DEPARTMENT OF CORRECTIONS

Policy Number:	**107.011**
Title:	**Employment outside the Department – Office of Special Investigations (OSI) Peace Officers**
Effective Date:	**5/21/19**

PURPOSE: To provide guidelines regarding sworn peace officer employment outside the department.

APPLICABILITY: All office of special investigations (OSI) licensed peace officers

DEFINITIONS:
Outside employment – for the purposes of this policy, non-Minnesota-department-of-corrections paid work which mandates a peace officer licensure; paid work for which the employee may hold a peace officer licensure in conflict, or paid work which conflicts with the values of the Minnesota department of corrections.

PROCEDURES:

A. Securing approval for outside employment

1. Any peace officer licensed by the office of special investigations (OSI) must complete a Declaration of Outside Employment (attached) to report any current or prospective outside employment (see definition above) to the director of the OSI or designee.

2. The director of the OSI or designee reviews the outside employment declaration or request according to, at minimum, the conditions stated below.
   a) Outside employment must not pose a conflict of interest with department employment and, if it is law enforcement employment, must be within the statutory scope of fugitive apprehension unit Peace Officer Standards and Training (POST) Board licensure.
   b) Outside employment must not affect the employee's availability for shifts, assignments or responsibilities within the DOC.
   c) Outside employment must not adversely affect the employee's mental or physical capacity or efficiency in fulfilling job duties for the DOC.

3. The director of the OSI or designee provides the employee with written approval if there appears to be no conflict between the department's position and the outside employment.

4. If the director of the OSI or designee has any question about the compatibility of the two jobs, the director of the OSI must immediately bring the matter to the attention of the director of human resources (HR), who discusses the matter with the appointing authority. The appointing authority makes the final determination.

5. The approval of the director of the OSI or designee is required for altered work schedules arising from requests for approval for outside employment.

6. A copy of each memo of approval for outside employment must be sent to HR to be placed in the employee's personnel file and a copy must be retained in the supervisor's file, according to retention schedules.

B. Payment/time off

1. The employee must take time off as approved compensatory time off, regular vacation leave, or leave without pay in order to complete some portion of otherwise non-conflicting outside employment. A state employee, however, cannot be on paid leave and receive payment for hours worked for the same time period from another state agency. Therefore, the employee must take leave without pay in order to complete some portion of outside employment with any other state agency (including state universities).

2. If an OSI peace officer works a 40-hour workweek, the maximum number of hours the officer may work for another licensed law enforcement agency is 16 hours, for a total of 56 hours as a licensed peace officer. There is no maximum limit of hours if the OSI peace officer is on vacation, compensatory time, or holiday leave.

C. Outside POST license activation

1. The director of the OSI may authorize a licensed OSI peace officer to have the officer's peace officer license activated by another law enforcement agency.

2. All OSI licensed peace officers activated by the department must consider the DOC to be their primary license holder.

3. If an OSI licensed peace officer becomes activated by an outside law enforcement agency, the outside agency must submit a Defense and Indemnification Agreement (attached) to the Minnesota DOC.

   The licensed peace officer must not begin duty with another law enforcement agency until the Defense and Indemnification Agreement has been signed and received by the chief law enforcement officer (CLEO) or designee.

D. Use of equipment

1. Staff must not use DOC-owned or DOC-leased vehicles while on duty with another law enforcement agency or any outside employment.

2. Staff must not use DOC-issued weapons (e.g., firearms, Tasers, or chemical agents) while on duty with another law enforcement agency or any outside employment.

INTERNAL CONTROLS:

A. Approved documentation is retained in the employee's HR personnel file, as well as the supervisor's file according to retention schedules.

ACA STANDARDS: None

REFERENCES: Minn. Stat. § 43A.38

REPLACES: Policy 107.011, "Employment Outside the Department Office of Special Investigations (OSI) Peace Officers," 4/17/18.

All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: Defense and Indemnification Agreement (107.011A)
Declaration of Outside Employment (103.220A)

APPROVALS:
Deputy Commissioner, Community Services
Deputy Commissioner, Facility Services
Assistant Commissioner, Operations Support
Assistant Commissioner, Facility Services