

	STANDARD OPERATING PROCEDURE State Form 39870(R/S-06)	Reference Number HMR-030
	Subject Non-Department Employment	
	Special Instructions Replaces HMR-030 dated August 17, 2015	Effective Date April 4, 2017

I. PURPOSE

Establish policy and guidelines for Department employees regarding Non-Department Employment (NDE).

II. POLICY

Department employees shall request approval, through channels from the Superintendent, prior to engaging in any non-Department employment (NDE). NDE shall not cause a negative affect on the employee's job performance; create or appear to create a conflict of interest with the Department or the employee's duties; or cause a negative reflection upon the Department.

Employees who fail to maintain minimum eligibility shall be prohibited from applying for or working approved NDE. Employees are responsible to report any changes in a requested or approved NDE that may affect the approval of such employment.

III. DEFINITIONS:

NON-DEPARTMENT EMPLOYMENT (NDE) – Applies to any employee who operates a legally recognized business, is employed by an individual or business, or is involved in any consistent on-going actions or efforts, designed to provide a benefit or monetary gain for the employee regardless of the effort put forth or the location where the effort takes place.

The requirements of reporting NDE shall not be so strictly interpreted as to apply to an employee using their own money to make personal investments or earning interest from bank accounts, etc.

NDE shall also include positions in law enforcement, fire safety and emergency medical related fields that are conducted with or without compensation.

IV. PROCEDURES

A. Non-Department employment application procedure.

1. All Department personnel are eligible to work NDE except:

a. Those police employees who receive more than three (3) "Under Achieving Performance" ratings in the core elements of the Performance Appraisal Report;

b. Those civilian employees whose overall performance on the Performance Appraisal Report is scored as "Does Not Meet Expectations;" and

c. Any police employee seeking a security related position when the employee's police authority has been suspended, revoked or when placed on Limited Duty Status ([see HMR-010](#)).

2. **Prior to engaging in NDE**, employees shall submit an electronic, **Application for Non-Departmental Employment** through channels up to and including the respective major. Once reviewed, the application and recommendations shall be forwarded to the Assistant Chief of Staff (AC/S) Human Resources and Administration (HRA). *Note: The employee's immediate supervisor shall indicate in their recommendation if the employee is currently eligible to participate as stated in section A-1.*

3. The AC/S HRA shall review the application and determine if a review by the Legal Office is warranted; in either case, the application shall be forwarded to the Superintendent for a final decision.

4. The Superintendent will determine whether the NDE may conflict or interfere with the employee's primary Departmental duties or reflect adversely on the Department and may disallow the NDE. An employee must receive approval from the Superintendent prior to engaging in NDE. In addition, the Superintendent may at any time rescind approval for NDE.

5. If information contained in an approved NDE application should change, the employee shall be responsible for submitting a new NDE application and required documentation within 14 calendar days, as described in IV. A. 2-4 for the Superintendent's approval.

6. If an employee loses eligibility (see section A-1) to work NDE, the employee shall immediately self-report to their district or division Commander and cease NDE until the employee regains eligibility status. **Upon regaining an eligible status the employee shall be required to resubmit a new application for NDE**, refer to section IV. A. 2-4 above.

7. When employment, with an approved NDE employer has ceased, the employee shall submit a memo to the AC/S HRA documenting the change of status. An employee who wants to resume employment with a previously approved employer shall be required to submit a new NDE application and appropriate documentation, as described in section IV. A. 2-4.

B. Election or appointment to political office.

1. A position as an elected or appointed official is considered, by the Department, as NDE and is restricted, as described in **IC 10-11-2-12** and the procedures in this directive.

2. An application for NDE shall be forwarded, as described in IV. A. 2-4 and approved by the Superintendent prior to the employee's making a notice of candidacy for the position.

*Note: Refer to **Regulation 6** regarding partisan offices and the Hatch Act.*

3. Use of any Department symbols or photographs depicting Department symbols to promote a candidate or position is prohibited without the written permission of the Superintendent.

C. General guidelines and restrictions.

1. Department employees are prohibited from NDE that:

- a. Conflicts with Department policy, regulations, rules, standard operating procedures, Indiana Code, Indiana Administrative Code or any Indiana Ethics provisions;
 - b. Interferes with the responsibilities and duties as employees of the Department;
 - c. Involves use of sick leave, from or while on-duty, with the Department;
 - d. Occurs where alcohol is sold as a primary source of income or where gambling occurs;
Note: Gambling (for the purposes of this SOP) does not include the sale of lottery tickets at a business owned by a Department employee.
 - e. Occurs at a job site where the business is involved in a labor dispute; or
 - f. Involves any use of Department records systems or computers (to include telecommunications and in-car systems).
2. Full line-of-duty benefits shall be available to enforcement employees working non-security NDE if the employee is injured while exercising their police authority.
3. Employees are permitted to use the following Department issued equipment in connection with NDE:
- a. Firearms(s), Note: When working security related NDE, police employees shall carry a firearm the employee has qualified with and is authorized to carry while on regular duty;
 - b. Gun belt and issued attachments;
 - c. Credentials;
 - d. Badge;
 - e. Portable radio;
 - f. Body armor; and
 - g. Uniform shoes.
4. Employees working NDE may use a Department commission to drive to and from the work site. Commissions may be parked at the work site, but are not permitted to be used in connection with the employee's work responsibilities in such NDE.
5. Employees shall not wear Department uniforms when working NDE; without written permission from the Superintendent.
6. Employees shall not wear any part of the Department issued credentials or badge while engaged in NDE, but may have them in their possession while engaged in non-security NDE and shall have them in their possession at all times during security related NDE.

