

# Georgia Department of Public Safety

## Policy Manual

SUBJECT <b>OUTSIDE EMPLOYMENT</b>	POLICY NUMBER <b>5.03</b>
DISTRIBUTION <b>ALL EMPLOYEES</b>	REVISED DATE <b>9/3/2024</b>
	POLICY REVIEWED <b>9/3/2024</b>

### 5.03.1 Purpose

To establish a policy on Outside Employment for all employees of the Georgia Department of Public Safety.

### 5.03.2 Policy

The Georgia Department of Public Safety (DPS) seeks to allow its sworn and civilian members to have an opportunity to engage in Outside Employment, pursuant to certain authorization, conditions, and exceptions. This policy is consistent with the Rules of Department of Public Safety, Chapter 570-9 "Off-Duty Police Employment".

### 5.03.3 Definitions

- A. Outside Employment – Any employment of a sworn or civilian member involving compensation and intended to occur outside of his or her On-Duty Status for DPS. Outside Employment includes any form of self-employment. Secondary Employment and Off-Duty Police Employment are forms of Outside Employment.
- B. Secondary Employment – Employment that is taken while in an off-duty status which does not require vested police powers as a condition of the employment, entail the use of police authority, and provides no actual or potential law enforcement service. The use of DPS equipment or uniforms is not authorized in the performance of duties for Secondary Employment. Secondary Employment includes such employment undertaken by civilian members that are not On-Duty for DPS.
- C. Off-Duty Police Employment – Employment, other than with DPS, which entails actual or potential use of police authority and requires vested police powers as a condition of employment. Off-Duty Police Employment may be undertaken for either private or public entities. Only Sworn Members may be considered for Off-Duty Police Employment.
- D. Off-Duty Employment Coordinator – Employee(s) designated by the Commissioner to coordinate requests to work Outside Employment, provide names of eligible Sworn Members to prospective employers of Off-Duty Police Employment, maintain employer information, and oversee approval processes for use of Patrol Vehicles.
- E. Eligible Employee – A DPS sworn or civilian member who has been approved by the Commissioner or designee for Outside Employment, pursuant to the requirements of this policy.

- F. Sworn Member – Any person employed by DPS in a sworn, law enforcement capacity.
- G. Large Off-Duty Police Detail – A police detail requiring more than twelve Sworn Members.
- H. Patrol Vehicles – The motor vehicles and motorcycles owned, outfitted, available, and intended for use by DPS for its statutory mission, and as individually assigned by DPS to Sworn Members for On-Duty Status in enforcing traffic laws and performing other authorized, law enforcement actions.
- I. Patrol Vehicle Usage Coordinator – The DPS employee designated by the Commissioner to coordinate reimbursement for use of the Department Patrol Vehicle when approved for Off-Duty Police Employment.
- J. Post/Unit Supervisor – The employee’s first line supervisor.
- K. On-Duty Status – The time required for undertaking a designated DPS job description or authorized assignment for compensation by or through DPS. For a civilian member, this means during DPS business or authorized hours while on a DPS property or authorized location. For a Sworn Member, this means the authorized time and travel related to an authorized duty roster, special operation, detail, order, assignment, law enforcement response, or emergency.

#### **5.03.4 Outside Employment Requirements for All DPS Employees**

Outside Employment shall not interfere in any way with an employee’s responsibilities, duties, and obligations to DPS.

- A. Authorization –Employees who seek Outside Employment shall request and obtain approval from the DPS Commissioner via the Outside Employment Coordinator or other designee of the Commissioner, by steps set forth in the “Requests” provision within this policy.
- B. Eligibility - The following employees are ineligible for and thereby barred from Outside Employment:
  - 1. An employee seeking or receiving worker’s compensation benefits;
  - 2. An employee on sick leave, FMLA leave, or any type of leave because of their own personal illness or injury.
- C. Employees who are on suspension without pay or administrative leave with pay may work Secondary Employment so long as they adhere to the guidelines of this policy and if applicable the terms of the administrative leave notification.
- D. Unacceptable Outside Employment – The following types of employment shall not be submitted or considered for Outside Employment:
  - 1. Wrecker companies;
  - 2. Bail bonding companies;
  - 3. Private investigation services (except for guidelines outlined for crash consultants, herein);

4. Paralegal services;
5. Nightclubs, bars, adult entertainment establishments, and other venues where the primary business is the sale of alcohol (even if requested employment is through a security company or other party). Venues where a featured event involves incidental alcohol sales or consumption such as sports facilities, state/county/city-owned centers and parks may be considered and, in those situations, require authorization on a case-by-case basis;
6. Fast food establishments or retail sales establishments, for any Off-Duty Police Employment;
7. Employment that the employee should have notice, based upon reasonable inquiry, may involve his or her testimony under oath, including but not limited to employment that would be in opposition to DPS or another law enforcement agency;
8. Employment that the employee should have notice, based upon reasonable inquiry, to be inconsistent, incompatible, or in conflict with the mission of DPS;
9. Employment that the employee should reasonably understand would bring discredit upon DPS;
10. Any other employment as determined by the Commissioner, in his or her discretion.

