; IC 14-10-2-4
Affected: IC 14-9-8

Sec. 4. (a) A temporary assignment may be made if the duty to be performed will be additional in nature. The division director may, with the approval of the director, designate other grades, classification of ranks, or positions as temporary

assignments. Temporary assignments may result in temporary increases in grade, classification of ranks, or position.

(b) The division director may, at any time, return an employee given a temporary assignment to the employee's permanent rank, grade, or position. An action by the division director under this subsection is not a demotion and does not entitle the employee to any recourse.

(c) If a position described in 312 IAC 4-3-2(b) is vacated because of illness, injury, or leave approved to a permanent officer for at least thirty (30) days, and the division director determines the officer is unlikely to return to duty for at least thirty (30) more days, the division director may fill the vacancy with a temporary assignment. *(Natural Resources Commission; 312 IAC 4-4-4; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3937; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA; filed Oct 14, 2014, 3:29 p.m.: 20141112-IR-312130448FRA)*

312 IAC 4-4-5 Discipline

Authority: IC 14-9-8-3
Affected: IC 14-9-8

Sec. 5. The division director (or a person designated by the division director) may, for just cause, discharge, demote, or suspend an employee after preferring charges in writing and after the employee is afforded a predisciplinary meeting with the division director (or a person designated by the division director). The division director will normally impose discipline in a progressive manner; however, the division director shall impose the discipline that is appropriate to the seriousness of the misconduct. *(Natural Resources Commission; 312 IAC 4-4-5; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3937; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA)*

312 IAC 4-4-6 Review of actions resulting in termination, demotion, or suspension of a conservation officer

Authority: IC 14-9-8-3
Affected: IC 4-21.5-5; IC 14-9-8

Sec. 6. (a) Except as provided in subsection (c), a conservation officer whose employment is terminated or who is demoted or suspended as a result of a final determination by the division director (or a person designated by the division director) may seek administrative review from the commission under IC 4-21.5 and 312 IAC 3-1.

(b) Through the issuance of a general order, the division director may establish a board to provide informal review of any disciplinary action. A determination that is subject to administrative review under subsection (a), and for which informal review is available under this subsection, is not a final determination until the board completes the review and makes a written report of its findings.

(c) Without charges being made under section 5 of this rule and without a predisciplinary meeting:

(1) A probationary employee may be terminated.

(2) At the will of the division director and subject to approval of the director, an officer who received a spot appointment may be returned to the officer's permanent grade before the spot appointment.

An action under this subsection does not entitle a person to administrative review under subsection (a) or to informal review under subsection (b).

(d) As used in this section, "spot appointment" means a temporary elevation in grade to captain, major, or lieutenant colonel that:

(1) is granted in writing at the discretion of the division director, subject to the approval of the director;

(2) states the permanent grade to which the officer would return; and

(3) takes effect after July 1, 2014.

(e) A party who is aggrieved by a final agency action of the commission may seek judicial review under IC 4-21.5-5. *(Natural Resources Commission; 312 IAC 4-4-6; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3937; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA; filed Oct 14, 2014, 3:29 p.m.: 20141112-IR-312130448FRA)*

Rule 5. Recruitment, Selection, and Promotion

312 IAC 4-5-1 Nondiscrimination

Authority: IC 14-9-8-3
Affected: IC 14-9-8

Sec. 1. No applicant for a position as an employee, and no employee, shall be discriminated against or favored with respect to the following:

(1) Hiring.
(2) Promotion.
(3) Demotion.
(4) Termination.
(5) Tenure.
(6) Terms.
(7) Conditions.
(8) Privileges of employment or any matter directly or indirectly related to employment because of one (1) of the following:
  (A) Race.
  (B) Color.
  (C) Sex.
  (D) Religion.
  (E) National origin.
  (F) Ancestry.

(Natural Resources Commission; 312 IAC 4-5-1; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3937; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA)

312 IAC 4-5-2 Prerequisites for a conservation officer applicant

Authority: IC 14-9-8-3; IC 14-10-2-4
Affected: IC 14-9-8

Sec. 2. A person who wishes to apply to become a conservation officer must meet each of the following requirements in order to be favorably considered:

(1) Be a United States citizen.
(2) Possess the strength and agility needed to complete the physical conditioning and psychomotor skills requirements established by the Indiana law enforcement training board under 250 IAC 2-3.
(3) Have achieved one (1) of the following:
  (A) An associate's degree (two (2) year program), evidenced by a certified transcript, from a college or university accredited by an organization recognized by the United States Secretary of Education at 34 CFR 602.2.
  (B) Completion of at least two (2) years toward a bachelor's degree (four (4) year program), evidenced by a certified transcript, from a college or university accredited by an organization recognized by the United States Secretary of Education at 34 CFR 602.2.
  (C) Four (4) years of full-time active duty United States military service with honorable discharge.
(4) Be at least twenty-one (21) years of age on the date of appointment.
(5) Possess a valid driver's license to operate an automobile.
(6) Be willing, if appointed, to reside and serve any place within Indiana as designated by the division director.
(7) Demonstrate an ability to:
  (A) swim one hundred (100) yards without stopping; and
  (B) tread water for at least five (5) minutes.
(8) Successfully complete physical agility testing.
(9) If requested by the division, submit to and satisfy the following:
  (A) Standard psychological testing.
  (B) A polygraph examination.