7. While working NDE, employees shall be responsible for the repair or replacement cost of all damaged, lost, or destroyed Department equipment.

D. Security Related-Non-Department employment (SR-NDE).

1. Prior to the approval of any SR-NDE an [Indemnification Agreement](#) and proof of insurance from the prospective employer must be on file. The indemnification agreement must be signed by the employer stating that the employer agrees to indemnify and hold harmless the State of Indiana; the Department; its officers, agents and employees; and the police benefit fund from all claims, suits, and damage awards, including court costs, attorneys' fees, and any other expenses arising from activities related to the NDE of the employee. Insurance must be proved in the amounts found as limits on aggregate liability of governmental entities under [IC 34-13-3-4](#).

2. All medical claims, expenses, or salary compensation resulting directly from SR-NDE shall be submitted for compensation under the NDE employer's medical insurance and/or worker's compensation coverage and will not be covered by the Department. This includes any injuries and/or Department loss of work incurred by an employee resulting from a police action taken by the employee while working for the NDE employer. Police action injuries directly related to employment with security related NDE employer will not automatically be considered line-of-duty injuries. In such instances, the employee may submit a claim for a line of duty injury classification utilizing already in place procedures. These claims shall only be approved when the employee clearly engaged in a police action function that was outside of the scope of their duties in their NDE security role. The Department may agree to process such claims for payment under Department medical insurance and the police benefit fund while maintaining full rights to subrogation with the NDE employer's medical insurance and other benefits. These NDE security employment restrictions do not apply to incidents requiring police action that are not connected to the NDE employment. For example, full line-of-duty benefits would be available to an employee working security if the employee was injured as a result of action taken at a crime or incident observed across the street at an unrelated business location.

3. Employees working SR-NDE or NDE that utilizes the employee's police authority (as authorized by the Department) shall, at the start and at the end of the NDE shift, be required to:

a. Notify the applicable regional dispatch center (RDC) where the SR-NDE shall take place by:

(1) Radio or telephone and the RDC shall create a CAD record of the detail; or

(2) The employee may create a CAD record for the detail. However, the employee shall confirm (by radio or telephone) the RDC is aware of the newly created CAD record and the SR-NDE detail.

b. Include in the CAD record:

(1) The physical location and street address of the detail,

(2) The employee's name, PE# and car number, and;

(3) Telephone contact information for both the employee (cell phone number is preferred) and (if applicable) the business. Note: If the business is closed and there is no expectation the number would be answered, if called, then a business telephone number is not required in the CAD.

c. At the conclusion of the SR-NDE detail, the employee shall notify the RDC the SR-NDE detail has been completed and the CAD record shall be closed out by either the RDC or the employee.

d. In situations where SR-NDE shifts are concurrent utilizing a different employee, that employee shall cause a new CAD record to be generated by following the instructions above in section 3.

4. Making a custodial arrest.

a. When confronted with an arrest situation, the employee shall, at the first possible opportunity, contact the appropriate RDC to assign an on-duty unit to handle prisoner transportation and processing. Every attempt shall be made by the district to assign an on-duty unit to this responsibility. If an on-duty unit is not available, then a second request for assistance by the RDC, if appropriate, shall be made to the local sheriff's department or other local police agency.

b. If no on-duty police unit is available, the employee may enter into an on-duty status with the appropriate RDC transport and process the prisoner. This initiation of on-duty status by the employee will only occur immediately prior to prisoner transportation. Once the employee begins the transportation detail they shall contact the appropriate RDC and advise them of the transportation detail according to already in place procedures.

c. Upon completion of the prisoner processing, the employee shall go off-duty with the appropriate RDC at the processing location and return to the security work site to complete the work shift, if appropriate. All paperwork not required for the initial processing procedure shall be completed at a later time by the employee.

E. Employment as a private investigator.

Any employee, requesting NDE employment as a private investigator must agree to all applicable procedures in this directive and the following requirements:

1. Required indemnification agreement and proof of proper insurance must be on file, as is required for security; and

2. Prior to accepting any private case the employee shall notify the AC/S HRA to determine if a Legal Office review is required.

F. This procedure is to be used in conjunction with all relevant Department regulations, rules, policies and procedures