E. Suspension of Approval for Outside Employment

1. Commissioner Discretion – The Commissioner reserves the right to require any employee to discontinue any Outside Employment.
2. Any Post/Unit Supervisor may recommend suspension of approval of the subordinate's Outside Employment for reasons including, but not limited to, the subordinate's unsatisfactory job performance. The suspension of approval of Outside Employment may only be imposed by the appropriate Limited Appointing Authority, as defined in DPS Policy #4.01 Delegation of Authority.
3. Labor Strike - Authorization is automatically withdrawn during the time that a private employer is involved in a labor strike, and the member shall notify his or her immediate supervisor of such strike.
4. Notice - The member's immediate supervisor shall submit a memo through their chain of command notifying their Adjutant and the Off-Duty Employment Coordinator when such member's Outside Employment approval has been withdrawn, revoked, or suspended.
5. Reinstatement – The member shall send a memo requesting reinstatement through the chain of command to their Adjutant. If approved, the Outside Employment Coordinator shall be notified by the appropriate Adjutant or designee.

F. Benefits, Liability Insurance and Workers Compensation

1. DPS is not responsible for and does not provide liability insurance or workers compensation relative to Outside Employment, except as provided by state law (e.g., O.C.G.A. § 35-2-15) and as is set forth in this policy for Sworn Members.

2. If Outside Employment is by another state agency, that agency, rather than DPS, will be responsible for any applicable State benefits and coverage.

G. Responsibilities of Sworn and Civilian Members

1. DPS shall remain the work priority –
  1. The work and mission of DPS shall always remain a priority over any Outside Employment; and
  2. Members are prohibited from adjusting work schedules for On-Duty Status to accommodate Outside Employment opportunities except when personally approved by the Post/Unit Commander or immediate supervisor.
2. No Over-Lapping Work Times or Double-Dipping - Members during On-Duty Status shall not engage in any work, activities, responsibilities, or matters related to or compensable by Outside Employment. This prohibition includes, but is not limited to the following:
  - a. Coordinating, scheduling, seeking, or confirming Outside Employment (e.g., locations, assignments, availability, or people);
  - b. Utilizing DPS resources (e.g., work telephones, cellphones, computers, or state vehicles);
  - c. Visiting Outside Employment work sites or locations; or
  - d. Delivering paychecks, except for a Sworn Member may collect compensation administered through DPS for his or her Off-Duty Police Employment.
3. No Conflicts of Interest or Discrediting DPS: Members shall not engage in, or continue Outside Employment that either:
  - a. Creates any appearance of a conflict of interest with the Department's mission; or
  - b. Discredits the Department's image.
4. Notice of Incident - A member shall immediately advise his or her immediate supervisor when involved in an incident during Outside Employment that has resulted in or is likely to result in media inquiries. The supervisor shall notify the Division Director through the chain of command and the Director of Public Information who, whenever possible and practicable, should assist or direct responses to media requests.

H. The Six Hours Rest Rule

1. Six (6) consecutive hours of rest between the end of the Outside Employment and the start of the On-Duty Status are required of the following DPS employees:
  - a. Sworn Members;
  - b. Dispatchers;
  - c. Weight Inspectors;

- d. Compliance Specialists in Region 10;
  - e. Mechanics;
  - f. Aviation Mechanics;
  - g. Cadets;
  - h. Safety Officers; and
  - i. Civilian members who are regularly assigned a state vehicle, or under temporary vehicle assignment.
2. Exceptions to the Six Hour Rest Rule require written requests and supervisor authorization, with determinations made on a case-by-case basis.
  3. Members under the Six Hour Rest Rule shall record his/her hours working off-duty on the On-line Off-Duty Police Employment Time Sheet and submit each timesheet for review and approval of his or her immediate supervisor.

