

ILLINOIS STATE POLICE DIRECTIVE PER-035, SECONDARY EMPLOYMENT

RESCINDS: PER-035, 2022-084, revised 02-28-2022.	REVISED: 01-03-2023 2023-112
RELATED DOCUMENTS: ORD-001, PER-036, PER-037, PER-040, Applicable Labor Agreements	RELATED CALEA STANDARDS (6th Edition): 22.2.2, 22.2.3, 22.2.4, 22.2.5

I. POLICY

The Illinois State Police (ISP) will set forth guidelines, conditions, and restrictions for employees who wish to engage in secondary employment.

NOTE: Jury Duty does not require a written request for secondary employment, but it does require the employee to notify his/her immediate supervisor as stated in ISP Directive PER-036, "Leave of Absence."

II. AUTHORITY

5 ILCS 345/1, "Public Employee Disability Act"

III. DEFINITIONS

III.A. Incidental employment - employment that, by its nature, is occasional and does not exceed 16 hours per month.

III.B. ISP course - any training, seminar, or program created, developed, and delivered by ISP employees on state time using state resources.

III.C. Secondary employment - the performance of any service outside the scope of ISP duties that results in, or is anticipated to result in, payment of money, goods, services, or participation and/or exercise of control in any enterprise, public or private, that results in, or is anticipated to result in, profits of money, goods, or services, to include an employee serving in military reserve or National Guard units.

III.C.1. This does not include financial investments in an enterprise that does not entail the performance of service or require any participation of the employee.

III.C.2. It does include owning rental properties or having an interest in a corporation or partnership that owns rental properties.

III.D. Work unit - for the purposes of this policy, a work unit is a troop, laboratory, bureau, office of the Director, or similarly-structured work location one or more levels removed from a Division or command.

IV. PROCEDURES

IV.A. Employee

IV.A.1. Any employee engaged in secondary employment for which an approved request form is not on file on the effective date of this directive will submit a request using the Secondary Employment Request form, ISP 2-072.

IV.A.2. Prior to engaging in secondary employment, employees will submit, through the chain-of-command, a Secondary Employment Request form ISP 2-072.

IV.A.3. Employees will not engage in such employment until receiving approval except as authorized in paragraph V.G., or unless the employee has not received a timely answer (five working days).

IV.A.4. In the event there is a change in conditions or terms of secondary employment, the employee must submit a new request immediately for approval.

- IV.A.5. If an ISP employee intends to instruct a course parallel or similar to an ISP course for personal gain, the employee must submit a resume, program outline, and a completed Secondary Employment Request form for each course.
 - IV.A.5.a. The employee must first submit these documents to the ISP Academy Commander who will:
 - IV.A.5.a.1) Determine whether the material to be presented is contrary to any ISP courses or in direct competition with such courses.
 - IV.A.5.a.2) Ensure the material to be presented was not created for the ISP using state resources.
 - IV.A.5.a.3) Note approval or disapproval on the Secondary Employment Request form and return it to the employee.
 - IV.A.5.b. If approved, the employee shall continue the application process as outlined in the remainder of this directive.
- IV.A.6. If any employee will, occasionally, or as a matter of course, work in locations with telephone numbers differing from that on the secondary employment form, a telephone number or other means of contact must be provided to the appropriate supervisor to facilitate contact with the employee if the need arises.
- IV.A.7. Using a weapon in the course of secondary employment.
 - IV.A.7.a. The sworn employee will indicate on the Secondary Employment Request form that the secondary employment position requires that he/she have the use of a weapon; and will include on this form whether the weapon to be carried is Department-owned or other, and provide the make, model, and serial number of the weapon.
 - IV.A.7.b. Sworn employees using a weapon in the course of their secondary employment will adhere to all applicable provisions of ISP Directives ORD-001, "Authorized Defensive Weapons and ORD-002, "Firearms Training and Qualification."
 - IV.A.7.c. Authorization for the use of a Department-owned firearm while engaged in secondary employment is valid only within the geographic boundaries of Illinois. If using the Department-owned firearm while engaged in secondary employment, the employee must have a valid Illinois Firearm Owner's Identification Card.
 - IV.A.7.d. A Department-issued Conducted Electrical Weapon will not be authorized for use while engaged in secondary employment.
 - IV.A.7.e. Employees serving in the military reserve or National Guard units are required to have a Secondary Employment Request form on file. They are exempt from providing the make, model, and serial number of the weapon.
- IV.B. Work Unit
 - IV.B.1. The supervisor will ensure their recommendation is on the Secondary Employment Request form ISP 2-072 prior to submission to the work unit commander.
 - IV.B.2. The work unit commander must approve Secondary Employment forms for incidental secondary employment and keep them in an appropriate file at the work location. The work unit commander, or designee, will notify the employee of the approval for incidental secondary employment. If the secondary employment is not incidental the Secondary Employment Request form ISP 2-072 will be forwarded with the recommendations of the immediate supervisor and Work Unit Commander to the Office of Labor Relations and Special Projects (OLR) for final approval.
 - IV.B.3. The OLR does not need to receive the Secondary Employment Request forms for incidental employment.

