




**Division of State Patrol
Policy and Procedure**

Number
11-8

Subject REQUESTS FOR APPROVAL OF OUTSIDE EMPLOYMENT OR ACTIVITIES	
Author/Originator Office of the Superintendent	Approved by  Superintendent
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I. POLICY

It is the policy of the Division of State Patrol (DSP) to provide guidelines to its employees on the types of secondary employment or activities, which are appropriate, and to establish procedures to maintain accountability for the Division’s welfare. These requirements are necessary for the efficient operation of the Division, for the protection of the public and for the protection of Division employees.

Employees of the Division of State Patrol may accept outside employment (including outside business activities) so long as such outside employment does not interfere with or create a real or potential conflict of interest with the performance of their duties as a State employee.

II. BACKGROUND

The special nature of DSP duties, especially the sworn authority held by troopers and inspectors, can present difficulties for both the officer and the Division in certain types of outside employment. Conflicts of interest can arise or certain types of employment may be inconsistent with or detrimental to the image and professionalism of the Division.

It is recognized that some employees have a financial desire to engage in off-duty employment. Some types of off-duty employment could have negative ramifications. In certain circumstances, the employee could be placed in a position wherein he or she is asked to compromise the Division’s policies. An employee ungoverned by policy could find him or herself in an employment situation that is a threat to the dignity of police work as a professional occupation. There are some occupations, which may place the employees at high risk for a temporary or disabling injury that could prevent their ability to perform their primary duties as a trooper or inspector.

It has been clearly established that, in the interest of the Division and the public, the DSP has a right to impose limitations on outside employment.

III. OBJECTIVE

The objective of this policy is to establish guidelines to govern off-duty or secondary employment and activities by members of the Division of State Patrol.

IV. GENERAL PROVISIONS

- A. For the purpose of this policy, “**employment**” means the provision of service, whether or not in exchange for a fee or other service. Employment does not include voluntary charity work with a bona fide charitable organization.
- B. Outside employment must not interfere with the employee’s ability to perform his or her duties with the Division in an efficient and acceptable manner, nor impair the ability of the Division to carry out its public service responsibilities. Off-duty or secondary employment with another state agency is generally prohibited because of Fair Labor Standards Act (FLSA) and overtime issues.
- C. It is the responsibility of the employee that any outside employment not affect their ability to perform assigned job duties with the Division.
- D. The Division will consider whether the outside employment interferes or conflicts with the employee’s State employment or creates a real, or unacceptable appearance of a conflict of interest as determined by the Division. If such a determination is made, the Division shall prohibit the employee from accepting or otherwise pursuing the outside employment.
- E. **Examples of Conflicting Employment** – Outside employment must be scrutinized in accordance with the above guidelines. It is recognized that an employee’s particular position with the Division must be considered when evaluating a request for approval of outside employment. A part-time job that may constitute a conflict of interest for a sworn employee may not present the same conflict for a non-sworn employee.

The following examples of outside employment are presumed to involve actual or potential conflicts of interest and will not be approved unless the employee requesting the approval is able to affirmatively establish otherwise. **These examples are not intended to be all-inclusive:**

1. Employment by a motor carrier company or wrecker operation.
2. Employment by a motor vehicle dealer, distributor, wholesaler, motor vehicle salvage dealer, auto auction, or auto pool.
3. Employment as a motor vehicle insurance salesperson.

4. Employment as a motor vehicle crash insurance adjuster or investigator, including crash scene photographer.
5. Employment as a motor vehicle crash scene reconstructionist **UNLESS** the following conditions are met. The employee:
 - a. Shall not become involved in cases where an on-duty State Patrol officer was the investigating officer or reconstructionist.
 - b. Shall not become involved in civil cases where criminal action is still pending.
 - c. Shall not become involved in civil cases where the State of Wisconsin is the defendant.
 - d. Shall not become involved in civil cases wherein the defendant is a law enforcement agency or peace officer involved in the performance of their duties.
 - e. Shall not become involved in any crash where they have had previous involvement in an ON-DUTY basis. This includes any crash where the Wisconsin State Patrol reconstructionist was physically present at the crash scene, regardless of his or her role.
6. Any employment involving the sale, manufacture, or transport of alcoholic beverages.
7. Employment as a bill collector or credit investigator.
8. Employment as a tavern or dance hall security guard.
9. Employment in establishments that sell pornographic books, magazines or sexual devices or videos, or that otherwise provides entertainment or services of a sexual nature.
10. Employment in any gambling establishment not exempted by law.
11. There are no general restrictions on occupations requiring motor vehicle operation. Restrictions on employment involving motor vehicle operation would be derived from the general prohibition on employment involving an actual or perceived conflict of interest in accordance with the Wisconsin Department of Transportation (WisDOT) Transportation Administrative Manual (TAM), work rules and the Code of Ethics.

