

# IDAHO STATE POLICE PROCEDURE

## 03.06 OUTSIDE EMPLOYMENT

### A. General

The Idaho State Police neither encourages nor objects to an employee taking outside employment.

### B. Definitions

“Formal Legal Proceedings” means any administrative, civil, or criminal legal proceeding, including depositions.

“Independent Contractor” means a person, not a current employee of the ISP, who contracts to provide a service to the ISP. State employees are prohibited from claiming independent contractor status to provide a service to their employer, as defined in [Idaho Code § 72-1316\(4\)\(a\) and \(b\)](#); the Idaho State Controller’s Fiscal Policies on [Independent Contractor vs. Employee](#); and [IRS Publication 963](#), “*Worker Providing Services as an Employee and as an Independent Contractor.*”

“Outside Employment” means employment or business relationship involving the provision of personal or professional services, whether or not for compensation. It includes, but is not limited to, self-employment, services as an officer, director, employee, agent, advisor, attorney, consultant, contractor, general partner, trustee, teacher, or speaker. It includes writing when done under an arrangement with another person or entity for production or publication of the written product. It does not include participation in the activities of a nonprofit charitable, religious, professional, social, fraternal, educational, recreational, public service or civic organization, unless:

1. The employee will receive compensation other than reimbursement of expenses;
2. The organization's activities are devoted substantially to matters relating to the employee's official duties and the employee will serve as officer or director of the organization; or
3. The activities will involve the provision of consultative or professional services.

Membership in the armed forces reserve or National Guard is not considered outside employment for the purposes of this procedure.

### C. Restrictions

1. Employees must not engage in any outside employment, business, volunteer programs, or related activities that:
  - a. reflect unfavorably on the ISP; or
  - b. involve the use or appear to involve the use of information that is protected from disclosure by [Title 74 Chapter 1](#), Idaho Code; or

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- c. cause or are likely to cause their professional opinions or actions to be introduced into any formal legal proceedings within the State of Idaho where law enforcement officers or law enforcement agencies are involved in the proceedings in any capacity.
2. Unless specifically authorized by the Deputy Director, employees must not engage in any outside employment, business, volunteer programs, or related activities that:
  - a. interfere with their official duties;
  - b. involve or appear to involve the use of the employee's position with the ISP;
  - c. require independent contractor status to provide a service for ISP;
  - d. utilize state property;
  - e. conduct outside business during assigned on-duty hours; or
  - f. otherwise violate ISP's [Conduct Expectations](#).
3. Any employee who engages in non-restricted outside employment must submit an [Outside Employment Request](#) through their chain of command to the Major/Manager within two weeks of attaining employment.
4. A copy of the [Outside Employment Request](#) is maintained in the personnel file in HR.
5. All Employees are required to update their outside employment status annually.

### D. Pre-Approval for Troopers

1. An [Outside Employment Request](#) must be submitted through the chain of command to the appropriate Major whenever any trooper engages in employment similar to or involving security, specialized law enforcement, investigations, or the specific positions/duties listed in D.3. of this procedure.
2. The Major's approval must be obtained prior to beginning outside employment not subject to the restrictions in C.2. of this procedure. The following positions or functions require written prior approval regardless of whether they are performed individually or for a private or governmental entity:
  - a. investigations;
  - b. special events security;
  - c. personal protection;
  - d. escorts;
  - e. crowd control monitoring;
  - f. store/business security;
  - g. bouncer;
  - h. process server;
  - i. specialized investigative techniques (i.e. polygraphs, handwriting analysis, photography, crash reconstruction);
  - j. bounty hunter;
  - k. bondsman.

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3. When the outside employment requires or allows the use of the on-duty firearm or other department-issued equipment, a copy of the proposed employment contract must be submitted with the [Outside Employment Request](#):
  - a. the use of on-duty firearms or other department-issued equipment in outside employment remains subject to ISP procedures governing firearms and equipment;
  - b. approval for outside employment requiring or allowing the use of the on-duty firearm or other department-issued equipment must be renewed annually;
  - c. the annual review is initiated by the immediate supervisor during the annual performance review in consultation with the trooper's Captain.
4. If a trooper is unsure whether the off-duty employment is restricted or requires prior approval, an [Outside Employment Request](#) must be submitted through the chain of command to the appropriate Major/Manager.
5. A copy of the [Outside Employment Request](#) is maintained in the personnel file in HR.
6. Employees are required to update their outside employment status annually.

### E. Exceptions and Appeals

1. Approval by the Deputy Director of any exception to this procedure may be withdrawn at any time.
2. ISP procedure [03.10 Problem Solving](#) is the avenue for appeal when an outside employment request is denied.

### F. Employment Review

1. If the employee's outside employment activity or position within ISP changes, the employee must resubmit the request for approval by the appropriate Major/Manager.