IV.C. The OLR

- IV.C.1. The OLR, on behalf of the Director of the ISP, will approve or disapprove the Secondary Employment Request, stating the reasons on the form if denied. The OLR will forward notice of the approval/disapproval to the employee, the employee's work unit, and to the Office of Human Resources (OHR) for inclusion in the individual's personnel file.
- IV.C.2. The OLR may check with other sources (i.e., the ISP Academy Commander) to determine the appropriateness of the requested secondary employment.

IV.D. Limitations and Restrictions

- IV.D.1. Secondary employment that the Department considers non-acceptable includes employment that:
 - IV.D.1.a. Violates laws or department rules.
 - IV.D.1.b. Creates an appearance of impropriety or reflects unfavorably upon the employee or the Department.
 - IV.D.1.c. Involves the employee in a conflict of interest.
 - IV.D.1.d. Because of exhaustive physical or mental activity, impairs an employee's efficiency or capability to carry out official duty assignments.
 - IV.D.1.e. Requires any sworn employee to collect obligatory, delinquent, or arrearage accounts of any kind.
 - IV.D.1.f. Involves any sworn employee in the growth, sale, dispensing, or service in any manner of cannabis, liquor, or any alcoholic beverage.
 - IV.D.1.g. Causes any sworn employee to become involved with bail bond agencies.
 - IV.D.1.h. Prohibits employees from being readily available for department response during emergencies. (Exception: when prior department approval is granted.)
 - IV.D.1.i. Involves any sworn employee in accepting, handling, or accounting for wagers or their proceeds. (Exception: activities in accordance with the sale of lottery shares under the authority of the Illinois Department of Revenue, Division of Lottery.)
 - IV.D.1.j. Involves any sworn officer working as a 'peace officer,' as defined in the Criminal Code of 1961, 720 ILCS 5/2-13.
- IV.D.2. Employees may not use Department equipment issued, or available, to them in any secondary employment, except as permitted in ISP Directives ORD-001 and ORD-002.
- IV.D.3. Equipment available to local agencies from the ISP may be requested by the agency and utilized by ISP employees engaged in secondary employment.
- IV.D.4. Employees may not form partnerships or corporations with the purpose of circumventing this policy.
- IV.D.5. Employees in positions determining ISP training efforts or other comparable services for local agencies may not engage in secondary employment that parallels his/her Department responsibility.
- IV.D.6. Employees may not compete with Department services through secondary employment.
- IV.D.7. Employees may not engage in secondary employment in addition to their state employment that will conflict with regular hours of work.
- IV.D.8. When sworn employees are engaged in secondary employment at the site of a labor/management dispute, such secondary employment is prohibited during the duration of the strike or other type of job action wherein the sworn employees would be required to cross picket lines. The Director may suspend this restriction when the strike or job action involves a local public service entity.

- IV.D.9. Employees may not engage in secondary employment where they are retained for the specific purpose of testifying against, or impeaching the testimony of, another criminal justice agency in a criminal proceeding.
- IV.D.10. When secondary employment adversely affects the employee's ability to perform official duties, supervisors will immediately submit, through the chain-of-command, his/her recommendations for termination or reduction of such employment. The Director or the OLR will approve/disapprove the recommendation for termination or reduction of such employment.
- IV.D.11. While on service connected sick time, code 512, employment in any manner, including incidental employment, with or without monetary compensation, will result in forfeiture of the continuing disability compensation from the time such employment begins (5 ILCS 345/1). For additional information see ISP Directive PER-027, "Sick Time-Sworn".
- IV.D.12. While on a Medical Duty Assignment (MDA), any secondary employment related functions and duties must conform to the restrictions outlined in the MDA.

- IV.E. Administration and semi-annual review
 - IV.E.1. The OHR will maintain a current and comprehensive listing of all employees who have filed a Request for Secondary Employment.
 - IV.E.2. Supervisors will conduct semi-annual reviews of personnel engaged in secondary employment April 1 and October 1. A month prior to the semi-annual review, the OHR will provide a list to each division/command of ISP employees engaged in secondary employment.
 - IV.E.3. Supervisory personnel are responsible for verifying each list to ascertain if any changes or violations of department policy or official assignments or duties have occurred on the part of the employee.
 - IV.E.4. Supervisors will note their review on the form provided by the OHR, return the original, and maintain a copy at the work location.

- IV.F. Exception
 - IV.F.1. Incidental Employment - 16 hours or less per month
 - IV.F.1.a. Employees may engage in incidental secondary employment of no more than 16 hours per month with the approval of the work unit commander. However, that employment must comply with paragraph III. of this directive.
 - IV.F.1.b. Employees using this exception must immediately contact their supervisor or the command officer in charge of their headquarters/operations desk that they intend to engage in incidental secondary employment, including a brief description of the type of work, location, and duration.
 - IV.F.1.c. Within four days following the employment, employees will prepare and forward to their work unit commander a Secondary Employment Request Form ISP 2-072 advising the type of work, location, and the number of hours worked.
 - IV.F.1.d. Supervisors will ensure that employees are not using this exception on a regular basis to circumvent the secondary employment guidelines, conditions, or restrictions within this directive.

- IV.G. Employees who are on Administrative Leave, "Relieved of Duty – with pay," or Suspended must also comply with the contents of this directive. Additionally, secondary employment must not be approved in any of the above job status, when the secondary employment conflicts with the employee's regularly assigned shift, had the employee not been placed on any of the above.

| Indicates new or revised items.

-End of Directive-