	DEPARTMENT OF CORRECTIONS AND REHABILITATION DEPARTMENT ADMINISTRATION POLICY AND PROCEDURES	EFFECTIVE DATE: January 01, 2024	POLICY NO.: ADM.03.07
		SUPERSEDES (Policy No. & Date): ADM.03.07 of February 22, 2019	
	SUBJECT: OUTSIDE EMPLOYMENT		Page 1 of 6

1.0 PURPOSE

This policy establishes guidelines governing the outside employment of all Department of Corrections and Rehabilitation employees.

2.0 SCOPE

This policy shall apply to all Department employees in all Divisions, Sections, Programs, and Units.

3.0 REFERENCES, DEFINITIONS & FORMS

.1 References

- a. Hawaii Administrative Rules for the Department of Public Safety § 23-1-5, Director's Authority.
- b. HRS § 353C-2, Director of Public Safety, Powers and Duties
- c. HRS § 353C-4, Appointment of Employees with Police Powers and Other Employees
- d. Department of Public Safety, Corrections and Law Enforcement Division, Standards of Conduct

.2 Definitions

- a. Employee: An individual hired by the Department on a permanent, temporary, excluded, exempt, contract, limited term, or 89-day hire basis
- b. Employment: The providing of free, in-kind or paid service, not including volunteer work
- c. Law Enforcement Employees: Department Law Enforcement Officers, who receive an appointment to a position in which he/she is granted police authority under HRS 353C-4. This shall include Deputy Sheriffs, Sheriff Division investigators, Narcotics Enforcement Division Investigators, and Internal Affairs Office Investigators

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- d. Outside Employer: Person, company, or organization receiving free, in-kind, or paid services from Department employees, inclusive of employee's ownership in a business or being part of a corporate entity
- e. Outside Employment: Any secondary employment outside the Department performed during non-assigned hours of duty for direct or indirect payment or compensation of any kind, except 1) work for the Department of Corrections and Rehabilitation, and 2) special duty employment
- f. Volunteer Work: A service that is performed outside the scope of the employee's Departmental position for which there is no direct or indirect payment or compensation of any kind, including payments for the benefit of another person. The service has no nexus to the employees' duties and responsibility within the Department.

4.0 POLICY

In accordance with HRS § 353C-2, the Director oversees the workforce of the Department, including law enforcement officers, correctional officers, and other Department employees.

5.0 PROCEDURES

.1 Outside Employment Generally

- a. Outside employment shall be conducted during non-assigned hours of duty only. The Warden, Sheriff, Branch Administrators, and Division Administrators are prohibited from adjusting an employee's work schedule to accommodate outside employment.
- b. Employees engaged in outside employment shall not be covered by state workers' compensation or other state liability insurance for injuries or accidents incurred during the outside employment.

.2 Outside Employment Prohibited

- a. Non-Law Enforcement Employees (including Adult Correctional Officers) shall not engage in any outside employment that involves:
 - 1. Accessing Department information, files, data bases, records or services;

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2. Case preparation for the defense in any criminal or civil action or proceeding;
 3. Gambling;
 4. Collections of money or property for private purposes (bill collector, reposessor, bail bondsman);
 5. Use of employee's name in any type of advertising, including commercials, business cards, and advertisements, unless specifically approved by the Director on a case by case basis;
 6. Any employment connected with or related to medical marijuana or medical marijuana dispensaries;
 7. Any employment that provides services currently managed by the Department;
 8. Illegal activity; or
 9. Any employment by businesses or entities licensed to sell, distribute, manufacture, or transport alcoholic beverages, unless specifically approved by the Director on a case-by-case basis.
- b. In addition to "a" above, Adult Corrections Officers shall not engage in any outside employment that involves employment by an agency, either public or private, for the purpose of guarding prisoners or forms of investigative work.
- c. The Department shall review all requests for outside employment and may deny approval when:
1. There exists an actual or potential conflict of interest between the Department, the State, and the outside employment;
 2. The employee's efficiency and required availability for duty may be adversely affected; or
 3. There is a threat to the status or dignity or possible disrepute to the Department.
- d. If such a request is denied, the Department will provide reason in writing.

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.3 Request for Outside Employment

- a. Employees shall submit PSD 8315: Request for Outside Employment Form through their chain of command to the respective Deputy Director with final approval/disapproval by the Director, at least seven (7) scheduled working days prior to the effective start date of the outside employment and annually in January thereafter.
- b. The Director shall have the final authority to approve or disapprove any requests for outside employment.
- c. Once reviewed and signed by the Director, PSD 8315 shall be distributed as follows:
 - 1. The original PSD 8315 shall be placed in the employee's personnel file.
 - 2. A copy of PSD 8315 shall be returned to the employee.
 - 3. A copy of PSD 8315 shall be forwarded to the Warden, Branch Administrator, or Division Administrator.
- d. The Wardens, Branch Administrator, and Division Administrators shall ensure that their employees annually submit in January for re-approval of any previous year's authorization for outside employment status.
- e. Employees shall inform the Department of any changes to his/her outside employment status by submitting a revised PSD 8315 through their chain of command as described above.

.4 Termination of Outside Employment

- a. Employees shall notify their Wardens, Branch Administrator, and Division Administrator when the outside employment terminates by completing the appropriate section of PSD 8315.
- b. If the outside employer is being investigated by a government entity for unlawful, unethical or deceptive practices, the employee shall immediately notify the Department and terminate the outside employment.

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- c. The Director may revoke prior approval, when it is determined based on the Director's discretion, that the outside employment violates any Department policy, rule, standard of conduct or other mandates.
- d. The Director may revoke prior approval, on a case-by-case basis, of any outside employment for employees, who are on leave without pay, on sick leave, temporary disability, other protected leaves, or workers' compensation leave.

.5 Limitations and Other Responsibilities on Outside Employment

- a. Employees shall not work for any other State Executive Branch department or agency where there is a conflict with current State rules or Fair Labor Standards Act.
- b. An employee may continue engaging in previously approved outside employment while on leave pending investigation or under disciplinary suspension.
- c. Employees engaged in outside employment shall not be entitled to claim workers' compensation or accidental injury leave from the Department for an injury sustained while engaged in outside employment.
- d. Employees shall not wear the Department uniform while engaged in outside employment.
- e. All Department employees shall not use any issued equipment (firearms, vehicles etc.) or any State resources (computer access, office equipment etc.) while engaged in outside employment.

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APPROVAL RECOMMENDED:




Deputy Director for Administration JAN 0 1 2024
Date

APPROVAL RECOMMENDED:



Deputy Director for Corrections JAN 0 1 2024
Date

APPROVED:



DIRECTOR JAN 0 1 2024
Date

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