

PANEL: OUTSIDE EMPLOYMENT OR ACTIVITIES OF CONSERVATION OFFICERS

Proc. Ann. Conf. S.E. Assoc. Fish & Wildl. Agencies 32:818-821

RAYMOND V. EYE, Law Enforcement Division, West Virginia Department of Natural Resources, Charleston, WV 25305

A new day is dawning in natural resource law enforcement and the administrator who fails to develop the flexibility to adjust to the changing times will not long survive.

Only a few years ago West Virginia Conservation Officers were forbidden to supplement their income by moonlighting and were expected to work unlimited hours without regard to compensation in time or wages.

Today, we find ourselves in quite a different position. No longer can we say "no moonlighting." We can restrict moonlighting only to the extent that it interferes with his duties or could be construed to constitute a conflict of interest therewith. No longer can we say work whatever hours, wherever and whenever necessary without compensation for excessive hours worked. No longer can we direct the officer to stand by at a specified place or otherwise restrict his activities in such manner that his time cannot be utilized for personal pursuits without counting it as work time.

The only restrictions placed upon the officer with regard to hunting, fishing and trapping are that he possesses all licenses and permits required of any state resident and utilize his own time to participate in those activities.

There may be those who would question the dedication of the modern day conservation officer, and if such be the case, I hasten to remind you that it is we, the natural resource administrators, who are responsible for their selection, training and motivation. This is not to be construed as an indictment of the administrator but rather to convey my belief that the changes we are experiencing will prove to benefit the officers, their families and the public. It is our responsibility to provide the officers reasonable working conditions and to devise and implement methods and procedures which will enable them to continue to provide efficient natural resource law enforcement.

I respectfully submit that the proper discharge of those responsibilities will result in an increase in both quantity and quality of work produced.

DONALD G. CURTIS, North Carolina Wildlife Resources Commission, Raleigh, NC 27611

I. POLICY

It shall be the policy of the Wildlife Resources Commission to require all salaried employees of the agency to give a primary commitment to the competent completion of assigned duties. Any other employment that an employee engages in is secondary to employment with the Wildlife Resources Commission and is subject to approval by the executive director. Only that secondary employment which does not constitute a conflict of interest, which does not impair an employee's ability to competently and objectively perform his primary employment duties and which is not incompatible with the policies and standards of the agency will be approved.

II. DEFINITIONS

- a) Primary employment is defined as an employee's assigned duties and responsibilities with the Wildlife Resources Commission.
- b) Secondary employment is defined as any activity other than primary employment, for which monetary compensation is received; or, the delivery of goods or services to the general public or other outlets from which monetary compensation is received.
- c) A salaried employee is a permanent employee of the Wildlife Resources Commission filling a classified position at an established annual salary.

III. EMPLOYMENT RESPONSIBILITY

- a) Each employee of the Wildlife Resources Commission shall make a primary commitment towards accomplishing all normal and assigned duties in a competent manner.
- b) No employee shall engage in secondary employment without having first obtained the written approval of the executive director. If the employee has any doubt as to whether an existing or planned activity constitutes secondary employment, he shall submit a request for consideration and ruling by the executive director.
- c) Requests for permission to engage in secondary employment must be sent via the employee's supervisory channels to the executive director at least fifteen (15) days prior to the commencement date of such employment. The request must be written and must contain sufficient descriptive information upon which a decision may be reached concerning possible conflicts of interest, impairment of ability to perform primary employment duties and incompatibility with agency policies and standards. Minimum information to be included with such requests are:
 - Name and address of secondary employer.
 - Description of planned secondary employment.
 - Hours of planned secondary work.
- d) Requests for permission to engage in secondary employment and all information contained therein shall be treated confidentially, as provided for by the State Personnel Act.
- e) Each employee who has received approval from the executive director to engage in secondary employment shall keep the agency informed of changes in his employment status as outlined in III (c) above.

IV. AGENCY RESPONSIBILITY

- a) The executive director shall review each written application to engage in secondary employment. The executive director may require additional information from the employee and may consult with appropriate personnel concerning an application for secondary employment if he deems it advisable or necessary. The executive director shall make a written determination concerning the approval or denial of each request which shall be transmitted to the employee within fifteen (15) days from the date of receiving the application. The written determination shall include the facts, the conclusions, and the basis for these conclusions as determined by the executive director in evaluating the case.
- b) Prior to approval of any request to engage in secondary employment, the executive director must make a positive finding based upon the information submitted by the employee in his application that:
 - The proposed secondary employment will not constitute a direct or indirect conflict of interest with primary employment with the agency.
 - The proposed secondary employment will not impair in any way the employee's ability to perform all expected or assigned duties of primary employment with the agency in an objective and competent manner.
 - The proposed secondary employment is not incompatible with the policies and standards of the agency.
- c) The executive director shall review the status of secondary employment of employees periodically to determine if changes exist that warrant re-evaluation of agency approval. Approval of secondary employment may be withdrawn by the executive director if such re-evaluation reveals any change that constitutes the basis for denial as outlined in IV (b).

V. APPEAL

Any employee whose request for permission to engage in secondary employment is denied by the executive director may file an appeal of that decision with the Wildlife Resources Commission following the agency's grievance procedure.