(Natural Resources Commission; 312 IAC 4-5-2; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3938; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA; filed Oct 14, 2014, 3:29 p.m.: 20141112-IR-312130448FRA; errata filed Oct 17, 2014, 2:14 p.m.: 20141112-IR-312130448ACA; filed Jul 11, 2016, 3:33 p.m.: 20160810-IR-312150343FRA)

312 IAC 4-5-3 Additional standards established by division director

Authority: IC 14-9-8-3
Affected: IC 14-9-8

Sec. 3. The division director shall establish additional written standards for the recruitment, selection, training, and promotion of conservation officers. *(Natural Resources Commission; 312 IAC 4-5-3; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3938; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA)*

312 IAC 4-5-4 Promotion of conservation officers and return to rank of division director following the conclusion of service

Authority: IC 14-9-8-3; IC 14-10-2-4
Affected: IC 14-9-8

Sec. 4. (a) Unless an exception is made by the division director, with the approval of the director, a conservation officer is ineligible for promotion until the conservation officer completes at least three (3) years of service with the division.

(b) This section does not prevent the division, with the approval of the director, from filling a vacancy with a temporary assignment.

(c) The promotion of a conservation officer to any rank is made by the division director subject to the approval of the director.

(d) The appointment of the division director from within the division is considered a promotion. Upon the appointment of a succeeding director, the division director is returned to the rank or grade held before unless the division director:

(1) is not physically able to perform the duties of the rank; or

(2) was removed from employment for moral turpitude, a violation of law, or another just cause.

(Natural Resources Commission; 312 IAC 4-5-4; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3938; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA; filed Oct 14, 2014, 3:29 p.m.: 20141112-IR-312130448FRA)

312 IAC 4-5-5 Return to service by a former conservation officer

Authority: IC 14-9-8-3
Affected: IC 14-9-8

Sec. 5. An officer who leaves employment with the division cannot return to employment with the division except upon the fulfillment of selection criteria as established by the division director. *(Natural Resources Commission; 312 IAC 4-5-5; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3938; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA)*

Rule 6. Other Standards and Practices

312 IAC 4-6-1 Designation of division insignia, uniforms, and equipment

Authority: IC 14-9-8-3
Affected: IC 14-9-8-15

Sec. 1. (a) The division director shall specify the division insignia and the official uniform of the conservation officers and other employees.

(b) A standard issue of equipment and uniforms shall be established by the division director under IC 14-9-8-15. *(Natural*

Resources Commission; 312 IAC 4-6-1; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3938; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA)

312 IAC 4-6-2 Accountability of conservation officers for uniforms and equipment

Authority: IC 14-9-8-3
Affected: IC 14-9-8-15

Sec. 2. (a) This section sets standards for the responsibility of conservation officers for uniforms and equipment.

(b) The immediate supervisor is accountable for the care, use, transfer, inventory, and security of division equipment and property issued for the use of employees in the command of the supervisor.

(c) An employee is accountable for the proper care, maintenance, use, transfer, inventory, and security of uniforms and equipment issued for the personal use of the employee.

(d) The division director may establish a board of review to assist in the determination of accountability under IC 14-9-8-15. *(Natural Resources Commission; 312 IAC 4-6-2; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3939; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA)*

312 IAC 4-6-3 Employee reports

Authority: IC 14-9-8-3
Affected: IC 14-9-8

Sec. 3. An employee must submit reports to the department that are true, accurate, complete, timely, and appropriate. *(Natural Resources Commission; 312 IAC 4-6-3; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3939; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA)*

312 IAC 4-6-4 Employee answers to superiors

Authority: IC 14-9-8-3
Affected: IC 14-9-8

Sec. 4. Upon the issuance of a lawful order by a superior, an employee must truthfully answer any question specifically directed, and narrowly related, to the scope of employment and operations of the division. *(Natural Resources Commission; 312 IAC 4-6-4; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3939; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA)*

312 IAC 4-6-5 Employee involvement in litigation

Authority: IC 14-9-8-3
Affected: IC 14-9-8

Sec. 5. (a) An employee must immediately notify the employee's immediate superior if the employee is named as any of the following:

(1) The defendant to any felony or misdemeanor.

(2) A party to a civil action or administrative action as a result of employment with the department.

(b) A conservation officer must not appear as a witness in a civil action or an administrative action, except:

(1) upon approval of the division director; or

(2) in response to a subpoena or similar form of service.

(c) A conservation officer must notify the immediate supervisor upon filing a personal civil action resulting from a duty-related incident.

(d) An employee who is charged with felony or misdemeanor, or sued individually as a result of a duty-related incident, must notify the immediate supervisor as soon as practicable. *(Natural Resources Commission; 312 IAC 4-6-5; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3939; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13*

a.m.: 20131016-IR-312130170RFA)

312 IAC 4-6-6 Insurance committee

Authority: IC 14-9-8-3; IC 14-10-2-4
Affected: IC 5-10-8-6; IC 14-9-8

Sec. 6. (a) The insurance committee is established to assist in the implementation of a common and unified plan of group insurance, between the conservation officers and the state excise police, as set forth in IC 5-10-8-6. This committee shall consist of ten (10) members, five (5) of whom shall be conservation officers and five (5) of whom shall be state excise police.

(b) The members shall elect a chair and a vice chair of the insurance committee.

(c) The insurance committee shall keep conservation officers and the state excise police informed of developments concerning insurance coverage and premiums. The committee shall provide each conservation officer and member of the state excise police with a copy of the carrier's group health and dental plan. *(Natural Resources Commission; 312 IAC 4-6-6; filed Aug 3, 2001, 11:07 a.m.: 24 IR 3939; readopted filed May 29, 2007, 9:49 a.m.: 20070613-IR-312070145RFA; readopted filed Sep 19, 2013, 10:13 a.m.: 20131016-IR-312130170RFA; filed Oct 14, 2014, 3:29 p.m.: 20141112-IR-312130448FRA)*

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