### **5.03.5 Secondary Employment – Sworn Members**

- A. Identifying as a Law Enforcement Officer or DPS Sworn Member
  1. Sworn Members shall not identify themselves as Sworn Members during Secondary Employment, except in emergency, life-threatening situations that would prompt a reasonable and immediate law enforcement response from them.
  2. If a Sworn Member is enforcing rules or regulations as required by their secondary employer, the Sworn Member shall provide identification as an agent of the employer and not as a DPS Sworn Member or employee.
- B. Law Enforcement Action and Liability - Sworn Members engaged in Secondary Employment are discouraged from taking law enforcement action unless a life-threatening situation occurs and, only in such situations shall he or she be subject to the protections and benefits consistent with the position of a DPS Sworn Member. Sworn Members acting outside this scope may be held liable or responsible for their actions.
- C. Crash Consultants – Only a GSP Sworn Member is eligible, and subject to the following:
  1. Five years of sworn duty service with the Georgia State Patrol.
  2. Successful completion of all levels of Accident Reconstruction (Levels 1-5), taught by GSP-authorized instructors.
  3. Submission of an approved Off-Duty Reconstruction Request Form (DPS - 116).
    - a. The requestor shall review the conditions prior to a request; and
    - b. Every consult request shall be submitted separately.

- D. Conflict of Interest Bar – No Sworn Member shall undertake any Secondary Employment (including any consultation) which is reasonably understood could result in his or her testifying in opposition to DPS or another law enforcement agency (See DPS Rules and Regulations 570-9-.05).

### **5.03.6 Off-Duty Police Employment**

#### **A. Hours of Work**

1. Limitation - Sworn Members shall not exceed a maximum of 64 hours of employment per workweek, whether the work is exclusively Off-Duty Police Employment, or a combination of On-Duty Status and Off-Duty Police Employment. However, with supervisory approval, a maximum of 72 hours during one week of each 28-day roster may be worked.
  2. Supervisory Review - Post/Unit Supervisors or above have the authority to review the hours worked and determine if any overage of the 64 hours has occurred or was unavoidable. (*e.g.*, An officer completes 64 hours of Off-Duty Police Employment and on his/her way home, he/she encounters a fatal crash, resulting in three (3) additional hours of On-Duty Status. The overage of three (3) hours was necessary and the officer would not be subject to disciplinary action.)
  3. Recording Hours Worked -
    - a. The Sworn Member shall officially, timely, and appropriately record all Off-Duty Police Employment on the On-line Off-Duty Police Employment Time Sheet.
      - 1) Weekly; and
      - 2) With the actual hours of work compensated for Off-Duty Police Employment.
    - b. The Sworn Member's direct Post/Unit Supervisor shall review and approve the submitted time sheet.
    - c. Any deliberate omission or misrepresentation by the Sworn Member of hours worked on Off-Duty Police Employment shall result in disciplinary action, up to and including termination of DPS employment.
  4. Commissioner's Discretion: The Commissioner may make exceptions to the limitations of hours of work in the event of a riot, natural disaster, emergency, or other exigent circumstance.
- B. State Benefits - No state benefits, protections, or worker's compensation are available for injury, disability, or death occurring during Off-Duty Police Employment except those set forth by state law, including but not limited to any applicability of Paragraph C in this section.
- C. Law Enforcement Action/Liability - A Sworn Member engaged in Off-Duty Police Employment is expected to take appropriate law enforcement action when a serious violation or life-threatening situation occurs (such as the commission of a felony). A Sworn Member responding under these conditions is considered in an "On-Duty Status," and shall be afforded all protection consistent with the position of a DPS

Sworn Member. Law enforcement decisions must be made in accordance with DPS policies, procedures, rules, and regulations, as well as state and federal law.

