SOUTH DAKOTA DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE			POLICY NUMBER 100-09	PAGE NUMBER 1 OF 3
			DISTRIBUTION:	Public
			SUBJECT:	Staff Outside Employment
RELATED STANDARDS:	None		EFFECTIVE DATE:	September 01, 2026
			SUPERSESSION:	09/15/2025
DESCRIPTION: General Administration		REVIEW MONTH: August	NICK LAMB SECRETARY OF CORRECTIONS	

I. POLICY

It is the policy of the South Dakota Department of Corrections (DOC) that employees of the DOC may engage in outside employment, provided the outside employment does not conflict with the employee's official duties or regular hours of employment with the DOC.

II. PURPOSE

The purpose of this policy is to provide guidelines regarding outside work by employees and procedures for processing requests for approval.

III. DEFINITIONS

Conflict of Interest:

Any action by a staff member to derive personal benefit from actions or decisions while serving in their official capacity within the department that is beyond compensation provided by the state.

Employment:

Providing a service in exchange for a fee or other service. Does not include volunteer work or services.

Outside Employment:

Any secondary employment, contract, or work agreement made by an employee of the DOC with another party/employer, in which the work performed, or services provided by the employee is for compensation, gain, income, or personal benefit. This includes self-employment, owning a business, holding any elected or appointed public office, or holding a position in a public party or organization.

IV. PROCEDURES

1. General Standards for Outside Employment for DOC Employees:

A. DOC employees will not engage in outside employment that is not compatible with the full and proper discharge of the employee's duties and responsibilities within the DOC or presents a conflict of interest with the employee's employment with the DOC. Outside employment will not interfere with or impair an employee's capacity to perform his/her DOC job duties in an acceptable manner.

B. Outside employment will not occur during hours which the employee is scheduled to work for the DOC, unless the employee has requested and been approved for leave.

C. Employees will not use DOC materials, supplies, property, equipment, or resources for, or in connection with, outside employment.

D. Outside employment will not create a conflict of interest, impair, or create an appearance of impairing an employee's independence of judgement or action while performing assigned DOC duties. Example:
   1. DOC employees will not occupy a management or decision-making position with an outside employer that is currently engaged in business, or actively aspiring to engage in business with the DOC/state, nor may a DOC employee use his/her position with the DOC to influence any relationship between an outside employer and the DOC.
   2. A DOC employee that engages in uncompensated outside employment that arises out of, or is in any way connected with, the employee's position within the DOC, including knowledge gained therein, is required to receive prior supervisory approval before engaging in such outside employment. Any such involvement shall be consistent with all applicable state laws.
   3. Outside employment may not demean the employee's position or status with the DOC, discredit the employee's position as a public servant, or constitute a threat to the dignity of corrections as a professional occupation. Employment with an employer found to be willfully and negligently operating in violation of applicable local, state, or federal laws, or contrary to established regulations.

E. Employees are responsible for submitting an *Outside Employment Form* (attachment #1) any time there is a change in supervision or assigned position/responsibilities.

2. Required Authorization for Outside Employment:

A. Prior to engaging in outside employment, employees must disclose to their supervisor their intent to engage in outside employment. Employees may be required to obtain written permission from their supervisor and the warden, director, or designee by submitting an Outside Employment Form. Completed forms which contain only vague, general descriptions and details of the outside employment may be denied.

B. DOC employees engaging in outside employment must disclose any actual or potential conflict of interest related to their outside employment as soon as they become aware of a conflict. Employees must promptly inform their supervisor anytime they become aware of changes in the conditions of the outside employment that are contrary to this policy.

3. Limitations and Restrictions:

A. To be eligible for outside employment, the employee must, after review and consideration by the approving authority, be in good standing with the DOC.
   1. Employees who have utilized excessive sick time, have a poor attendance record, low leave balance or significant history of disciplinary action, may have approval for outside employment terminated or rescinded, or their request for outside employment denied. The DOC may apply certain limits, restrictions, requirements, or conditions upon approval of an employee's request for outside employment.

B. Requests by an employee to engage in outside employment may be denied if any of the following conditions exist at the time of the request:
   1. New employee (full or part time) on probation.
      a. Does not apply to new employees already engaged in outside employment upon entering employment with the DOC. Employees must disclose outside employment to their supervisor upon hire or assignment to the DOC.
   2. Employees on extended leave.
   3. When compelling evidence exists supporting the outside employment will likely contradict the policy, mission, or legitimate penological interests of the DOC.

4. When outside employment is incompatible or inconsistent with the employee's performance of his/her assigned DOC duties, or the employment negatively interferes with or affects the employee's position within the DOC.
5. When the hours of the outside employment are likely to impair the DOC employee's ability to efficiently perform or complete assigned duties or responsibilities within the DOC. Employees assigned to on-call duty with the DOC and those required to report to duty during emergency situations by the DOC, are required to be available as instructed by their supervisor and fully comply with and fulfill their DOC job duties and responsibilities.

C. The restrictions and limitations described herein are not intended to be all-inclusive and do not exclude or excuse any employee misconduct not included in this policy.

D. The employee's supervisor is responsible for monitoring the impact of the outside employment on the employee's performance of his/her DOC duties. The supervisor has authority to recommend to the approving authority that the employee's approval to engage in outside employment be suspended, revoked, or denied.

E. The warden, director, or secretary of corrections (SOC) may direct supervisors to conduct annual reviews of employees approved for outside employment to verify the employment remains compatible with the full and proper discharge of the employee's duties and responsibilities within the DOC. Employees may be required to renew their request for outside employment, as directed by the warden, director, or SOC.

F. Neither this policy nor its application may be the basis for establishing a constitutionally protected liberty, property, or due process interest in any employee.

V. RESPONSIBILITY

The deputy secretary is responsible for the annual review of this policy.

VI. AUTHORITY

SDCL § 3-8-3 Salaried state officer retaining money received as theft.
SDCL § 4-3-9 Failure of state officer or employee to pay receipts into treasury as theft.
ARSD 55:10:01:06 Outside Employment.

VII. HISTORY

September 2026
September 2025
September 2024
August 2023
January 2022
November 2019

ATTACHMENTS

1. Outside Employment Form *(v1 revised 07.31.2026)*

OUTSIDE EMPLOYMENT FORM

Employees of the State of South Dakota may engage in outside employment, subject to all of the following conditions as determined by the employee's agency.

1. The outside employment shall not interfere with the work hours or efficient performance of the employee's state position.
2. The outside employment shall not conflict with the interests of the agency or the State of South Dakota, and
3. The outside employment shall not be the type that would give rise to criticism or suspicion of conflicting interests or duties.
4. This outside employment is only approved while in the position of: _____ and under the direct supervision of:_____.

Employee's Name: _____

Agency: _____ Employee #: _____

I hereby request approval for the following outside employment:

Business Name: _____Type of Business: _____

Business Address: _____

Job Title: _____

Description of Work: _____

_____

Working Hours: _____ Number of hours per week:_____

_____ _____
Employee Signature Date

==========

Supervisor Recommendations: _____

_____

Approval _____ Disapproval _____

_____ _____
Supervisor Signature Date

==========

Approval _____ Disapproval _____

Special Conditions: _____

_____

_____ _____
Secretary/Director/or Warden Date

Forward to Human Resource Manager for placement in the Employee Personnel File.