VI. PENALTIES

- a) The failure of an employee to comply with the application, notification, and reporting requirements of this policy relating to secondary employment shall constitute grounds for appropriate disciplinary action.
- b) The failure of an employee to comply with the written determination of the executive director denying approval to engage in secondary employment shall constitute grounds for dismissal.

BUDDY LYONS, Enforcement Division, Louisiana Wildlife and Fisheries Commission, New Orleans, LA 70130

Our Enforcement Division has established a policy to make the Wildlife Commission aware of the outside business activities of Commission employees. In the past, employees have engaged in activities which could be in conflict with the hours and duties of their official position. It is mandatory for all employees to file a certification of the type of outside activities in which they are engaged with the Secretary's office, giving the name of the firm, the hours worked, the times and the days the work is performed, and a brief description of the work performed. It is understood by each Officer that they are on 24-hour call and that the State comes first.

The purpose of this policy is to determine if business activities resulting from work, personal service or ownership of the businesses, farms, etc. are in conflict with the official position held by an employee of the Commission. It applies to all employees and became effective 1 July 1973.

The certification must be completed and filed with the Secretary by all our personnel. Our people who do not have any income other than that derived from their position in the Commission do not have to have the certification notarized. Employees who do have income derived from outside work, ownership of a business or other income-producing activities must have the certification form notarized before submission to the Secretary for approval.

Prior approval must be obtained from the Secretary before an employee may be engaged in any income-producing activities. Employees engaged in outside income-producing activities must file the certification with the Secretary and obtain his approval.

This request must be re-submitted for approval by the Secretary by 1 July of each year. If the Secretary does not approve of the outside income-producing activities of an employee, said employee must disengage himself from such activities or be in violation of the policy.

The outside activity must in no way conflict with the official position of an employee of the Commission, such as, being performed during his regular working hours, the use of Commission equipment, or the use or knowledge obtained from the Commission for personal gain which would jeopardize the normal functions and objectives of the Commission.

The over-all responsibility for implementing and administering this policy rests with the Secretary of the Louisiana Wildlife & Fisheries Commission through the personnel officer, who has the direct responsibility.

Every member of our department is expected to set a good example for all other people he may come in contact with in the course of his daily work.

No member is to bring discredit to the Department. Our Officers may engage themselves in outside jobs or activities as long as these pursuits do not interfere, or come in conflict with, their duties and are done on off-duty time.

Hunting and fishing are, of course, allowed and encouraged by our Department, but only on off-duty time, and without the use of State equipment.

JOHN FRY, Law Enforcement Division, Missouri Department of Conservation, Jefferson City, MO 65101

I appreciate this opportunity to present you the Missouri Department of Conservation's written policy and guidelines for dealing with "employment or activities for financial gain outside the department".

Our written policy is this: "Employment with the department is full time. Outside work for financial gain will not be allowed if it reflects unfavorably upon the department; adversely affects job performance; utilizes department time or materials; or involves a public service rendered without charge by the department,"

An employee is not permitted to hold another job or engage in other work for financial gain without written approval of his division chief or staff officer.

Records of outside work approved as designated above shall be maintained by the Personnel Officer and by the Protection Division Chief."

You will note this requires written approval of the Division Chief. Such approval shall be in advance of employment.

If an agent desires to become engaged in any activity for financial gain, he is to discuss it with his immediate supervisor to be sure it meets the intent of the Commission action. Prepare a written request and forward to the Division Chief through normal administrative channels. The supervisor forwards his recommendation clearly stating his opinion. If something appears to be questionable, they are to justify the request or the subsequent recommendation.

Our Protection Division is as considerate as possible but we adhere to the intent of the outside employment policy as outlined.

We have 175 employees in the Protection Division. We have about 24 authorized requests for outside employment. About 18 or 20 of these are active. I would like to quote some of the descriptions and the nature of the work they are involved in.

1. To engage in limited livestock raising.
2. Engage in limited farming activities.
3. To engage in limited farming activities and real estate investments. This does not authorize operation of a licensed competitive business.
4. To engage in woodworking and gun repair in his home.
5. To engage in self-employment consisting of installing air conditioning units — working out of his home.
6. Engage in the development of a sub-division.
7. To engage in collecting antiques and firearms as a gainful hobby.
8. To sell written articles and photographs to outdoor magazines.
9. To construct and sell fishing rods as a gainful hobby.
10. To make and sell made-to-order wooden signs in home workshops.
11. To assist the sheriff in transportation of prisoners to and from the state penitentiary.
12. To work as a radio dispatcher for county sheriff's department.
13. To work part time for Settle Communication Service — two-way radio repair.

You should note all of the activities are to be conducted on their official time off, and all activities are self-supervised except the last three and two of them are under the supervision of the sheriff.

Should we receive a request to "pump gas" at the local gas station or work as a "bar-keep", both requests would be denied.

I should point out that through the years we have had a number of outstanding conservation agents who have been engaged in raising livestock or other similar activity in a limited way.

This written policy and simple guidelines have enabled us to deal with outside employment with a minimum of difficulty.