- D. Standards of Conduct and Supervision – The outside employer may make general assignment of duties but has no authority to control law enforcement activities of Sworn Members. Sworn Members engaged in Off-Duty Police Employment will be subject to the same policies, rules, and regulations as on-duty DPS Sworn Members. While wearing any uniform of DPS, Sworn Members shall conduct themselves as professional law enforcement officers and are held to the same high standards and code of conduct as during On-Duty Status.
- E. Eligibility –Sworn Members shall not be approved for Off-Duty Police Employment during the relevant time period(s) below and any standing approvals shall likewise be deemed suspended:
  - 1. While on administrative leave with pay or suspension without pay;
  - 2. While under an overall performance rating of “2” or less;
  - 3. While assigned administrative duties for the purpose of an investigation;
  - 4. During the first six months as a Sworn Member;
  - 5. While approved for modified duty due to being physically or mentally incapable of performing his or her job duties; and
  - 6. A sworn member who does not meet any DPS - required physical fitness or physical agility standards.
- F. DPS Uniform and Equipment Use Other Than Patrol Vehicles
  - 1. When Off-Duty Police Employment is approved, the Sworn Member shall wear the DPS uniform of the day and may use DPS issued equipment.
  - 2. Plain clothes details with Off-Duty Police Employment shall be approved/disapproved on a case-by-case basis.
  - 3. For Patrol Vehicle use, see 5.03.7 Patrol Vehicle Use.
- G. Travel - Sworn Members shall be off-duty while traveling to and from Off-Duty Police Employment. However, when traveling to Off-Duty Police Employment for which the Commissioner has approved the use of the Patrol Vehicle, the provisions of section 5.03.6 C shall apply and shall govern the conduct of the Sworn Member during that travel.
- H. Recall to Duty - A Sworn Member engaged in an off-duty assignment shall be available to be recalled to On-Duty Status. Notice of this requirement shall be given to the off-duty employer.
- I. On-Call Status
  - 1. Troop/Region Officers shall be working within their Troop/Region territory and NCOs shall be working within Post/Region territory, to include authorized utilization of the Patrol Vehicle. (e.g., a Troop F Lieutenant may work an off-duty police employment utilizing his state vehicle within Troop F territory while in on-call status.)

2. This will not apply to Sworn Members currently assigned to the State of Georgia Special Weapons and Tactics Team, Dive Team or Crisis Negotiations Team, who, by the nature of their additional duties, are always in on-call status.
- J. Canine Handlers shall refer to DPS Policy #25.07, Canine Programs.
- K. Large Off-Duty Police Details- Shall require enough sworn off-duty DPS supervisors to supervise the detail. Unless an exception is approved in advance by the Commissioner or his designee, the DPS standard for supervisors requires the following:
1. A Sworn Member with the rank of Sergeant or higher is required for supervision of DPS Sworn Members based on the number of DPS Sworn Members assigned to the Off-Duty Police Detail. A Sergeant or Sergeant First Class will supervise no more than 12 DPS Sworn Members.
  2. A Sworn Member with the rank of Lieutenant or higher is required for supervision of Sergeants or Sergeants First Class assigned to a Large Off-Duty Police Detail. A Lieutenant will supervise no more than a combination of two Sergeants or Sergeants First Class. When there are either two Sergeants or Sergeants First Class working a Large Off-Duty Police Detail, a Lieutenant or higher must also work the detail.
  3. One Captain will supervise two Lieutenants or more working a Large Off-Duty Police Detail. When there are two Lieutenants working a Large Off-Duty Police Detail, a Captain must also work the detail.
- L. Residential Rental Agreements
1. Sworn Members who have a written or verbal agreement with a property owner or manager for the Sworn Member's residence at an apartment complex, house, or mobile home park in exchange for a reduced or waived rent are considered to be engaged in Outside Employment.
  2. If such agreement requires the Sworn Member's performance of security checks or the presence of his or her assigned patrol vehicle at the residential property, then the Sworn Member is considered to be engaged in Off-Duty Police Employment.
  3. The Sworn Member's request for Off-Duty Police Employment arising from a written or verbal residential rental agreement must clearly state the terms of the agreement, including the duties required of the DPS Sworn Member. An email shall be sent to the Outside Employment Coordinator outlining the duties and terms of the agreement.

### **5.03.7 Patrol Vehicles for Use in Off-Duty Police Employment**

- A. Authorization – Sworn Member is permitted to use a Patrol Vehicle for Off-Duty Police Employment only as authorized by O.C.G.A. § 35-2-15.
1. O.C.G.A. § 35-2-15 requires vested police powers as a condition of the employment and express authorization of the Commissioner, among other things.