F. Employment considerations

1. Employment with other law enforcement agencies or in providing security services via private business or non-profit entities may be permitted in conjunction with the following parameters:
 - a. The Division of State Patrol has first priority to an employee's services for both regular and overtime assignments.
 - b. The outside employment will not conflict with the scheduling or staffing requirements of the Division of State Patrol.
 - c. Outside law enforcement employment will not compromise or conflict with the ability of the employee to perform their assigned duties of a Trooper or Inspector.
 - d. Department of Transportation or Division of State Patrol issued equipment, uniforms, forms, or materials and supplies will not be utilized in the furtherance of outside employment.
 - e. The employee and outside employing agency release the State of Wisconsin, Department of Transportation and Division of State Patrol, from any liability incurred while in the employment of another law enforcement agency.
 2. Employment with other law enforcement agencies will not be permitted while the employee is on initial probation with the Division of State Patrol.
- G. The employee's immediate supervisor, or next higher level, with the concurrence of the Region Commander, Wisconsin State Patrol Academy (WSPA) Commander, or Section Supervisor, as applicable, may suspend or revoke a previously granted approval when the circumstances of such outside employment are found to conflict with the guidelines set forth in this policy or with the conditions stated in the original application.
- H. All approvals of outside employment automatically expire on December 31st of each year.
- I. Renewal applications must be submitted to the employee's immediate supervisor 15 days in advance of expiration to allow completion of the administrative procedures outlined in this policy.

V. PROCEDURE

- A. Division Employee
1. Complete a WisDOT Outside Employment Approval Request (DT1117). Submit the renewal application at least 15 days prior to the expiration of the current request.

2. Forward the original to immediate supervisor.
- B. Region Commander, WSPA Commander or Section Chief
 1. Review request for proposed outside employment and approve the request if it is determined that the request conforms to the guidelines prescribed in this policy. An employee's request shall be approved or denied within five working days after receipt by the persons authorized to approve or deny.
 2. Denied requests will state, in writing, the reason for disapproval.
 3. Forward a copy of all applications for outside employment to the Superintendent or designee. The original copy shall be retained in the Post or unit files and a copy shall be given to the employee.
 4. Requests made by Region Commanders, the WSPA Commander, Section Chiefs, or above will have their request reviewed by the next highest level.
- C. Division Superintendent or Designee
 1. The Superintendent or designee shall review all outside employment requests and affirm or reverse all initially denied requests within 10 working days after receipt unless the Superintendent extends the period. The Superintendent may also reverse previously approved requests if deemed necessary. The respective Region Commander, WSPA Commander, Section Chief or supervisor and the employee shall be notified promptly in writing of the decision to reverse any previous initial rulings made by the Region Commander, WSPA Commander or Section Chief as applicable.
 2. Forward a finalized copy of all requests to the Office of the Superintendent for Division Headquarters file maintenance.
- D. Bureau Director
 1. Act as Division consultant to Region Commanders, WSPA Commander or Section Chief, as applicable, and Superintendent in policy consideration matters.
 2. Maintain Division records regarding outside employment requests.

VI. REFERENCES

Wisconsin Statutes Chapters 19.45 and 946.13
Wisconsin Administrative Code Chapter PERS-24
Wisconsin Department of Transportation Administrative Manuals 20, 413-1 and 413-2
Department of Transportation/Division of State Patrol Work Rules
Law Enforcement Code of Ethics
WisDOT Outside Employment Approval Request (DT1117)