2. Liability – With application of the statutory provision, Sworn Members are deemed to be acting within the scope of their official duties of DPS employment and shall be afforded liability coverage for claims arising out of such approved use of the Patrol Vehicle.
- B. Location of Use - Use of the Patrol Vehicle shall only be considered for Off-Duty Police Employment which is in the Sworn Member's assigned troop/region, in the troop/region of his or her primary residence, or adjacent troop/region to either location.
  - C. Reimbursement – If reimbursement is required for use of the Patrol Vehicle, the DPS Accounting Office will invoice the contractor/designee and will pay the Sworn Member for hours worked through normal payroll.
  - D. Responsibilities of the Sworn Member for Use:
    - a. Notice to Communications Center – All Sworn Members shall notify their respective communications center when they are working off-duty police employment, to include job site, scheduled time, and mileage.
    - b. On-Duty Status to immediate Off-Duty Police Employment: Sworn Members may drive their Patrol Vehicles directly to their authorized off-duty employment from their ending responsibilities of On-Duty Status, but shall always prioritize DPS over the other employer, and shall not overlap work hours.
    - c. If a Sworn Member is scheduled to work two or more consecutive days of Off-Duty Police Employment outside of their Troop/Region, he/she may drive the DPS patrol car, if he/she stays in the Troop/Region Territory of the Off-duty police employment, until the term of employment ends or a call back to active duty. Carpooling in these situations is preferred.
  - E. Categories Generally Authorized for Use -
    1. GDOT Work Zone Enforcement (reimbursement discretionary)
      - a. Activities - Services shall be provided only during maintenance and construction activities requiring the closure of one or more lanes of traffic, traffic pacing, or other construction and maintenance activities in travel lanes of the roadway.
      - b. The Division Director or designee is responsible for determining which request will be granted, for approving and coordinating requests under this section, and for determining the duration and assignment of Sworn Members.
      - c. Location - Unless approved in advance by the Division Director, work zone enforcement assignments shall be within 60 air miles of the Sworn Member's assigned region/post/unit.
      - d. Compensation – Must be at a level that, at a minimum, constitutes overtime pay of the Sworn Member under the provisions of the Fair Labor Standards Act. The rate of compensation due from the contractor shall cover the compensation for the Sworn Member and for the use of the patrol vehicle. Compensation shall be provided to the Sworn Member, after deductions, in the regular paycheck.

- e. Travel time - To and from the work zone shall be included in the hours worked.
  - f. The Work Zone Law Enforcement GSP Weekly Time Sheet (DPS-114) shall be utilized. The GDOT contractor and GDOT project engineer shall verify and sign the timesheet prior to submission for payment. A copy shall be maintained at the Sworn Member's assigned region/post/unit.
  - g. At the conclusion of the 28-day roster, the Region/Post/Unit Commander shall forward a copy of the roster and list of Work Zone assignments to the Troop/Region/Unit Commander. The Troop/Region/Unit Commander shall review to ensure that the work zone assignments are distributed fairly among those eligible Sworn Members who have volunteered.
  - h. Motorcycles are excluded for use as Patrol Vehicles for GDOT work zone enforcement.
2. Traffic Direction and Control (reimbursement discretionary)
  3. Movie Escorts (reimbursement discretionary)
  4. Vehicle Escort Services (reimbursement mandatory)
    - a. Permits - Services shall be provided only as required by permits issued for oversized vehicles and/or loads that require a law enforcement escort.
    - b. The Troop/Region Commander or designee is responsible for determining which request will be granted, for approving and coordinating requests under this section and for determining the duration and assignment of personnel. All escorts shall be calculated for a minimum of four hours of duty time for purposes of calculating pay. The Troop/Region Commander shall:
      - 1) Provide the Vehicle Escort Service Coordinator and DPS Accounting Office with a list of all Sworn Members to be used in the escort (by email).
      - 2) If an escort request is cancelled after GDOT issues a permit, the Troop/Region Commander shall notify GDOT by telephone that the escort request has been cancelled.
    - c. Assignment - Except with the advance approval of the appropriate Division Director, vehicle escort services shall be assigned by the Troop/Region Commander of the Troop/Region where the escort originates. The originating Troop/Region Commander will coordinate the escort duties to the escort's final destination or until it leaves the State of Georgia. Troop/Region Commanders are encouraged to share assignments with members of other Troops as the escort progresses through the state.
    - d. Requirements to Obey the Law - Escorted vehicles must obey all traffic laws, including posted speed limits, and are required to stop at all weigh stations. Escorts shall stay on route as required by permit.
    - e. Compensation - Shall be at a level that, at a minimum, constitutes overtime pay of the Sworn Member under the provisions of the Fair Labor Standards Act. The rate of compensation due from the contractor shall cover the compensation for the Sworn Member and for the use of the Patrol Vehicle.

Compensation shall be provided to the Sworn Member, after deductions, in the regular paycheck.

- f. Travel Time - To and from the work zone shall be included in the hours worked.
  - g. The Patrol Vehicle Escort GSP Weekly Time Sheet (DPS-113) shall be utilized. The contractor and service being escorted shall verify and sign the timesheet prior to submission for payment. A copy shall be maintained at the Sworn Member's assigned post/unit.
  - h. The Post/Unit Commander – At the conclusion of the 28-day roster shall forward a copy of the roster and list of escort assignments to the Troop/Region Commander. The Troop/Region Commander shall review to ensure that such assignments are distributed fairly among those eligible Sworn Members who have volunteered.
- 5. Charity Events (reimbursement discretionary)
  - 6. Security for public works provider (e.g., power companies, pipelines, etc.) (reimbursement discretionary)
  - 7. Security at public venues, including but not limited to World Congress Center, GA Dome, Savannah Convention & Trade Center; Macon Centreplex; Georgia Ports Authority; Northwest GA Trade Center) (reimbursement discretionary)
  - 8. Security at schools (reimbursement discretionary)
- F. Categories of Use Subject to Discretionary Authorization
- 1. Use of Uniform/Patrol Vehicle in a movie, requiring additional, advance, written, nomenclature authorization by the Commissioner (reimbursement discretionary)
  - 2. Securing Large Sums of Money (reimbursement discretionary)
  - 3. Security for Hospitals, Hotels, Restaurants, Theaters, Amphitheaters, Music Events, or Sporting Events (reimbursement discretionary)
  - 4. Funeral Escort (reimbursement discretionary)
- G. Banned Uses of Patrol Vehicles:
- 1. Transporting of person(s);
  - 2. Escorting tour buses;
  - 3. For every category of Outside Employment that is barred by DPS; and
  - 4. Patrolling neighborhoods or employment by Homeowners Associations.

### **5.03.8 Requests For Outside Employment**

A. Member

- 1. The member shall submit a memo for approval through their chain of command to the appropriate Adjutant or Division Director. Once the member is approved

for Outside Employment, the need to request approval for individual jobs is not required.

2. The requesting sworn or civilian member will periodically check his/her Outside Employment file on the DPS Application Directory for verification of approval.

B. Vendor

1. When the Commissioner or the Commissioner's designee approves a request, the Off-Duty Employment Coordinator shall provide the employer with the Notice to Off-Duty Employer Form.
2. The employer must sign the notice and return to the Off-Duty Employment Coordinator prior to the commencement of any employment. All law enforcement decisions will be made by DPS and not by the employer.
3. In the event a request is made for emergency approval to work Outside Employment, the Commissioner or the Commissioner's designee may grant oral authorization. Emergency approval will only be considered when the request from the employer is made 72 hours or less prior to date of Outside Employment. If oral approval is granted, a memo shall be sent through the chain of command to the appropriate Adjutant or Division Director to be approved for Outside Employment.

### **5.03.9 Instructing In non-DPS Academies, Workshops, and Seminars**

The Unit Supervisor, Troop Commander, or Division Director must approve his or her subordinate's request to instruct or teach any course or block of courses. Approval must be in writing before any actual instruction is performed.

### **5.03.10 Employment By Another State Agency**

- A. Requests for employment by another state agency shall be in writing and shall conform to the requirements for Outside Employment.
- B. In addition to the requirement stated in this policy, a release signed by a State Agency designee shall be provided by the employee which states:
  1. If the hours worked for DPS and another State Agency result in the employee being eligible for overtime, the overtime shall be the responsibility of the other State Agency up to the maximum hours worked for the other agency; and
  2. In the event the employee requests or becomes entitled to overtime pay because of Outside Employment for another State Agency, that State Agency shall bear all expense and liability arising from the overtime.

### **5.03.11 Monitoring Outside Employment**

- A. Reasonable Inquiries: immediate supervisors are expected and authorized to make reasonable inquiries of their subordinates concerning Outside Employment for purposes of tracking authorization, time, and potential conflicts of interest.

- B. Review: the immediate supervisor of an employee engaged in Outside Employment shall review any required requests and timesheets, as well as monitor and ensure compliance with this policy.
- C. Approval Documentation: When Outside Employment is approved, approval will be posted in DPS Application Directory, under Outside Employment, for the ability of review by the employee and Post/Unit Supervisors.
- D. Notice:
  - 1. If an immediate supervisor becomes aware that a subordinate is violating any DPS policy, rule, or regulation concerning Outside Employment, he or she shall report the concern to the Post/Unit Supervisor.
  - 2. Upon notice, the Post/Unit Supervisor shall initiate an investigation for determination of any necessary and appropriate disciplinary action.
  - 3. When an investigation is initiated the Off-Duty Employment Coordinator will be notified as well as the respective chain of command supervisor(s) and Division Directors.